

Human Conduct

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Ndala

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CONTENTS

Contents

Prefacevii

PART ONE: GENERAL PRINCIPLES1

CHAPTER 1: THE MORAL COMMAND2

- 1.1. A science of ethics2
 - 1.1.1. A self-contradictory moral position3
- 1.2. The basic ethical fact5
- 1.3. The question to investigate7
- 1.4. Observed characteristics of the fact10
 - 1.4.1. How to use the observed data12
- 1.5. Association from early training: “the unconscious”13
- 1.6. Social pressure18
 - 1.6.1. Examples of “immoral = inhuman”26
- Summary and exercises28

CHAPTER 2: THE REAL ISSUE31

- 2.1. The true moral norm31
 - 2.1.1. A note on “natural-law” morality37
 - 2.1.2. The moral command40
- 2.2. The real issue42
 - 2.2.1. The problem44
- 2.2.2. The reason people are afraid of immorality48
- Summary and exercises57

CHAPTER 3: THE CONSEQUENCES60

- 3.1. Can this theory be scientific?60
- 3.2. Evidence dealing with life after death62
- 3.3. Nature of the life after death65
 - 3.3.1. Relation of this theory to others68
 - 3.3.2. Happiness and enjoyment69

CONTENTS

- 3.3.3. No forgiveness72
- 3.3.4. The afterlife and God73
 - 3.3.4.1. Theological note on salvation75
- 3.4. The meaning of life79
 - 3.4.1. God as the “real” goal of life?80
 - Summary and exercises82

CHAPTER 4: FREEDOM AND RESPONSIBILITY85

- 4.1. The choice as free85
 - 4.1.1. Characteristics of free choice86
- 4.2. The general moral rule90
- 4.3. Morality and emotions91
 - 4.3.1. Morality and emotional problems94
 - 4.3.2. Habits: virtues and vices96
- 4.4. Responsibility101
 - 4.4.1. Responsibility and guilt106
 - Summary and exercises108

CHAPTER 5: MORALITY AND KNOWLEDGE111

- 5.1. Morality and knowledge: conscience111
 - 5.1.1. Clear and unclear conscience114
 - 5.1.2. Clearing an unclear conscience118
- 5.2. Act and situation 126
 - 5.2.1. The motive130
 - 5.2.2. The means131
 - 5.3.2. Side effects133
- 5.2.4. The Principle of the Double Effect135
 - Summary and exercises142

PART TWO: APPLICATIONS TO HUMAN LIFE145

CHAPTER 6: INDIVIDUAL LIFE147

- Introduction to Part Two146
- 6.1. Finiteness148
- 6.2. Bodiliness151
- 6.3. Life156
 - 6.3.1. Control of acts163
 - 6.3.2. The act itself175

CONTENTS

Summary and exercises179

CHAPTER 7: SEXUALITY183

- 7.1. Preliminaries183
- 7.2. The sexual faculty185
 - 7.2.1. The general rule188
 - 7.2.2. What you can't dos189
 - 7.2.2.1. Masturbation189
 - 7.2.2.2. Non-human sexual expression190
 - 7.2.2.3. Homosexual sex191
 - 7.2.2.4. Child molestation195
 - 7.2.2.5. Rape195
 - 7.2.2.6. Inconsistent heterosexual acts196
 - 7.2.2.7. Contraception199
 - 7.2.2.8. Artificial insemination202
 - 7.3. Some positive remarks204
 - Summary and exercises208

CHAPTER 8: SELF-DETERMINATION AND RIGHTS211

- 8.1. We are not alone211
 - 8.1.1. Ways people relate to others211
- 8.2. Rights in generals213
 - 8.2.1. Claiming a right216
 - 8.2.2. Kinds of rights218
 - 8.2.3. Against whom the right exists220
 - 8.2.4. Defending a right221
 - 8.2.5. Coercion224
 - 8.2.6. Dehumanization227
 - 8.2.7. Inalienable rights231
- 8.3. When a human being is a person233
 - 8.4. Exercising rights235
 - Summary and exercises238

CHAPTER 9: HUMAN RIGHTS241

- 9.1. The right to life241
 - 9.1.1. Abortion245
 - 9.1.2. The end of life250

CONTENTS

- 9.1.3. The dying person251
- 9.2. Economic rights253
- 9.2.1. “Rights” we don’t have256
- 9.3. The right of ownership260
- 9.3.1. How ownership is assigned263
- 9.3.2. Claims against others’ property265
- 9.4. Other rights269
- Summary and exercises272

CHAPTER 10: THE SOCIAL RELATIONSHIP276

- 10.1. Cooperation276
- 10.1.1. Motivating cooperation279
- 10.1.1.1. Characteristics of a sanction280
- 10.1.2. Totalitarianism281
- 10.1.2.1. Police states283
- 10.1.3. Punishment and its justice284
- 10.1.4. Authority287
- 10.1.5. Common goal and common good289
- 10.2. Morality and society291
- 10.2.1. Responsibility in a society292
- 10.3. Justice296
- Summary and exercises299

CHAPTER 11: THE NATURAL SOCIETIES302

- 11.1 Sex and marriage302
- 11.2. Marriage and love308
- 11.3. The family314
- 11.4. Civil society319
- 11.4.1. Its necessity319
- 11.4.2. The Principle of Subsidiarity321
- 11.4.3. Principle of Least Demand322
- 11.4.4. Note on “Christian civil society”323
- 11.4.5. Defense of society: war324
- 11.4.6. Civil society and the family328
- Summary and exercises330

Preface

Just a word or two before we begin. If you're looking for a book on "values clarification," I'm afraid you'll have to look elsewhere. If you want a book on the history of ethical theory, this is not your book. If you want "discussions" on the issues which lay out both sides of controversial topics, and leave it up to you to make up your mind, then don't bother reading this. This book lays out what the facts are in the moral aspect of the health-care field.

"What nonsense!" you say. "Who are *you* to say that you "know what the facts are" and can presume to tell other people what they should do!" There *are* no "facts" in ethics, anyway—if there is such a thing as a "fact" that can be absolutely known at all."

Oh yes? Is that a fact? Is it a fact that there are no facts in ethics? How do you know? And who are you to presume to tell me that there aren't? And what do you mean by "presume"? That it's somehow *wrong* of me to dare to say that my position is correct and that anyone who disagrees with it is wrong?

But how can you say that? Are you trying to tell me that my position is *wrong*? Isn't it *wrong* of you to dare to say that, based on your own principles? How do you know that it's an *absolute fact* that no one can know absolute facts? (You seem to know this one.)

The moral disease I discuss at the beginning of the book is a symptom of the *intellectual* disease that is infecting our whole

PREFACE

culture: that no one “really knows” the actual facts, and that everyone “has a right to his own opinion”—meaning that you’re “dissing” someone, somehow, if, instead of saying, “I disagree with you,” you say, “Nope. Things aren’t that way. You’re mistaken.”

That attitude kills learning. All it means is that we “share” our opinions, and if you happen to like mine, you’ll adopt it. But if it doesn’t grab you, then you’ll stand on your “right” to your own opinion, and denounce me as a sinner for claiming that I’m objectively right and you’re objectively wrong.

But that position is sustainable only if it is *objectively true* that *no* position is *objectively true*—in which case, that position (that no position is objectively true) isn’t true. So it’s not a wise position, it’s a stupid one, not because *I* disagree with it, but because *it* disagrees with *itself*. And it’s not a tolerant position, because it refuses to tolerate anyone who knows what he’s talking about; it’s not open-minded, but *closed*-minded, because it insists, “I’ve got a *right* to my opinion, so don’t bother me with facts!”

Besides, you yourself know at least one fact that can’t be doubted by anyone: **There is something**, meaning that there’s not just absolutely nothing at all. Try to deny it. There’s the denial, and that’s something, and you know it. Doubt it. There’s the doubt, and *that’s* something, and you know it. Disagree with it. There’s the disagreement. No matter what you do, you **know** with **absolute certainty** this fact, and you also know that it’s certain for **anyone**, because no matter who denies it, there’s the denial, which is something.

We *can* know facts; we *can* find evidence that shows that one position is correct and its opposite is incorrect. Hold onto that. There are no “facts for” someone. You may or may not know what the fact is, but a fact is a fact is a fact.

So don’t tell me I *can’t* come up with the facts in the ethics of

PREFACE

health care delivery. Challenge me to do it. The rest of the book is an attempt to meet the challenge. Sometimes I may not succeed; but don't kill the attempt before I even start by declaring without any evidence that it can't be done.

Feast of St. Alphonsus Liguori
August 1, 1996

PART ONE

GENERAL PRINCIPLES

CHAPTER 1

THE MORAL COMMAND

1.1. A science of ethics? In this book, we are going to attempt to treat ethics scientifically. It was thought for centuries that there was no problem in this; but nowadays, if a person tries it, he is laughed at as some kind of anachronism.

Why is this?

Partly, it is because the progress in physics has led people to think that you can't do science unless you measure things; but actually, the measurement is not what makes physics scientific, but the testability of the theories by experiment.

But you can't test ethical theories, can you? It turns out that you can; and this is what we will be trying to do in this book.

A second difficulty people have with a scientific approach to ethics is where you can find objective data. People have such different notions of goodness and badness, rightness and wrongness, that there seems to be no hope of coming up with anything that everyone would agree on; and if you can't do that, you can't even start,

1.1. A Science of ethics?

scientifically; you have no data to base your conclusions on.

We are going to get round this difficulty by starting from *the fact that people think* certain things about ethical matters. Whether what they think is right or wrong is irrelevant as our starting-point; right or wrong, they think a certain way, and you can observe this just by asking people. It may seem that this isn't a very promising place to begin; but we will see that it can lead us quite a distance if we are careful.

The third difficulty people have is an outgrowth of the other two. Since it is assumed that you can't treat moral matters objectively, then people conclude that morals are a question either of emotions or religion or both—usually both.

But this can't be all there is to morals. Respecting people's rights is one of the major moral issues; and if this is a matter of "emotions" or "religion," then how are people's rights to be guaranteed? That is, if some Muslim felt that I, as a Christian, should be killed for blasphemy, do my rights yield to his religion? Shouldn't he be stopped from killing me?

1.1.1. A Self-contradictory ethical position This indicates one of the reasons for trying to find out whether there is any objectivity to morals. **If there is no objective morality, then there are no such things as rights.** If morals are a "deeply emotional issue," then why should I respect anyone else's rights unless I "feel deeply" about respecting them?

Most people's reaction to this would be, "Well, you had *better* 'feel deeply' about respecting our rights, because we're going to see that you respect them, whether you like it or not." This seems to indicate that people do think that there is something objective about morality; and so it is worth a try to see if the subject can be treated scientifically.

In fact, the notion that morals are not objective leads to a self-contradiction. People who hold that there are no objective moral standards reason in this way:

“There are no objective moral standards that apply to everyone. Therefore, no one has any right to try to impose his moral standards on anyone else.”

Why does this contradict itself? It seems so obviously true. Ask yourself this: what does “No one has any *right* to impose...” mean? It doesn’t mean that no one has the *strength* to do it; it means that it’s *wrong* to try to do it, and should be stopped.

But “It’s wrong for anyone to try to impose his moral standards on anyone else” *is a moral standard that everyone is supposed to adhere to*. So if there are **no** moral standards that apply to everyone, it follows logically that there is **one** moral standard that applies to everyone: let people alone. But that’s impossible, if there are no moral standards.

So it can’t be true that there are no objective moral standards, because if there aren’t, there are. The view that there are no objective moral standards is objectively stupid.

So if someone tells you, “This is a moral issue; you have no right to impose your moral standards on me,” you can retort, “Who are *you* to impose your standard of non-interference on *me*?” A person who *consistently* held that there were no moral standards *would have to let others interfere with him whenever the other people felt morally justified in doing so*. And there’s no one—least of all the “moral relativists”—willing to admit this.

CAUTION: Note that the fact that it is self-contradictory

1.1.1. A Self-contradictory ethical position

to say that we can *never* interfere with others' morals does *not* mean that we can interfere whenever we please. (We will have to discover later when interference is moral and when it isn't.) It only means the following:

CONCLUSION: No one in practice believes that there are no objective moral standards. Everyone, whether he realizes it or not, believes that there are *some* things that *everyone* must do or avoid.

1.2. The basic ethical fact Let us, then, make a try at developing a scientific study of ethics. There are, as it happens, all kinds of ways of approaching the subject, which is to philosophy what engineering is to science. That is, ethics deals with human behavior, but not with a description of what human behavior is, but with how human beings *should* behave.

- **DEFINITION:** *Behavior* is the actions human beings perform, especially those actions which follow from human choices (and therefore which the humans are held "responsible" for).
- **DEFINITION:** *Conduct* is human behavior in relation to some standard for judging whether that behavior is "good" or "bad."

Ethics, then, is about human conduct.

Some of the many questions connected with ethics are whether human "conduct" has any real meaning, in the sense of whether there is any standard by which human behavior can be judged. If there is a standard for human behavior, what is it? Is the standard, if any, one which applies to any human being, or does it only apply to the one who has it, or to the culture in which he exists?

What we know so far is that people *think* there is at least *some*

objective standard for judging right and wrong conduct, because even those who profess to think there isn't one consider interference wrong. Clearly, *that* standard can't be the "objectively correct" one, because it contradicts itself.

But then (a) is this belief that there are objective standards a delusion (and there really aren't any), and (b) if there are, what are the "right" standards, and how are we going to recognize them when we see them? These are questions that we will have to try to answer.

But there is more. Supposing there are standards for human conduct, but a person (even knowingly) doesn't follow them, what then?

One answer is that society will punish him. But suppose he can get away with it; suppose he has such power that society can't touch him? Take Hitler. Few today would think that what he did to the Jews was anything but horribly wrong. But no one in his society did anything to him for it; it was for those who conquered the society to "bring him to justice"—except that he killed himself first. Or take Stalin. No one "brought him to justice;" he died in bed with honor, though he had killed, tortured, and enslaved thousands if not millions of his own people.

So society doesn't always punish people. Does this mean that, if you can get away with it, it may be (in theory) "bad" to do what you are doing, but in practice it's good? That is, if Stalin got pleasure out of killing and torturing people, if he got rich and powerful doing it, and if he won fear and respect from his people because of it—and if these were what he wanted—shouldn't he do these things? Why shouldn't he?

But people don't in fact think that the fact that you're better off for being immoral makes it good to be immoral, or means that you "ought" in any sense do to what is immoral.

1.2. The basic ethical fact

That is, people put moral “badness” in a different *category* from artistic badness, logical badness, and other forms of badness. If you sing off key, and you want to hire an auditorium to give a concert, then no one says you “shouldn’t” do it, as long as no one is forced to attend (which would make it a moral issue). If you want to reason illogically, so what? But if you want to murder people, that’s another story.

- **BASIC ETHICAL FACT:** People are *reluctant* to do what they think is morally wrong; they tend to be *afraid* to do it, even if it is to their advantage.

When people do something they think is wrong, there is the experience of *guilt* afterwards, which—as a psychological experience, now—is more than just, “Oh, I did something people don’t approve of.” We often do things others don’t approve of and experience no guilt, because we think they have no business disapproving of what we have done; then we feel anger or contempt, not guilt.

The experience of guilt involves (a) the knowledge that we have violated the moral standard that we think is the “right” one, and (b) the fear that because we did, something bad is going to happen to us. *The experience of guilt is the expectation of punishment.*

And this implies that the “reluctance” we have to do something we consider morally wrong is actually a kind of fear that if we do it, then something bad will happen to us.

1.3. The question to investigate As I mentioned, there are all sorts of questions to investigate in an examination of ethics; but if you are going to get anywhere, you have to be careful which one you choose.

Most people have tried to investigate ethics by tackling the

question of the ethical standard; but there have been any number of theories generated from these investigations, none of which lead to any testable predictions; and the result has been that ethics (as a study) seems to remain in the realm of speculation, without our being able to decide in favor of one theory over another, as long as each one is internally consistent.

But you can't leave things like this, if there is in fact something bad that happens if you do what is "really" wrong. If Hitler can find an ethical theory to justify what he did to the Jews, does that make it okay? Just because the theory is internally consistent?

So that line of investigation doesn't look productive of the results we need. Hence, we will try to investigate the following question:

Question to be examined: Why do people tend to be afraid of doing what they think is morally wrong?

This is an interesting question particularly in view of the fact that we know that there are people who do what is wrong and get away with it. And each of us has had the experience (probably in some minor matter) of doing something we thought was wrong and yet being better off for it: lying, for instance, to save ourselves from embarrassment.

We felt guilty afterwards for a while, but the person we lied to never found out; and on the whole we were the gainers. But this doesn't teach us that we should lie when in similar circumstances. We still feel that we "lucked out" that time, but you can't count on it. So the fear is still there, even against our own experience. Why is that?

Refinement of the question: Where did this fear associated with immoral conduct come from?

1.3. The question to investigate

That is, what we will be investigating is not precisely where people get their moral standards, but *how the idea of "immoral conduct" got associated with "something bad will happen if you do it."*

Did people get the idea because their parents told them this, and they got "brainwashed" into believing it? Did they get the idea because society disapproves strongly of certain acts, and this makes people around you afraid of doing them, and the fear just communicates itself to you? Did they get it because some God told them he would punish them if they did these things?

These are the main explanations of the origin of this fear attached to immoral conduct that we are going to investigate. All three of them have quite respectable authorities in favor of them: the first is essentially the theory of the psychologist Sigmund Freud, the second of the sociologist William Graham Sumner; and the fourth any number of religious philosophers such as Thomas Aquinas.

●WARNING: DO NOT PREJUDGE THE ISSUE●

You are already inclined to believe one of these views. Be aware of this bias you have, and keep your mind open to the evidence. *No one of the views above is a "fact."* They are all theories developed to explain a fact.

The theories are only good if in fact they *do* explain the facts they are trying to explain. If they don't, then it doesn't matter whether you would like to "believe" them or not; they are false, and they aren't facts. *We are not trying to develop a theory of morality that you can be "comfortable" with; we are trying to find out the facts, if any, and if we can.*

1.4. Observed characteristics of the fact

1.4. Observed characteristics of the fact If we are going to be investigating these various explanations of why we feel afraid to do what we think is wrong, then we had better first find out all we can about what this fear attached to our notion of immoral conduct is. Just as Galileo discovered important things about falling bodies by measuring how fast they fall (leading to Newton's theory of gravity as their explanation), so if we are to be scientific about ethics, we have to observe our data carefully.

There are six characteristics that we can point to about this fear associated with immoral conduct:

- 1 It is **universal**: Everyone tends to think immoral conduct *must* be avoided; everyone experiences guilt when doing something he thinks is morally wrong.

Even the so-called "pathological" person is not really guilt-free. These people tend not to feel guilt at what normal people feel guilt about (such as murdering people); but they have strange standards that they feel guilty violating. So we can say that everyone associates immoral conduct with some kind of fear.

NOTE: All this characteristic says is that the *fear itself* is "universal." *What people are afraid of* is not (see characteristic 4)

- 2 It is **serious**: People think that immoral conduct *must* be avoided even if you "gain the whole world" by being immoral. That is, people don't think that Stalin should have done what he did, even if he got power, wealth, and honor for it.

- 3 It tends to be associated with a **divine source**: That is, people tend to think that some sort of invisible being will punish them for being bad. Certainly there are enough people who have held this

1.4. Observed characteristics of the fact

through history and who hold it today that we can say that this is a general characteristic of the fear, if not a universal one.

This is not to say that there actually is a god who enforces morality. What we are saying here is that enormous numbers of people *think* there is; and they at least claim that it is their fear of God that makes them avoid being immoral.

The above three characteristics deal with the fact of the fear itself. The following three deal with what it attaches itself to.

- 4 The **definition** of “immoral conduct” **varies** greatly from culture to culture, and is relatively the same within a culture.

Depending on how simple or complex the culture is, you find less or more variation on what “immoral conduct” means. In simple (the so-called “primitive”) cultures there seems to be complete agreement on what is morally “good” and “bad”; in very sophisticated, complex cultures like ours, there is great disagreement—but not as much as there is between cultures.

So the *fact* that a fear attaches itself to some behavior is (as a fact) universal in all cultures; *what* it attaches to is not universal.

- 5 Each person or culture thinks that his or its standards are the “**right**” ones.

This is an interesting fact. If you think something is wrong for you, you automatically think that it’s wrong (“really”) for anyone. You may excuse other people (“because they don’t know any better”), but you don’t really think that if something is *really* wrong for you, then it’s *really* right for anyone else in the same circumstances.

Even, as we saw, those who hold that there are no “real” standards think that therefore it is wrong to interfere with anyone else’s following his conscience. This is the only thing that such people

think is morally wrong—but what is interesting is that they think that this is “really” wrong for *everyone*.

- 6 The standard is basically **negative**. That is, we all recognize some acts to be morally *good*; but we don’t have the same kind of “necessity” connected with them that we feel with respect to the things we consider “bad.”

That is, when we recognize that it is morally good to give to the United Appeal, we also recognize that this is something that we don’t *have* to do; it is a generous act. We only think we *have* to do those things whose omission is the practical equivalent of actually doing something bad. For instance, we think we have to eat enough to stay alive and not harm our health; beyond that, eating the “proper” food is not obligatory. We have to help others only to the extent that refusing our help is the same as doing them harm; beyond that, the act is good, but not obligatory. And so on.

1.4.1. How to use the observed data These characteristics of the fear attached to what people think is morally wrong will give us something to use as a preliminary test of possible explanations of the origin of that fear.

To use some simple examples to show how this testing works, let us consider the following possible explanations:

Hypothesis 1: The fear comes from the fear of punishment attached to violations of laws.

If it did, we know where the laws come from (the legislature) and where the punishment comes from (courts and police). But if this is where the fear of *being immoral* came from, then why would people think that *God* would punish us?

1.4.1. How to use the observed data

Thus, this hypothesis fails to explain the facts. Our fear of being immoral cannot come from our fear of the punishment involved in breaking the law.

That is, our fear of doing what is *illegal* is different from our fear of doing what is *immoral*. And this is confirmed by the fact that people sometimes think that the laws can be unjust and immoral, and that they cannot morally obey these laws (as “conscientious objectors” think, for instance, about the draft laws).

Hypothesis 2: The fear comes from our respect for our parents, who taught us to obey them.

If it did, then those whose parents have died would no longer be afraid to be immoral, since the parents would not be around to enforce their wishes, nor would they perceive any “disrespect” to them. Thus, the fear would not be *universal*. Their wishes might carry over as something that “it is good” to do; but the fear of violating their wishes would no longer be *serious*. Further, if we obeyed morality out of respect for our parents, how did a *divine source* get attached to the fear?

Thus, this hypothesis fails to explain the facts. Our fear of being immoral is not a fear of being punished by our parents.

Parents, then, may be largely responsible for *what our standards are*, but do not seem to be the origin of the *particular fear* of violating the standards.

1.5. Association from early training: “the unconscious” There is a version, however, of the “parental” hypothesis which

1.5. Association from early training: “the unconscious”

deserves serious consideration. This explanation of the fear of being immoral goes this way:

Hypothesis: The fear we have of doing what is immoral comes from our early training, in which we were punished for “bad” acts. The expectation of punishment remains associated psychologically with these acts, even after we reach adulthood.

To expand on this hypothesis, what it says is that when we were very young and were punished for doing something, the punishment (especially as coming from our parents, who we thought loved us) was very frightening. The severer this punishment was, and/or the more often it was repeated, the more ingrained was the association, “If I do this thing, something terrible is going to happen to me.” Thus, we would tend to avoid the act.

The hypothesis says that this *emotion attached to the act* carries over into adulthood, even after we *know* that our parents will no longer punish us. It still *feels as if* they will.

And since there is this feeling “If I do this, Daddy will spank me” with the knowledge that in fact Daddy won’t because he can’t, then the *feeling* acts as if there were an *invisible, all-powerful “Father”* who will “spank” us (i.e. “send us to hell”) if we are bad.

Thus, the “obligation” we feel not to be immoral is really of the nature of a *neurotic compulsion*, and in extreme cases, people actually hear voices commanding them to do things, and when they do something wrong, their guilt becomes so great that their unconscious minds make them “accident prone” until something bad happens that can satisfy this emotional craving for punishment.

Test of the hypothesis against the data

1.5. Association from early training: “the unconscious”

Does this hypothesis explain why:

- 1. **everyone** would have a fear attached to immoral conduct? **Yes**, *because* everyone has been punished when very young.
- 2. people would think morality a **serious** matter? **Yes**, *because* they would not know what the punishment was to be, and it would seem to come from an invisible Being, and would have a “fear of hell” attached to it.
- 3. people would associate the fear with a **divine source**? **Yes**, *because* the emotion would create the *feeling* of an invisible “punisher” (whether there actually was one or not).
- 4. the definition of “immoral” would **vary** as it is observed to? **Yes**, *because* parents in a given culture would tend to punish their children for basically the same things, and in different cultures for different things.
- 5. people would think their standards were the “**right**” ones? **Yes**, *because* people would “just know” what God (the “punisher” of the fourth point) was commanding them, and would know that the command was serious.
- 6. the standard is **negative**? **Yes**, *because* pain is what tends to carry over as an association leading to a neurotic compulsion.

Thus, the theory passes the initial investigation. You would expect the facts about the fear to be what they were observed to be if this were in fact its origin.

Predictions from the theory

There are, however, some things that would also have to be true if this is where we got our fear of being immoral:

Prediction 1: No culture could change its moral standards within a short time.

1.5. Association from early training: “the unconscious”

This was actually a prediction of Freud; he used it to account for why the definition of “immoral” remained constant (as it had, in his time) for generation after generation. Unfortunately, in our own age, we are confronted with the following:

● *Fact: Our culture has experienced several drastic and sudden shifts in moral standards.*

The “sexual revolution,” for instance, occurred within the space of ten or fifteen years, and things practically everyone thought of as immoral and forbidden are now regarded by many people as simply a “different lifestyle,” with no moral overtones.

But this kind of shift is impossible if morality is the result of an association with punishment arising from the way you were brought up. These people were brought up to think that extramarital sex, divorce, contraception, and so on were evil and deserved hell. If this theory were true, this “fear of hell” would still be attached to those acts in these people’s minds—and it clearly isn’t. You can’t get rid of a neurotic compulsion by reasoning about it.

This is evidence against the theory

Prediction 2: We would feel as most seriously immoral those acts we were most severely and/or most often punished for when young.

This prediction follows from the nature of the association of fear with an act; the fear is stronger the worse the punishment or the more often it is repeated. And, of course, the acts we would be more afraid of would be the acts we would think were morally worse.

● *Fact: Children are most often (and most severely) punished for violations of manners rather than morals: for what annoys their parents and makes them angry.*

That is, in fact very few children get punished for killing people. Most often, we get punished for slamming the door, leaving food on the plate, tracking dirt into the kitchen, shouting when Daddy has a

headache, and so on. Based on the frequency of things like this, you would expect people to find such things morally quite serious.

But no one does. Why? This theory has no explanation.

Further, there are things that people were not punished for at all when they were young that they later regard as seriously wrong. I remember reading (some years ago now, because it would now be regarded as “quaint”) an article in a psychological journal seriously puzzled about why boys who had not been taught about sex had this “strange feeling of guilt” when they masturbated and had an orgasm. (The answer is fairly simple, except on this hypothesis. A boy untaught about sex gets aroused in thinking about girls—so he knows that this has something to do with women—and then when the physical and emotional explosion comes from orgasm, he is understandably worried that he has trifled with something terribly important.)

This is evidence against the theory

Prediction 3: We would not be able to distinguish feeling guilty from knowing that we have done something wrong.

The whole point of this theory is that “knowing you have done wrong” *is* feeling guilty about doing something. It would be impossible to do something that you *know* is the right thing and *feel* that you have “sinned.”

● *Fact: We do experience situations where we know clearly that it is morally all right to do what we feel guilty about.*

For instance, people who have been brought up to be sexually modest are very apt to *feel* guilty on their wedding night when they undress in front of their naked partner—precisely because they are doing now what they have been trained from early childhood not to do.

But at the same time, they *know* that this is not only perfectly

morally all right, but that it would be wrong *not* to do it, because now for the first time, they are in a situation where these acts are virtuous, not vicious.

So we have two *different kinds* of guilt-experiences: the guilt of doing what we were trained not to do, and the guilt we have at doing what we think is morally wrong. Very often they coincide (in a person who was trained to be moral), but they sometimes are contrary to each other; and in that case, we regard the feelings as trivial and the knowledge as the guide. (Indeed, in these cases, the guilt feeling adds an extra zest to the act.)

This is very strong evidence against the theory

Taking these three predictions into account, then, we can say the following:

CONCLUSION: Our fear of doing what is morally wrong cannot be due to a carry-over from our early training. Moral guilt has nothing to do with the way you *feel*.

NOTE WELL: This is not to say that the contents of our moral code might not be largely due to what we were taught by our parents; it is just that the fear connected with disobeying it does not come from punishment by them.

1.6. Social pressure

We now have some additional facts about the fear of being immoral:

- 7. A culture's moral standards **can change** even within a single lifetime.
- 8. Cultures can **distinguish manners from morals.**

1.6. Social pressure

Let us now consider a different explanation of why we are afraid to do what we think is morally wrong:

Hypothesis: The fear attached to immoral conduct comes from the fact that the people around you regard the act as bad and not to be done, and are themselves afraid to do it.

This is the “social pressure” theory of morality. It doesn’t deal with what there’s a law against (though there may be laws against the acts), but with **the unwritten “law”** contained in the fact that people regard certain acts with horror. It also doesn’t speculate about *why* people think these acts are horrible. What it says is *the mere fact that people are afraid of these acts communicates itself to you* and makes you also fear to do them without knowing why—and you in turn become another one of the people communicating the fear to still others.

That is, there are two kinds of “expectations” people have about your behavior. The first deals with what is “done” and “not done” in the culture, so that people can be comfortable with others. Thus, people expect others not to pour coffee into the saucer and blow on it before drinking. They tend to despise and shun those who violate these expectations. These are *manners*, or what William Graham Sumner sometimes called “folkways.”

But there are other expectations where, when you try to do something, the reaction, instead of contempt at your ignorance or impoliteness, is, “Oh my God, don’t do *that!*” If you ask why, they say, “Oh, no! That’s a horrible thing to do!” And they act afraid.

Most of the time, the people you ask don’t know why they think the act is horrible, still less what will happen to you if you do it. The reason they think it’s horrible is not necessarily their early training or personal experience, but *the fact that people they know think it’s*

horrible. There are certain attitudes that get into the society somehow, and people adopt them; but once they are adopted, they tend to perpetuate themselves, because we tend to accept what other people believe.

Thus, for example, in our society we take it as “obviously true” that all men are created equal, that slavery is wrong, that discrimination is to be avoided, and so on. In other cultures, such as India, it is taken to be “obviously true” that there are natural classes of people, and that discrimination is the proper way to behave. Reasons can be given in both cases (the Hindu laughs at us and our “equality,” when it is so clear that people have vastly different abilities); and the real reason why we hold these “truths” is often the simple fact that everyone else around us accepts them without question.

What the hypothesis says, then, is that the fact that the people accept without question that certain conduct is *horrible* (as opposed to “not done”) is the source of our fear of doing what we think is morally wrong. The fact that no one knows what is going to happen creates the *illusion* that there is some invisible source of this “law,” and that this super-being will enforce it.

Test of the hypothesis against the data

Does this hypothesis explain why:

- 1. **Everyone** would have a fear attached to immoral conduct? **Yes**, *because* everyone lives in a society, and so is subject to at least some form of social pressure.
- 2. People would think morality a **serious** matter? **Yes**, *because* they would not know what the punishment actually was, and everyone around them acts as if the act is horrible and is afraid of its being done.
- 3. People would associate the fear with a **divine source**? **Yes**,

1.6. Social pressure

because people are not aware of the fear's being just the fact that everyone is afraid, and it would *seem* to come from some invisible "super-being" who will of course presumably punish its violation (whether or not there actually is such a being).

● 4. The definition of "immoral" will **vary** as it is observed to? **Yes**, *because* different cultures would have different social pressures and so different fears. Within a culture, subcultures would have their own special fears; and so as the society becomes complex, individuals belonging to different sets of subcultures would have different moral standards insofar as they reconciled the different social pressures acting on them.

● 5. People would think their own standards were the "**right**" ones? **Yes**, *because* they would have in fact got the standards from observing what "everyone" (i.e. everyone around them) "knows" is immoral.

● 6. The standard is **negative**? **Yes**, *because* again the whole issue is a question of fear, which is the basic negative emotion.

● 7. A culture's standards could **change in a relatively short time**? **Yes**.

But this needs some explaining. According to Sumner, if the life-conditions change, then certain acts which used to be harmful become beneficial to the people. In the beginning, those who do these things are regarded as immoral and evil; but as they prosper, more and more people follow them, and *then* the standards "catch up" to the practice, and what was before regarded as "bad" now becomes looked on as "good."

For example, once The Pill was invented, sexual intercourse could be engaged in in an apparently "natural" way (What is more natural than taking a pill?) without having children connected with the act. But if there are no children to support, why have the commitment of marriage connected with sex? Hence, people began having sex

outside of marriage, and the sexual standards gradually began to dissociate sex and marriage.

Note here that I am not arguing that this reasoning is “correct” (in fact, it is fallacious); what I am saying is that it *seemed* so to many people, and in fact things *happened* this way, and so in our society much that used to be considered immoral about sex is now considered morally acceptable. If this theory is true, this is, of course, all there is to the matter. It used to be *really* immoral to have sex outside of marriage (because “everyone” thought it was), and now it’s *really* all right (because people think it is all right). If the theory stands up, this statement can be taken as factual and valid.

● 8. Can we distinguish **manners** from **morals**? **Yes**, *because* the social pressure connected with manners, no matter how severe it is, is not conduct that the society is *afraid* of, while the moral code of the society deals with what it regards as a *threat* to its existence, for whatever reason.

Thus, the theory fits all the facts we have so far observed, including the data that the Associationist Theory cannot explain.

Predictions from the theory

But there are also some things that must be facts if this theory is really where we get our fear of being immoral.

Prediction 1: The standards of the society can never be “wrong,” nor be thought to be wrong at the time.

The standards may *later* be recognized (after a change) as *having been* wrong; but they cannot be thought in that society to be *now* wrong, because the standards are precisely *what the moral obligation is in that society* at this time; they are precisely what defines “morality” for the society and are the *only* definition of it.

1.6. Social pressure

- **Fact:** *Sometimes people in the society think its standards are wrong.*

This is inconvenient, but it is certainly a fact. There are, for instance, quite large numbers of people in our society who think that the “sexual revolution” is wrong, however practical it might be; there are many many others who think that abortion is wrong, even if there are many who think that it is right.

This might be due, however, to subcultures that are out of step with the feeling of the larger society. Hence,

This fact does not prove anything one way or the other.

Prediction 2: *The culture cannot change its standards on the basis of their present “wrongness.”*

This is a variation on the preceding prediction. If the whole culture changed its standard because it (as a whole) recognized that the present one was somehow “evil,” then it would be judging its own standard by some “higher standard,” and on this theory there can be none. Standards *can* change, on this theory, *if* the change *follows* a change in lifestyle; but they can’t change *for the reason that* the standard is somehow recognized as wrong or evil.

- **Fact:** *Sometimes cultures do change their standards for moral reasons and not for practical ones.*

For instance, the civil rights movement came about, not because it became practical for Blacks to be treated as well as Whites, but because the community as a whole recognized that it was treating Blacks as if they weren’t really human—and human beings must not be treated as if they are not what they are.

This same sort of thing was really what got rid of slavery in this country (Sumner’s bad history to the contrary notwithstanding). It was certainly impractical to free the slaves, in whom so much wealth was invested. The Southerners recognized that it would ruin them economically—which it did. But the fiction that Blacks were “really”

no different from animals (and so could be owned) became impossible to sustain, especially as more masters had children by their Black slaves. But once they were recognized as human beings, they were automatically recognized as something that could not be owned or treated like animals, however “practical” this might be.

Hence, changes in moral codes do not always follow changes in life conditions; sometimes they lead them.

This is evidence against the theory.

Prediction 3: Reformers would be regarded as immoral people.

The reason for this prediction is that the society’s standards on this theory are the *only* real definition of “moral” and “immoral”; and hence any “reformer’s” disagreement with the standards would automatically be a mistake or evil. Appeal to a “higher source” for morality is absurd on this theory; there is nothing that can be appealed to “over” what the people happen to think is right and wrong at any given moment.

● **Fact:** *Societies distinguish between reformers and evil people; they listen to the first, and condemn the others.*

Martin Luther King, for instance, who preached that the treatment of Blacks was inhuman, was regarded as a troublemaker, but not as an evil person. He was not thought of as we today think of drug pushers, who don’t see anything wrong with promoting the use of cocaine or heroin.

And the reason King was regarded as good is that he presented *evidence* to the society that it wasn’t treating Blacks the way it claimed to be treating Blacks: that segregated eating facilities meant that Blacks had bad food and few opportunities to get it; that segregated schools were “separate” but far from “equal”; that segregated toilet facilities meant that Blacks had to walk often for blocks before they could relieve themselves, and so on. The drug

1.6. Social pressure

pusher, on the other hand, cannot present any real evidence that taking drugs is good for the person who takes them—which is what he claims. Quite the contrary.

Reformers, then, seem to present facts to the society which show that it is being inconsistent in doing what it considers “good”: that its actions are fundamentally (even if unwittingly) dishonest. And when the evidence is convincing, the society listens to the reformer, and changes its standards—usually reluctantly, but it changes, once it is convinced.

But this could not happen if the society was in fact the one that defined “right” and “wrong.” It implies that there is a standard against which society itself and its standards are to be judged—and the society recognizes this.

This is evidence against the theory.

***Prediction 4:** The standards of any culture would simply be the set of acts the people regard with horror, and would not be a rational conclusion from a basic standard.*

This is clear from the nature of what social pressure is. Why the people fear doing something is not what creates social pressure (and therefore the fear in the individuals); it is simply the fact that they do fear this act. This is another of Sumner’s predictions.

● ***Fact:** The moral standard of any society, and in fact any moral standard of any person is always some version of this proposition: **You must never deliberately do what is inhuman.***

If this is so (and in the next section I will give some examples showing that it is), then this means that people and societies consider themselves subject to the “command” to act consistently with what they really are, irrespective of what others *think* they really are.

This “command” (if it is one) is the same in every society; and hence, it doesn’t come *from* society, because the society itself is

subject *to* it.

1.6.1. Examples of “immoral = inhuman” Before we get into the implications of what this means, let us try to see if in fact a society’s view of what is immoral coincides with its notion of what acts are inhuman (or are inconsistent with the reality of the person acting).

Cannibals eat people, and don’t see anything wrong with it, don’t they? No, not really. Anthropologists were surprised to find that when these tribes referred to those of other tribes as “dogs” or “pigs,” they meant this literally: that those of other tribes were animals, not people. Cannibals only eat (a) already dead bodies, or (b) members of other tribes (which aren’t “people”).

The slave traders also justified their trade on the grounds that Black people weren’t people but animals; they were thought (by the scientists, mind you) that Blacks were the result of the rape of women by orang-outans. Those who advocate abortion today consider that “science” shows that fetuses aren’t human beings, but are “blobs of tissue.” Eskimos, who had the custom of giving their wives to visitors for the night, also had the view that women weren’t “really” human beings.

Orientalists used to hold that suicide was moral to “save face,” which meant to avoid bringing disgrace on the family or group to which the individual belonged. But these same Orientalists considered that the *individual* life was the “animal” life, and the “human” aspect of a person’s life consisted in his belonging to the family or group (which is where he differs from animals). Thus, the physical life could be sacrificed in order to preserve the “human” aspect. The same went for what was behind dueling in the West. A person’s “good name” (or his relation of “honor” to others) was where he differed from the beasts; and therefore, to protect his “honor” (his

1.6. Social pressure

human dignity, or essence *as* human), he had to put his physical life at risk on the “field of honor” (i.e. under certain rigid conditions).

Karl Marx considered that the respect in which humans were different from beasts lay in the fact that humans use tools to transform nature (whereas beasts adapt themselves to nature). Hence, when one human uses another as a tool (when one hires another to work for him), then the first is dehumanizing the other, because the other’s essence as human now belongs to someone else, and this is slavery. Therefore, Capitalism, which as a system involves the capitalists’ not doing any work (and so not acting humanly) and hiring others to work (and so enslaving them) is an essentially inhuman system and must be destroyed. And from this comes Communism’s “command” to work for the “classless” society, where no one will “own” anyone else’s work.

Many contemporary thinkers hold that there is no such thing as “human nature”; humans are free to do what they want with themselves. And this is why in our society, *interference* with another’s choice is for practical purposes the only “really bad” thing; because if we are in fact free to make of ourselves anything we want, then nothing is inconsistent with our reality except interfering with a person’s doing this.

I am not here trying to judge the objective correctness of any of these views; I will do some of this later on. The point here is simply to show that the moral code of any society or any individual always depends on what that person *thinks* it really means to be “human”: acts that are consistent with his definition of “true humanity” are (to him) all right; and acts inconsistent with this definition are morally wrong.

But this means the following:

CONCLUSION: Society’s standards do not in fact determine the

moral code for any person, nor does fear of social disapproval constitute the particular fear that is the fear connected with doing what is immoral.

Note, however, that society's standards may have a strong influence on the *contents* of a person's moral code, simply because if everyone else around you thinks that a given act is perfectly human, you will be inclined to accept that without question.

But society's standards do not **determine** the person's moral code, because this code depends on the person's *own* view of what is in fact inhuman behavior, whatever the people around might think. Individuals may adopt others' views without question; but they can also think things through for themselves.

Nor does social disapproval constitute the fear connected with being *immoral*, because we sometimes have to brave social disapproval in order to *avoid* being immoral (when our view of "human" differs from society's). People who tried to free slaves faced a lot of hatred and fear from those who owned slaves; people today who are against abortion face the same thing. Conscientious objectors face hatred from those who consider that they are shirking their obligation to their country; and so on.

So if we consider that we *must* avoid immorality, then the grounds for this cannot be (a) early training, or (b) society's disapproval. *We think that, somehow, in the long run, it is not worth it to do what is inhuman.*

And why is that?

This is what we must investigate in the next chapter.

Summary of Chapter 1

Ethics can be treated scientifically if we can find some data and test

1.6. Social pressure

ethical theories against the data. The data will deal with the way people think about ethical issues.

There must be something objective to ethics, because the position that there are no objective moral standards contradicts itself, in that this position will not allow for interference with a person's actions; but not allowing interference is an objective standard (which allows interference with those who are interfering). So everyone in practice believes that there is some kind of objective moral standard (even if they don't agree on what it is).

The **basic ethical fact** that starts our investigation is that people are afraid to do what they think is immoral, even if they gain by it.

The **question** to be examined is the origin of this fear of doing what a person thinks is immoral.

The observed **characteristics of the fear** are that it is universal, serious, associated with a god, attaches to different definitions of "immoral" depending on cultures, attaches to what a person thinks is the "objectively right" definition, and is basically negative.

These characteristics are used to test theories explaining the origin of the fear; it must explain all aspects of it.

The fear cannot come from legal punishments, because then we would not think a God will punish us; nor can it come from respect for parents, because then it would not be universal, serious, or be attached to a divine source.

The "**early training**" or "unconscious" theory: The fear might seem to come from early training and the habitual association of punished acts with the expectation of punishment, because this fear can carry into adulthood without our remembering the actual punishment. It might seem to come from these because this explanation would account for why the fear is universal, serious, and all the other observed facts about the fear.

But it cannot actually be the origin of the fear we have of being immoral, because then no culture could change its standards in a short time, and they do; we would feel as seriously immoral things that in fact we think are trivial; we would not be able to distinguish feeling guilty from knowing we have been immoral, and we do make this distinction.

The "**social pressure**" theory: The fear might also seem to come from social pressure, which is the fact that if people around you are afraid of doing something, the fear communicates itself to you. This would seem plausible because this explanation also accounts for all of the observable facts about the fear as actually experienced, plus the two that it would

allow for (some) change in moral standards and the ability to distinguish manners from morals.

But it cannot actually be the origin of the fear we have of being immoral, because then the culture could never change its standards on the basis of perceived “wrongness” of the standards, and it sometimes does; because reformers would always be regarded as evil people, when in fact they aren’t; and because the standards of a culture would be haphazard, when in fact they follow from the culture’s definition of an “inhuman” act.

Exercises and questions for discussion

1. If it’s self-contradictory to say that you can’t *ever* interfere with someone else’s morals, when do you think it is legitimate to interfere, and when isn’t it?
2. If the fear of doing wrong doesn’t come from the laws, how do you account for so many people changing their moral views on abortion once the Supreme Court permitted it?
3. How do you suppose that people who hold that morality comes from God account for the different and often opposite views on what is moral in different cultures?
4. Perhaps we give ourselves the moral obligation, the way people give themselves New Years Resolutions. Test this hypothesis.
5. Suppose somebody violates the moral obligation (whatever it really is) without realizing it. Should he be punished?
6. But doesn’t morality simply consist in “Don’t do any harm to anyone else?” If you want to harm yourself, so what? *Hint:* How could you motivate anyone not to harm others?

1.6. Social pressure

CHAPTER 2

THE REAL ISSUE

2.1. The true moral norm Even though our investigation in the preceding chapter was focused on the origin of the fear of being immoral, we discovered along the way that everyone is really afraid of doing what is (as far as he knows) inhuman; and so we stumbled upon what seems to be the basis of the moral norm that everyone holds.

One of the reasons why this had to be “discovered” and was not explicitly known by everyone is that from time immemorial, the study of ethics has focused on the question “What is it to be good?” When we investigate goodness later, we will see that, because of human freedom, there is really no objective answer to this question. Different people consider different things to be “fulfilling”; different people have different ideals.

But when you are talking about what is “bad,” you aren’t relating the act in question to some ideal, you’re relating it to the actual person who is now doing the act; and the kind of person he is is objectively (to some extent) discoverable; and so it is possible to find out objectively whether his act contradicts his reality or not.

This simply illustrates the fact that progress in a scientific investigation very often depends more on asking the proper question. Unanswerable questions generate apparently “profound” answers that are nothing more than speculation.

But let us take advantage of our discovery.

- **DEFINITION:** A *norm* is a standard against which something can be judged.

The *norm* for judging moral *badness* is the *concrete humanity* of the person performing the action.

When I say *concrete humanity* what I mean is the actual reality of the person with all of its aspects and relationships. Some of these aspects (such as the fact that the person is alive) may be obvious, some may not be obvious (such as the fact that the person is part of an international community). Some may be part of the person's reality as determined genetically (such as life or sex), some may be due to choices in the past (such as being a doctor or having made a promise). But insofar as these are *real characteristics* of the person, then they form the norm for judging whether his acts are or are not consistent with his reality.

- **DEFINITION:** An act is *morally wrong* if it in fact *contradicts any aspect* of the person who is acting.

NOTE: The act is morally wrong if it contradicts *either* (a) the “genetically given” human limitations we have, or (b) *modifications* of our humanity we have made through promises and so on.

For example a person who marries (and promises to be faithful to his partner) has changed his reality from a single person to a married person; and he now can perform acts (sexual intercourse with his wife) which used to be wrong, and cannot any longer perform acts (like dating women) which used to be morally legitimate.

- **DEFINITION:** An act is *morally right* if it is *consistent with all*

2.1. The true moral norm

aspects of the person who is acting.

The act may be perfectly consistent many aspects of the person, but if it *contradicts* any aspect, then it is inconsistent with the nature of the agent. For instance, the statement you make when telling a lie is perfectly consistent with the nature of your vocal cords as sound-makers; but the lie is telling *as* a fact something that you think *is not* a fact; and this is inconsistent with the *act* of factual communication. So it doesn't matter if the lie "fulfills" any other aspect of you; it contradicts you as a communicator of facts.

Now of course, it is probable that a given person won't know all of the aspects of his reality, and even if he knows them he may not be aware of how these aspects can be contradicted by his actions. We will investigate the implications of this later.

But the fact that *you don't know* that some act is inconsistent with your reality *doesn't make it consistent*. And if you perform that act, what you have done is *objectively wrong*, even though you didn't realize it.

For instance, it was *not* right for the Whites in the South to own Black slaves. Some of them *thought* that Blacks were not really human beings, and so could be owned; but that idea of theirs didn't change the facts. Blacks, as human, cannot really be owned; and it is objectively wrong to act as if they could be.

Many people who have abortions today do not realize that they are dismembering their own children; but that in fact is what they are doing. The question is *not* one of "opinion" or "consensus." Even if everyone agreed that fetuses weren't human beings, this agreement wouldn't change the facts, any more than the earth was flat when the consensus was that it was flat. Fetuses are either human beings or they aren't; this is a *factual* question, not a matter of opinion. It turns out (as we will see much later) that the evidence indicates that they are; and so women who have abortions are pulling their children

2.1. The true moral norm

apart limb from limb, whether they realize it or not.

● NOTE WELL ●

Moral rightness and wrongness are not a matter of personal opinion, still less of personal choice. *They are simply what the facts actually are, whether anyone knows them or not.* They depend on whether the act in question is in fact consistent with the reality of the agent or not.

Does this mean that every woman who has had an abortion is a murderess?

No, not if you define “murder” as a “deliberate attempt to kill someone,” because most of these women didn’t know that they were killing a human being (let us assume). Murder implies that a person deliberately chooses to kill someone, knowing what he is doing. Abortion is always *homicide* (killing a human being), and as such is always *morally wrong*, but it’s not *murder* unless the person knows what she is doing. That is, it’s always the kind of act you may not deliberately *choose* to do; but whether you choose to do it or not depends (among other things) on whether you know what kind of act it is.

So we must now make a distinction:

- **DEFINITION:** A *choice* is *immoral* if a person chooses to do what he has reason to believe is morally wrong.
- **DEFINITION:** A *choice* is *moral* if a person chooses to do what he knows is morally right.

● NOTE WELL ●

From now on in this book *acts* are to be referred to as

2.1. The true moral norm

morally right or wrong and *choices as moral or immoral*.
There are no “immoral” acts or “morally wrong” choices.

Moral rightness and wrongness, as we saw, depend on the actual relation of the act to the actual reality of the agent. They are *completely objective* facts about an act, and have nothing to do with whether anyone knows these facts or not. When I assert later in this book that certain acts are right and others are wrong, what I am saying is that, based on the evidence I have, this is the objective status of the act (just as when a scientist says that the sun is 93 million miles away from the earth, he is stating what he *thinks* the fact is, based on the evidence he has). I can be mistaken, of course, but that does not alter what the fact *is*, any more than the actual distance from the earth to the sun is changed if it should be discovered that the astronomers made an error in measuring it.

Morality and immorality, since they deal with the choice the person makes, *depend on the person's knowledge* of the moral rightness or wrongness of his acts. Morality and immorality are not exactly subjective, since they depend on knowledge of what the facts are; but since you may not know what the facts are, you can *do* something morally wrong, but be *mistaken* rather than immoral. That is, each person's morality or immorality with respect to a given act is analogous to the scientist's knowledge of the distance from the earth to the sun. It is based on the *evidence* you have about the actual moral status (the rightness or wrongness) of the act.

We will have to spell this out in considerable detail later; but for now, let us concentrate upon the fact that we have found *the objective component* in moral matters: the reality of the agent, and its relation to his acts.

As long as we have made these two distinctions, let us make another:

2.1. The true moral norm

- **DEFINITION:** An *act* is regarded as *morally bad* if it falls short of our expectations of what it “ought” to be, morally speaking. A *person* is considered *morally bad* if he does not do what we think he “ought” to do, morally speaking.
- **DEFINITION:** An *act* is regarded as *morally good* if it is the kind of act we think a person “ought” to do as a human being; a *person* is considered *morally good* if he does what we think a human being “ought” to do.

What’s the difference between morally good and bad and right and wrong and moral and immoral? Morally good and bad depend on *our subjective standards* that we for whatever reason set up for *evaluating* moral conduct. If the act (or the person) matches the standard, then it or he is “good”; if not, then bad.

Goodness and badness always depend on *subjectively created standards* and though the act in question “objectively” matches or does not match the standard, the standard itself is *made up* by the person using it, and is not objective.

Very often goodness and badness are confused with rightness and wrongness. Rightness and wrongness simply deal with the objective fact that the act in question is or is not consistent with the person acting; there is *no evaluation* connected with them—no implication that we “ought” not to be doing morally wrong acts.

Moral and immoral deal with the fact that we deliberately chose to do what was right or wrong, and again in themselves don’t imply the evaluation that we “ought” not to choose what is wrong.

Only goodness and badness have this “ought” connected with them, because only goodness and badness assume that the “correct” situation is the one that doesn’t exist and *expects* the facts to “live up

2.1. The true moral norm

to” this “correct” state of affairs. But obviously, this standard of what the “correct” situation ought to be can’t be discovered from the facts “out there,” because they precisely don’t live up to the standard. Ideals *have* to be made up; they can’t be found. If the distinctions above are not made clear and held consistently, all sorts of confusion can occur in speaking about ethical matters. A person saying that something is morally wrong, for instance, might be taken to imply that (according to his subjective standards) this act ought not to be done—when in fact all he is saying is that the act in question is objectively inconsistent with the agent.

Now what the preceding chapter was saying in the facts we started investigating is that *people think that what is morally wrong is morally bad*. That is, as soon as you show something that a given act is “inhuman” (contradicts being human somehow or other), the person automatically thinks that it ought not to be done (is morally bad). We expect people (at a minimum) to act consistently with themselves, whether they “live up to their fullest potential” or not.

But this does not alter the fact that moral rightness and wrongness do not *mean* the same thing as moral goodness and badness—nor the same thing as morality and immorality.

2.1.1. A note on “natural-law” ethics I have been presenting here is a version of what is called “natural-law ethics.” The reason why it is called this can be seen from the following definition:

● **DEFINITION:** The *nature* of a being is its reality as related to (or revealed in) its actions.

Thus, it is “the nature” of hydrogen to have a certain spectrum when excited and to combine with oxygen to form water; it is “the

nature” of a dog to hate cats; it is “human nature” to wonder about life, and so on. Obviously, then, for a human being to do something inhuman is for his act to violate his nature.

There are three difficulties with this, however. In the first place, “nature” is used in the sense of what is not “artificial.” It is “natural” to be naked, and “artificial” to wear clothes; it is “natural” to talk, and “artificial” to communicate (as I am doing) by typing into a computer and having it print out things.

This sense of “natural” is *not* the sense that is ethically relevant. It is *consistent* with a human being as human to cover himself and protect himself against the elements (and against sexual temptations—yes, they can happen if everyone you see is naked); and because of the latter reason, it might be morally wrong not to cover oneself. It is consistent with communication to do it by means of a machine, as long as one is not telling lies. “Nature” in that sense refers to “the condition we were born in,” not what is consistent with our reality as thinking animals.

Secondly, there is a sense of “nature” that means “what is normal,” in the sense of what people usually do. In this sense, it is “natural” to lie to save yourself from embarrassment, because most people tend to do this. But this does not make it *consistent* to lie, because the lie communicates as a fact something known not to be a fact. Hence, what most people do may or may not reveal the “nature” in the moral sense, because people often violate their natures.

Thirdly—and this is where my theory differs from traditional natural-law ethics—there is the sense of “nature” as a *tendency* toward certain acts as its fulfillment.

Traditional natural-law ethics takes “nature” in this *positive* sense and tries to derive the moral obligation from it. But this confuses what is (morally) “good” with what is morally “bad” and runs into the difficulty connected with freedom that we mentioned above.

2.1.1. A note on “natural-law” ethics

Thus, for instance, since we have a tendency by nature to know things, it is assumed that the “good” is knowing more and more. But where do you go from there? Does this mean that it’s *bad* for a person who can study philosophy to decide not to and spend his time becoming, say, a professional athlete?

As traditional natural-law ethics worked itself out in practice, it wound up with commands that in fact boiled down to what we said above: “Never fulfill any aspect of your nature if the fulfillment involves violating any other aspect”—which, of course, is actually negative, not positive. So the *results* of natural-law ethics were actually prohibitions; but it tried to *derive* these from the positive tendencies of the nature; and you can’t logically do this.

So we are not really “natural-law ethicists” here in the traditional sense. But from what we discovered at the end of the last chapter and just above, we can say this:

Every moral theory is actually a negative “natural-law” theory.

As I tried to show, every view of what is *forbidden* (or what is morally bad) rests on the person’s notion of actions that *contradict* his view of the way we are built: his view of the limits, if you will, of our nature. This is simply an empirically testable proposition. Ethical theories are all over the place when it comes to talking about what is “good”; but every single ethical theory derives what it considers “bad” from the theoretician’s view of what human reality (a.k.a. human “nature”) is. Even those views that say that there is no such thing as human “nature” say that it is “bad” to interfere with others (because it assumes that there is a “nature” when—according to these people—there isn’t one; which, of course, is a violation of the way things are: the “non-nature” of the person. “Non-nature” here is, of course, our sense of “nature.”)

The thing to take away from this discussion, then, is that, in

saying that the moral norm is human reality or human nature, we are not really “imposing” a view on other ethical positions. When we are at this general level (i.e. until you begin spelling out what the nature actually is and how actions can violate it), then *differences among ethical theories are only terminological*. All ethical theories agree that it’s morally wrong to act as if you weren’t what you really are.

2.1.2. The moral command That, then, is the moral norm. We started out this book with the fact that people think that there is some kind of *command* attached to violating the moral norm (at least as they understand it) because they are in some sense afraid of what will happen to them if they act immorally (i.e. if they choose to violate what they think is the moral norm).

This is not quite the same as saying that what is wrong is bad; it is even more than that. It seems to imply that what is morally wrong “ought” not to be done in a stronger sense than singing off key is “bad singing”: it seems to mean that *if you do what is morally wrong you will (or should) suffer for it*. That is, it implies that you will be better off for doing what is right than for doing what is wrong—and so in that sense it is not just “bad” to do what is wrong, but “you had better not” do what is wrong.

● NOTE WELL ●

We have not yet found out whether there actually is a moral command, still less whether a person is “really” excused if he doesn’t know what it is. This is still on the level of what people *think* with relation to morality.

But *if* there really is a moral command, then, as I mentioned in the discussion on social pressure, it would seem to be this:

2.1.2. The moral command

- **MORAL COMMAND (*first formulation*):** You must never *be willing* to act in an inhuman way.

In most people's minds, you are held excused from violating the command if you are *sincerely* mistaken or ignorant of what it is. The idea is that if you don't know there's anything wrong with the act, you're not *willing* to do wrong when you do it. If you knew it was wrong, then you wouldn't do it (or if you did, of course, you'd be willing to do wrong). Those women, for instance, who have abortions and have no idea that they are murdering their children are not held *morally* guilty of murdering their children.

We will shortly resume our investigation of how people come to think in this way; and it will turn out, once we have got through it, that in a sense there *is* a moral "command," and that people who violate it without suspecting that they are doing so are not actually guilty. But again, do not prejudge the issue; wait for the evidence.

To put this another way, the moral obligation works in this fashion in conjunction with the norm of moral badness:

- **MORAL COMMAND (*second formulation*):** You must never deliberately try to fulfill any aspect of yourself at the expense of contradicting any other aspect.

This simply spells out what we said above, that the norm is the set of real characteristics we have, none of which may be violated.

But it is possible to reformulate the moral command in still another way, if we take into account the following:

Choices which are immoral are always choices which are *fundamentally dishonest*. That is, they are a *deliberate pretense* that things aren't the way you know they are. When you act immorally (as opposed to mistakenly doing something that is morally wrong), then

you know what you are doing; you know that the act is inconsistent with you as an agent; and yet you do it anyway, as if it were consistent.

The thief acts *as if* taking something could really make it his to do what he wants with; the murderer acts *as if* he had the right to decide when someone else was to stop living; the adulterer acts *as if* he weren't married to the person he is married to; the woman who has an abortion acts *as if* her child were a mere lump of tissue or "part of her body"; and so on. Insofar as these people know what the facts are, they are not being honest with what the facts are; they are pretending that things are the way they want them to be, not as (they know) they really are.

● **MORAL COMMAND (*third formulation*): You must never act in a way that is fundamentally dishonest.**

Acting in this way is, of course, *hypocrisy*, and so what the moral command in this formulation says is "**Don't be a hypocrite.**" Don't pretend (by your actions) that you are something that you aren't.

But then why not, if you get what you want from being a hypocrite? And this brings up again the issue of whether there really *is* a command connected with morality.

2.2. The real issue We have finally cleared out enough of the underbrush so that we can see the real issue that is involved in morality:

Is honesty really the best policy? Are you really better off if you act consistently with the way you and the things around you are, or are you better off if you pretend that things are the way you want them to be?

2.2. The real issue

There it is.

When all is said and done, there is the moral issue. What society thinks, what your parents think, is irrelevant. The question is whether it makes sense for you to act honestly or not.

Another way of putting this is, “Is it always bad to do what is wrong?” This uses a slightly different sense of “good and bad”:

● **DEFINITION:** Something is *good* if it leads to a goal you want to achieve. It is *bad* if it hinders you from achieving the goal.

The point is that you set up these goals yourself, and if you aren’t particularly interested in being consistent with yourself in all respects, but you really want to be a millionaire, then it would certainly seem that stealing in order to be a millionaire (if you can get away with it) would be good for you.

● **DEFINITION:** *Values* are *means* toward freely-chosen goals.
 ● **DEFINITION:** *Disvalues* are what *lead one away* from a goal he has chosen.

Values, then, aren’t what’s “good” without qualification (that would be the goal itself), but what’s “good” in the sense of what’s “good-*for*” the particular goal they lead to. In the case above, for instance, stealing would be a *value* for you because it would get you where you want to go. Values, then, are *not* the same as what is morally right and wrong, because they depend on the subjectively created picture we make of ourselves as “the person I intend to be,” and this “ideal self” that we set up to achieve may or may not have any basis in reality.

So the moral issue now becomes “Is it in fact the case that being

immoral (choosing what is wrong) is always a disvalue, no matter what your goals are?” If it isn’t, then why shouldn’t you choose what is wrong?

● NOTE WELL ●

Morality is *not* really a question of *values* but of whether what we choose is in fact consistent with what we are or not.

It is one of the main errors of our age to confuse morality with values. Values deal with the *kind of person you want to be*. Morality deals with the *basic humanity you are given* and build on by values. Morality says that *your values and goals do not allow you to contradict your basic humanity to achieve them*.

2.2.1. The problem But when you think about it, it would seem that it is obviously better to do what is morally right; because, after all, that only means acting realistically. How could there be any percentage in pretending that things aren’t the way they really are, especially if you *act* as if they weren’t?

This seems to be reinforced by the following:

Whenever we make a *choice* to do something, this sets up a *goal* that we intend to achieve.

What do I mean by this? A choice to do something means that you consider your action and the situation *resulting* from it. You choose between various alternatives in view of the results you foresee from the various actions open to you.

When you pick one of these alternatives out, *that result now becomes the “reason” for the choice of this action; it is the “goal” of the action, its “end” or “purpose.”*

2.2.1. The problem

Thus, human choices by their very nature have purposes: new states of affairs that the actions chosen *are to bring about*. The purpose is what determines which choice you make. Even if you choose to postpone choosing, this choice has as its purpose to give you more time to make up your mind. Every choice has a purpose you intend to achieve by that choice.

An *immoral* choice, by its very nature, has a goal that in some respect cannot be achieved.

Why is this? Because the choice can't be immoral unless you see that you are *violating* some aspect of your reality to achieve your goal. So you want to fulfill yourself; but *this* kind of fulfillment involves the violation of yourself in some other respect. Hence, immoral (or dishonest) behavior *is always, in some respect, self-defeating or frustrating*.

● **DEFINITION:** *Frustration* is having as a goal something that cannot be achieved.

Immoral conduct is therefore by its very nature self-frustrating.

From this it would seem to follow that honesty is the best policy. If you act dishonestly, this doesn't mean that you "make a mistake"; it means (since you are pretending that things aren't the way they really are) that you have a goal that you can't really reach as you intend to reach it. So you are deliberately trying to frustrate yourself.

And how can you be better off by frustrating yourself?

Thus, the thief wants to own what he has taken (because he wants to use it as if it is his, knowing that it isn't—and so has to be careful that no one finds out that it isn't really his). The murderer wants to be able to kill other people but doesn't want other people to be able

to kill him if they can get away with it. The adulterer doesn't want to be married to the person he's married to—or doesn't want to have promised what he promised when he married her. The woman who has an abortion wants not to be a mother (at least of this child); but she is his mother now; it's too late not to be; even if she kills him, she's his mother. And so on.

BUT

If it were only that simple. True, every immoral choice is *in some respect* self-defeating. But the alternative can be far more frustrating.

Take the woman who (even knowingly) has an abortion. What is the alternative? Having the baby. But this can mean disgrace, losing her job, sickness, years of anguish, being beaten up daily by her husband who wants her to have the abortion, and on and on. To say, "She can always give him up for adoption" is wildly simplistic in some cases. Sometimes the alternative is not bad; but sometimes it's really horrible.

On the other hand, if she has the abortion, no one will yell at her; her husband will praise her even; she keeps her job, and so on. Sure, she's killed her child; but once it's done, he's not around to torture her. If she doesn't, he and her husband and everyone else will be there.

Is it worth it *now* to be honest?

Take the adulterer. Sure, he's being dishonest with the promise he made; but after all, he really loves this woman and he doesn't have any affection for his wife any more. If she doesn't find out, who's to say he's worse off?

The thief. If he steals the television set, it isn't his, but it will still work if he turns it on. If he doesn't steal it, he can't watch television. Is he worse off not being able to watch television or watching it on a set that isn't really his?

The murderer. The fact is that the person who was a burden to his life isn't around any more; and in fact other people aren't more

2.2.1. The problem

likely to kill him than they were before he committed the murder (unless they find out, of course).

So it's not all that obvious now that a person is necessarily worse off for doing what is morally wrong. Maybe some of you think that, on the whole, in each of these cases, the effects of morally wrong actions are worse than the right ones; but you can see that there's room for disagreement. It isn't absolutely clear-cut.

Now suppose this: You and your family have been captured and told to kill another person or you and your family will be tortured to death.

It is clearly inconsistent to kill another person. But if you don't, then you won't be around to enjoy the thrill of being consistent. How can you be *better* off in these circumstances for doing what is morally right?

After all, the end doesn't justify the means. That's what morality is all about. The goal you want to achieve doesn't make it okay to act inconsistently to get there.

So if you can save yourself from twenty-five years in prison by lying, it's still inconsistent to lie; it's still morally wrong. Is it worth it?

- ***Fact:*** There are ways of being frustrated that do not involve *choosing* the frustration. We can be frustrated by circumstances over which we have no control.

- ***Fact:*** It can happen (and often does) that the frustration involved in an immoral choice is *less* (sometimes much less) than the frustration involved in *not* making the immoral choice.

CONCLUSION: It would therefore seem that *it is often to a person's advantage to make an immoral choice.*

And of course everyone with his eyes open really recognizes this. Why else would so many people do what is wrong? They aren't stupid; far from it. It's the calculating people, the "men of the world," the "practical" people who are the ones who do what is morally wrong.

And they seem to do very well, thank you. I mentioned Stalin at the beginning of this book. Why should he do what is moral, if in doing it he would have to give up riches, prestige, power, and even the love of the fools he was oppressing?

But you don't have to look that far. Look at the people around you. Nice guys finish last. Honest people struggle through life; it's the smart people (who know when to be dishonest, and how to be dishonest and appear honest) who get ahead. Isn't it? Be realistic now.

2.2.2. The reason people are afraid of immorality Then why don't people act intelligently? Why don't they look to their advantage, and weigh the probable benefits against the frustrations, and act morally when it is to their advantage, and immorally when it isn't?

Some do. But even they are afraid.

That was what we started with, remember. People are afraid to act immorally. Why? If they can get away with it.

HYPOTHESIS: People are afraid to act immorally because they are afraid that life might not end with death, and after they die they might be worse off for being immoral.

The hypothesis was expressed by the character Cephalus at the beginning of Plato's *Republic* (which, by the way, is about honesty):

2.2.2. The reason people are afraid of immorality

“You see, Socrates, when you get near the time when you know the end is coming, fears and worries you never had before haunt you. The stories you used to laugh at about the Land of the Dead, and how bad people get their punishment there, torture your soul now with the thought that they might be true.

“Maybe it’s weakness from age, or maybe it’s because you’re nearer now and can see better; but whatever it is, you get full of doubts and anxiety, and start trying to figure out if you have ever been dishonest to anyone. And if you find a lot of dishonesty in the records of your life, you begin waking up terrified in the middle of the night all the time like a child, and your life becomes just waiting for disaster.”

(His position, interestingly enough, is that being wealthy is handy for being honest, because having all that you want removes a strong temptation to lie and cheat.)

But to return to the hypothesis itself, what it says is that people have two types of experience that tends to give them this notion of a life after death where things are made “fair.”

First of all, people are aware of being treated unjustly by others or by “fate.” That is, they try to achieve some perfectly legitimate goal, and find themselves thwarted either by the morally wrong behavior of others, or by circumstances of their lives that are no fault of any person. At the same time, they see apparently (even obviously) immoral people getting ahead by doing what is morally wrong.

This leads them to reason that, though their lives *seem* to be in their control because of their choices, their lives *really* are out of their control and are in the control of “luck.” But you can’t *give up* trying to control your life, because you can’t avoid making choices (even to choose not to choose is a choice). So we seem to be in a situation where we have to *pretend* that we have control over our lives, but we actually don’t.

Having to make choices, then, makes no sense unless life contin-

2.2.2. The reason people are afraid of immorality

ues after this one, where what happens to you depends on your choice and not on “luck” or “fate.”

In the second place, people see immoral people getting ahead by doing what is wrong and self-contradictory. The best way to circumvent “luck” is to see what the effects of your act are likely to be, and to trade off small *deliberate* frustrations for larger ones that are imposed by circumstances.

But this means that there is a fundamental inconsistency in human actions: the way to avoid frustrating yourself (a lot) is to deliberately try to frustrate yourself (a little). The intelligent way to behave is to behave inconsistently with the way things are—which is unintelligent. The realistic way to behave is to be unrealistic and pretend that things are as you want them to be, not as you know they really are. The advantageous way to behave is to do what is disadvantageous. The human (because reasonable) way to behave is to do what is inhuman. Being “really” honest means recognizing the situation for what it is (which involves this trade-off) and acting dishonestly.

But this is absurd. Therefore, people conclude that human conduct can’t make any sense unless life continues after death in such a way that behaving honestly is rewarded and behaving dishonestly is punished somehow.

These are such natural ways of reasoning, and they reveal that life’s ending with death makes life (as Albert Camus, who held this said) absurd and self-contradictory. The result is bound to be that anyone who considers that things can’t really be nonsense at least suspects that some sort of reasoning like this *might* be valid.

And, of course, if it *is* valid, then we have what Shakespeare has Hamlet say:

To die—to sleep.
No more: and by a ‘sleep’ to say we end
the heartache, and the thousand natural shocks

2.2.2. The reason people are afraid of immorality

that flesh is heir to. 'Tis a consummation
devoutly to be wished. To die; to sleep—
to sleep, perchance to dream. Ay, there's the rub;
for in that sleep of death what dreams may come
when we have shuffled off this mortal coil
must give us pause.

Let us for the moment not consider whether this reasoning is valid or not, but examine whether a reasoning process such as this could be where *in fact* the fear of being immoral actually originates in people's minds all over the world. We in saw in the previous chapter that it can't come from parental training or society's views. Could it then be the result of the kind of thinking involved in this hypothesis?

Test of the hypothesis against the data

In short, does this hypothesis explain why:

- 1. **everyone** would have a fear attached to immoral conduct? **Yes**, *because* everyone has been thwarted to some extent by "fate" from achieving his goals, and everyone has realized the inconsistency in getting ahead by violating your nature.

It is also the case that *human beings cannot accept contradictions as facts*. This is the fundamental law of all thought: contradictions don't actually occur. Hence, if life is contradictory unless it continues after death, reasonable people would say, "well, then, it must continue."

- 2. people would think morality a **serious** matter? **Yes**, *because* if things are made "fair" after death, then *no* advantage here and now will make you better off for being immoral.
- 3. people would associate the fear with a **divine** source? **Yes**, *because* if there is a life after death where your *choices* are to have their

2.2.2. The reason people are afraid of immorality

proper effects, then people would reason that there must be some Being “running” the place, a Being who could know our secret thoughts and reward or punish us accordingly: who could know when we made a mistake or when we deliberately chose to violate our natures.

- 4. the definition of “immoral” would **vary** as it is observed to? **Yes**, *because* the definition depends on what a person thinks “inhuman” means; and we get this idea from our parents and those around us.
- 5. people would think their standards were the “**right**” ones? **Yes**, *because* people who think they have found out the facts about self-contradictory behavior would automatically recognize that this behavior is really part of what is forbidden.

Of course, insofar as they were not sure of the facts, they would tend to let others make up their own minds on the subject. And this is just the behavior we observe.

- 6. the standard is **negative**? **Yes**, if the deals with the limits of our nature and self-contradictory behavior, and leaves us alone as far as what we do within those limits is concerned.
- 7. a culture could **change its standards** in a short time? **Yes**, if it discovers new *facts* about what it means to act in an inhuman way.

The culture’s standards could change if conditions changed making people think that the new conditions allow some act that was inconsistent under the former conditions, or forbid some act that was consistent formerly. This happens in the individual case, for instance, when a person marries. The new conditions permit acts (sexual intercourse) that were before inconsistent, and now forbid acts (dating) that before were consistent. This sort of thing can happen in society also.

But the standards can *also* change if the culture discovers a fact that makes it understand that it had *mistakenly* thought of an act as consistent when in fact it was self-contradictory—even with no

2.2.2. The reason people are afraid of immorality

change of life-conditions.

- 8. we can distinguish **manners from morals**? **Yes**, *because* manners are the acts that people expect for the sake of social harmony and being able to predict other's actions, while morals are not really the acts that society is afraid of so much as they are essentially the acts that the people think are self-contradictory. That is, contrary to the social-pressure theory, the fear is not what *constitutes* the "wrongness" of the act, but is a *consequence* of the recognition that it is wrong, coupled with the reasoning that forms the basis of this hypothesis.
- 9. the culture can recognize that its moral code is **wrong**? **Yes**, *because* the uncovering of new facts can reveal that the culture's view of "inhuman" is incomplete or mistaken.
- 10. the culture can accept **reformers** as good? **Yes**, *because* the reformer can convince the culture that he has the objective facts of the matter.

CONCLUSION: This theory explains all of the originally observed data about the fear people have of being immoral, and also explains all the facts that the other two theories could not explain.

Therefore, it is most reasonable to say that the fear actually comes from the notion that it might actually be true that there is a life after death in which morality is rewarded and immorality is punished.

The other two theories took account of the fact that we seem to fear a hell after death, but tried to explain this away as a kind of superstition, either arising from the emotions based on early training or the peculiarities of collective experience. We saw that both of these explanations don't work.

What we have discovered here is that the fear is probably not the result of superstition, but of a *plausible reasoning process*, in which life doesn't seem to make sense on any other supposition but that of its continuation beyond death.

This means that our scientific investigation into the grounds for the *experience* of fear of being immoral has revealed that it is the result of a *view of what the facts are* on the part of the people. That is, we have uncovered a *pre-scientific reasoning process* that could actually be valid.

The next step in our investigation into ethics, therefore, should be to consider this reasoning process itself. Is it actually valid? Is there really a continuation of life beyond death, such that those who make immoral choices face a disadvantage that would outweigh any advantage in this life from such a choice, and such that those who make moral choices could somehow fulfill them?

NEW HYPOTHESIS: There is in fact a life after death which (a) makes it always disadvantageous to make an immoral choice, and (b) fulfills moral choices.

But how could we test such a hypothesis? Where would be our data?

Basically, the data come from the results of an investigation of living bodies, particularly focusing on human life. To go into detail in such an investigation is beyond the scope of a book such as this. Those interested in this sort of thing can find it in my book *Living Bodies*.

But since a philosophical investigation of human beings as living does not necessarily draw out the implications for ethics of the conclusions it comes to, I am going to summarize the findings in the next chapter, show how they corroborate the rough-and-ready rea-

2.2.2. The reason people are afraid of immortality

soning that gives people the fear of being immoral, and draw out some refinements dealing with what we can know of what this after-life must be like, based on the data that allow us to conclude that there is on.

In the next chapter, I also want to relate these conclusions to what is taught in Christianity, for two reasons: First, to distinguish Christianity from philosophy, and especially ethics; it has often been misinterpreted as a kind of “extrapolation” from ethics, when in fact it is utterly different from an ethical theory. Secondly, to point up that Christianity, if a fact (and I am not going to try to prove that it is a fact), allows for a “reestablishing” of a life that has been deliberately messed up. Our conclusion from the observable data will be that life can make sense on the level of science and reason, but only if we never make an immoral choice. Once we do so, there is no natural way to restore the damage that has been done and start over.

Since I believe that Christianity is a fact, I would not like to leave the impression that the prospects for anyone who has been immoral (and that’s all of us, isn’t it?) is eternally dismal. There is hope for sinners. But since this is a book of philosophy, not Theology, I am just going to sketch what that hope is, and leave it to the Theologians to go into detail about its nature.

Let me say this, however, before getting into the next chapter:

● **WARNING: DO NOT PREJUDGE THE ISSUE** ●

The fact that we are going to be talking about a life after death does *not* mean that we are entering the realm of religion. The hypothesis is that it is *scientifically* possible to establish that there is a life after death and to say something of its nature.

It is pure prejudice that you are talking “religion” as soon as you mention God or a life after death. Religion *assumes* that there is a

God who has told us something, and bases itself on what God has allegedly said. Science bases itself on the observable data we have before us, and may *conclude* that there must be a God or a life after death. For the scientist, whether there is a God, what His nature is, whether there is a life after death, are all *theories* which attempt to account for certain sets of observable data; and these theories are only as good as (a) the factuality of the data they are supposed to be accounting for, (b) how well they account for them, and (c) whether there is an alternative theory that can account for the data as well without using a God or a life after death as the explanation. Scientific theories concluding to such things also are subject to revision if new evidence comes to light, or if flaws are discovered in the reasoning process. Religion is not subject to these restrictions.

● PRACTICAL CONSIDERATION ●

To the extent that a culture relegates belief in a life after death to silly superstition with no basis in fact, or believes in a life after death in which there is no punishment for wrongdoing, to that extent one can predict a moral decline in the culture.

Why is this? Simply because nothing in this life provides a motivating force anywhere near strong enough to make it unreasonable in many cases to avoid immorality. People will admire the right thing, but when it comes to the crunch, do the wrong thing, because it becomes silly to do the right thing and suffer for it.

And have we not seen this in our own culture? Why has cheating become so prevalent? Because people see that they can cheat and get away with it, and if they *don't* cheat, others who do get the better of them. If you tell them, "But if you cheat, you'll go to hell," they simply smile at you. "How quaint," they think. Even believers in

2.2.2. The reason people are afraid of immorality

God nowadays think, “God loves me too much to send me to hell for a little mistake,” not realizing that it was the gentle Jesus who introduced the concept of hell into the Judaeo-Christian consciousness.

Summary of Chapter 2

The **norm** for judging the moral badness of an act is the *concrete humanity* of the person acting. This concrete humanity is the person’s actual reality, containing all of the real characteristics the person has at the time he acts, whether these characteristics are innate or acquired.

An **act** is **morally wrong** if it contradicts any aspect of the person, whether the act fulfills any other aspect or not, and whether the aspect contradicted is known or not. Moral rightness and wrongness do not depend on knowledge or choice, but on the reality of the person acting.

Acts are morally right or wrong insofar as they agree with the reality of the person acting. **Choices** are **moral or immoral** insofar as they depend on the person’s knowledge of the facts about whether his acts are right or wrong.

Acts or persons are considered morally **good or bad** insofar as they agree with our subjectively created ideals of the way we think an act or person “ought” to be. Something is also “good” if it leads to a goal we want, and “bad” if it hinders us from achieving it. **Values** are means toward achieving one’s goal, which is the subjectively created ideal of oneself that one intends shall exist. Moral rightness and wrongness and morality and immorality are not questions of moral values or goodness or badness.

Human nature is human reality as related to its acts; therefore morally wrong behavior is a violation of human nature. But “natural” in this context does not mean “what is not artificial,” nor does it mean “what is not usual.” Further, traditional natural-law ethics tries to derive the moral command from the positive tendencies of the nature, and since these lead to free goals, this cannot actually be done.

But in the negative sense, every moral theory is a “natural law” theory because moral badness always involves a violation of what the theoretician thinks human reality (nature) is.

The **moral command** has at least three basic formulations: (1) You must never be willing to act in an inhuman way; (2) You must never delib-

2.2.2. The reason people are afraid of immorality

erately try to fulfill any aspect of yourself at the expense of contradicting any other aspect; (3) You must never act in a way that is fundamentally dishonest. That is, you must not be a hypocrite.

The real issue in ethics is whether honesty is the best policy, meaning whether it is to your advantage to act consistently with the way things are.

Since choices set up goals, then immoral choices by their nature set up goals that are in part unrealizable, because in some respect they are self-contradictory. Therefore, immoral choices always involve frustration (having as a goal something that cannot be achieved).

But the fact is that there are ways of being frustrated that do not involve choosing the frustration; and it can occur that the frustration involved in an immoral choice is less than the frustration involved in not making such a choice. In these cases, it is to a person's advantage to be immoral.

But the reason people are afraid to be immoral is that they suspect that life might not end with death, and if it continues, the afterlife might be such as to make it disadvantageous to be immoral.

The reasoning behind this is twofold: (a) we see that our choices are supposed to be what controls our life; but in practice, our lives are really controlled more by circumstances than choice; and (b) the trade-off of a deliberately chosen frustration (immoral conduct) to avoid greater frustration means that the realistic thing to do is act unrealistically, the honest thing to do is act dishonestly, which is absurd.

This fits the data about the fear as actually experienced, including all of the facts that the other two theories could not explain. Therefore, it probably explains why people are afraid to be immoral.

The question then is whether this reasoning is valid, and the hypothesis to be investigated in the rest of the book is that it is: life goes on after death in such a way that immoral choices receive an effect worse than any advantage in being moral, and moral choices are fulfilled.

Exercises and questions for discussion

1. What about the view that holds that what is moral is "the greatest good (i.e. the greatest amount of satisfaction) for the greatest number?" (This is called "utilitarianism.") Can this theory make it consistent to avoid immorality?
2. Does it make sense to study ethics if you can't be immoral unless you know that an act is wrong? Wouldn't it be better not to find out?
3. Suppose somebody does something which is in fact wrong without realizing it, and then later finds out that it was wrong. What is the moral status of that person?

2.2.2. The reason people are afraid of immorality

4. If you must never fulfill yourself at the expense of some other aspect of yourself, and if frustration means having a goal that can't be achieved, then the moral obligation says you mustn't frustrate any aspect of yourself. But doesn't this mean that it's morally commanded to do all kinds of things that have been regarded as morally wrong (like having sex whenever it's frustrating not to)?

5. If being morally good simply means acting consistently with what you really are, isn't it possible to be morally good without all this business of a life after death and some kind of heaven and hell?

2.2.2. The reason people are afraid of immorality

CHAPTER 3

THE CONSEQUENCES

3.1. Can this theory be scientific? Scientists are apt to laugh at a theory that tries to establish as factual that there is a life after death, especially a life that could serve as some sort of a heaven and a hell; and so we had better consider whether they have any grounds for this, or if it is pure bias on their part.

The reason why this would occur is that the current dogma of science is that science deals only with what is (a) observable and (b) measurable, and that what science does not deal with is not “objectively factual.” Obviously, the life after death is not observable (at least until you get there, in which case it’s too late), and it’s certainly not measurable. Therefore, according to current scientific thinking, it is not worth serious consideration as “factual.”

This dogma of science, however, actually contradicts what science is doing. It is absurd to say that it is not scientifically established that there is such a thing as an “unconscious mind,” which is responsible for some phases of our (observable) behavior. But the unconscious drives and so on are neither observable (or they wouldn’t be unconscious) nor measurable. It is absurd to say that it is not scientifically established that dinosaurs once roamed the earth; but all that has been observed are the bones; no one has ever observed an actual animal like a dinosaur, let alone measured one. Furthermore, *mea-*

surement of the dinosaurs' bones is really not relevant; these bones are so obviously unlike those of any known animal that, even without measurement, they establish the fact that animals different from any present kind once existed. Measurement can come in when attempts are made to describe what those animals must have been like.

But the point is that, though the *data science starts from* is always observable, the *conclusions science reaches* do not always deal with what is observable—even observable in principle, as Heisenberg's "uncertainty" principle in physics establishes.

Scientific conclusions, when dealing with what is not observable, are based on the fact that if this unobservable entity or property does not exist, the original data are contradicted.

Thus, the scientist says that there *has* to be something unconscious that accounts for certain uncontrolled behaviors, or these behaviors contradict themselves. There *have* to have been dinosaurs, or these bones couldn't exist; and the dinosaurs *have* to have had certain characteristics (such as being carnivorous or herbivorous) or their teeth would have been different, and so on.

But then it follows that if it can be established that human life contradicts itself unless life goes on after death, it is a scientifically valid conclusion that life in fact goes on after death.

Thus, the scientific attitude toward life after death (that it is just a superstition) is scientifically groundless, given evidence that our life on earth (which is observable) is a contradiction unless life goes on after death.

3.1. Can this theory be scientific?

This is not to say that we have in fact presented such evidence by the reasoning given in the preceding chapter. But it is at least scientifically suggestive; and so scientists should be sitting up and taking notice, not simply dismissing it.

3.2. Evidence dealing with life after death As I said at the end of the last chapter, however, a detailed discussion of the evidence dealing with this question is beyond the scope of this book, and belongs in the area of Philosophy of Human Nature (sometimes called “Philosophical Psychology,” “Philosophical Anthropology” or “Philosophy of Man.”). Let me here merely make a summary of the evidence.

- **A. Human consciousness**, as aware of itself (and so containing itself within itself) is an act that “does itself” twice without being more than one single act. Such an act cannot be a form of energy, because energy, having a quantity, is limited to being only a certain *amount* of activity, and therefore cannot double itself. An act that is not energy is called a “spiritual act.”

But if consciousness is spiritual and not energy, then it does not depend on the body and its energy, and can be active without a body. Therefore, human consciousness can continue existing beyond death.

Furthermore, consciousness, as a spiritual act, cannot deteriorate or in fact change in any way, except as the spiritual “dimension” of a body which is organized in a basically spiritual way (as the human body is). Hence, after death, there can be no further dying or going out of existence.

This indicates that there can be a conscious life after death, and that this life is an eternal life.

3.2. Evidence dealing with life after death

But it is at least conceivable that, since the spiritual “dimension” of the human being is a dimension of a bodily being, this might go out of existence at death even though it could survive on its own.

- B. Nevertheless, a study of **life** and living bodies shows that all the acts of the body as living tend toward *continued existence* of the being or (as in reproduction) of the form of life. A study of these bodies confirms also that as you go up the scale of living things, there is less and less dependence on the quantitative dimension of the being’s reality.

Thus, if human consciousness ceased with death, this ceasing would be *directly contrary* to the thrust of all acts of life; it would contradict the act as a *living* act. Therefore, it would be self-contradictory for conscious life to cease with death.

This indicates that human conscious does in fact continue after death.

- C. Human life, unlike all lower forms of life, has no genetically determined “mature state.” The only thing that the genes determine is a *range* of possible “states of life.” The person himself must pick from this range (by choosing) the state of life that is “his.” Thus, it is human **choice** which specifies which life a human being is going to live, and not something built into the human from the beginning.

But if choice determines the life, it is contradictory for the choice not to be able to achieve its goals; because then the determiner of life cannot determine life.

But if life ends with death, then (a) those goals not achieved before death are necessarily unfulfilled; and (b) those achieved before death must be given up, which contradicts the fact that once a person achieves success in any area of life, he immediately has the goal of staying that way.

3.2. Evidence dealing with life after death

This indicates that life must continue after death in such a way that choices can be fulfilled, or the essence of the human as self-determining is contradicted.

This is actually the structural foundation of the first of the arguments that formed the hypothesis in the preceding chapter; it is corroborated by all the evidence that we have to try to control our lives, and in the last analysis it is “luck” and circumstances that have the real control—unless life goes on after death.

Since the goals are conceived in consciousness, it is at least possible that a conscious life after death could be such that the goals could be achieved.

● D. Finally, there is the **moral** argument, which formed the second prong of the rough-and-ready argument stated in the preceding chapter.

If life ends with death, then deliberate seeking of frustration is often more fulfilling than trying to avoid deliberate frustration and being frustrated by circumstances.

Since most people are the oppressed rather than the oppressors, what this means is that most people will have no chance to live any meaningful kind of human life, because they will be prevented from doing so by the greed and malice of those who have power over their lives. This makes it a mockery to try to live consistently with human nature.

But if consciousness survives death, and if immoral choices mean setting up as goals “goals” that are known to be impossible (because self-contradictory), then this might imply that the frustration in immorality (striving for an impossible goal) continues eternally; while the temporary frustration in this life (because not deliberately chosen) would cease, since it is not contained in the conscious act.

This would make sense of morality, and be consistent with the

3.2. Evidence dealing with life after death

other evidence.

CONCLUSION: Conscious life must continue after death, and is such as to make it possible to fulfill choices and be to one's advantage to be moral.

3.3. Nature of the life after death Is there more, based on evidence that we have available to us here, that we can say about what this life after death must be like? It turns out that there is.

First of all, since our consciousness now depends on our brain to select which act we are to be conscious of (it is a kind of spiritual “dimension” of the nerve-energy in the brain), then on the assumption that consciousness continues after death, it continues without a brain to select among the various acts of consciousness we could be having.

Therefore, consciousness after death must consist of every act of consciousness we have ever had during our life as a body, including all our choices with their consciously-set goals—all “rolled up” into one single, extremely complex act of consciousness.

Essentially, what our brain allows us to do now is to *forget* or put *out* of consciousness things that we don't happen to find useful to think about at the moment. But this means that consciousness without a brain would have to be an all-or-nothing thing: either no consciousness at all, or no possibility of being *unconscious* of anything. Since we have concluded that consciousness survives death, the second alternative must be true.

FIRST MORAL IMPLICATION: All of the immoral choices made during life will be eternally present to the person, along with the knowledge that their goals are impossible to obtain; and hence, the frustration implied in immoral choices will be eternal.

Thus, the moral command *is* the most serious obligation we have, if this is true. Any frustration we would have as a result of being moral would be something that happens in our physical life, not our consciousness, and would be temporary, ceasing with death.

But any frustration deliberately sought (by an immoral choice) is *ipso facto* an eternal frustration if every act of consciousness is part of our eternal consciousness.

Since even a small frustration which never ends is greater on balance than the most horrible frustration which ends, it follows that *it is always to a person's objective advantage to make only moral choices*. Honesty *is* the best policy, after all—not in this life, but taking this life and the eternal one after it into account.

NOTE that it is *according to the person's own standards* that he will be frustrated, because he himself set the goals that he wants but knows he must try for without being able to achieve.

So even though standards are subjective, the punishment of not being able to achieve your goals makes it always to your disadvantage to be immoral.

Hence, we need not assume that there is an angry god who is going to slap us around for doing what he doesn't like. (Which is fortunate, since it can be proved that that kind of a god doesn't exist.) All this theory states is that if you want to choose your own

3.3. Nature of the life after death

frustration, then, since your consciousness doesn't stop, you choose eternal frustration.

SECOND MORAL IMPLICATION: Moral choices made during this life will find their fulfillment somehow after death.

The reason for this is that if it doesn't occur, then the totally moral person (one who made only moral choices during life) would not have fulfilled all his goals before he died (as we saw in Argument C above). But if consciousness goes on after death, the consciousness of having unfulfilled goals would also go on after death; and since no change is possible once death occurs, this consciousness of having unfulfilled goals would be eternal. But that means that the moral person would be frustrated eternally also. The essential state of the moral person and the immoral person would be the same.

Actually, this would put the moral person in a *worse* position than the immoral one, because the immoral person chose his frustration because—in this life at least—on balance he was better off, while the moral person made his moral choices in spite of disadvantages in this life—in the hope that he would be better off after death.

Hence, if moral goals are not fulfilled after death, then it is objectively advantageous for a human being to act inhumanly, or to seek his own disadvantage, and so on, and moral and rational activity is contradicted, as we saw in Argument D above.

It also follows that it is impossible to achieve goals (whether moral or immoral), and so Argument C is also contradicted.

Hence, if a moral person cannot achieve his goals after death, this knocks the props out from the best evidence that there *is* a life after death in the first place; not to mention that human life as such makes no sense.

3.3. Nature of the life after death

CONCLUSION: after you die, you will eternally be and be conscious of yourself as, everything you have chosen to be; no more than that, but no less either—unless you have chosen to be something impossible, in which case you will be eternally frustrated in that aspect of yourself.

Note that this second clause, the eternal frustration, means also that you will eternally be what you have chosen to be, because, knowing that the goal was impossible, you chose to have it as a goal anyhow; and therefore *what you chose to be was frustrated*.

And this makes sense out of life. What more could we ask than to be just what we ask to be? You can be whatever you want (so long as it is in principle possible for you); and you will eternally be just this: you will not be forced to be any greater, and you will not be compelled to be any less.

3.3.1. Relation of this theory to others

This is not a book whose purpose is to go through the history of philosophy and give and critique all views of ethics; it is supposed to be building a view based on the best objective evidence available.

Still, I should mention where my view stands in relation to the major theories of ethics. We have already seen that I think that the **emotivist** theory of ethics is false: that is, that what is morally right is a matter of your “deep-set feelings” about things. The problem with this view is twofold: (a) we can feel fine about doing something we *know* is inconsistent with ourselves (and vice versa); and (b) in the last analysis, it doesn’t matter how you feel about something; what’s wrong is still wrong—so it can be tremendously to your advantage to get your satisfaction by stepping all over other people’s rights.

Secondly, **deontological** theories of ethics stress that there is a *command* to avoid what is wrong; but the most famous of them

3.3.1. Relation of this theory to others

(Immanuel Kant's) doesn't tie this "categorical obligation" to any reward or punishment. But then *in practice* all this means is that if you choose what is wrong, you're being immoral. Big deal. If that's all that happens to you, and what you gain by it is fame and fortune, why bother?

Thirdly, **consequentialist** theories define what is right and wrong in terms of the results. For instance, Utilitarianism says that what is "good" (i.e. morally right) is what "brings about the greatest happiness of the greatest number." But (a) this implies that if you violate someone's rights (and so act inconsistently), you might be bringing about fifty people's happiness—and so this theory makes "the end justifies the means" into a recipe for doing *good*, of all things. Also (b) why should *I* care about "the greatest number's" happiness if I have to suffer for it?—unless there's something in it to motivate *me* to do what I have to do. So this view not only gives a silly definition of what's right and wrong, it provides no practical motivation for doing what even it calls the right thing.

The point is that, as the "deontological" theories stress, there has to be a command that makes you do what is consistent with what you are; but at the same time, there have to be consequences making it always to your disadvantage to act in any other way. Without **both** of these, all the discussions of morals are a waste of time; and I submit that the "natural-law" theory as I have outlined it, coupled with an afterlife of reward and punishment, is the **only** theory that can make sense out of why it is necessary always to avoid what is morally wrong.

3.3.2. Happiness and enjoyment Things are not quite as rosy as they might seem, however. There are several "hidden variables" in this equation that we must take into account. First of all:

3.3.2. Happiness and enjoyment

The condition of our afterlife does not depend on what we would like to be, but on what we choose to be.

Thus, if a person enjoys, say, fixing automobiles, and instead of becoming a mechanic chooses to go to college and get a degree and become a business manager, *he has rejected as his goal in life the thing that he enjoys doing*. Therefore, he will not, in his life after death, be “fulfilled” in the auto-fixing aspect of his life, because he had the chance to choose this as a goal and explicitly chose not to do it but to do something else. He will eternally be the manager he has *chosen* to be and not the mechanic he would *like* to be.

- **DEFINITION:** *Success* is doing all the things you have chosen to do.
- **DEFINITION:** *Happiness* is the knowledge that you have achieved success.
- **DEFINITION:** *Enjoyment* is doing something that is emotionally satisfying.

The relation between happiness and enjoyment is this: In the first place, *enjoyment* deals with the fact that because of our body’s particular genetic structure (as, some people are muscular, others not), our early training, and habits we have acquired, certain acts are easy to us and pleasant, and others difficult and unpleasant.

Our body, in other words, has an *inclination* to certain types of activity rather than others; and performing these acts results in emotional satisfaction.

These acts to which we are inclined by our bodily structure and habits, however, may not even be acts that we can *morally* choose. It does not follow that if an act “fulfills” some *one* aspect of yourself that it does not *contradict* some other one; and **if it does so, then**

3.3.2. Happiness and enjoyment

to choose to enjoy yourself in this way is to make an immoral choice, and therefore to be eternally frustrated.

Obviously, in this case, to choose to enjoy yourself brings the very opposite of happiness, because it sets up as a goal in life something you know you can't really achieve.

And since we are free, we do not *have* to choose to perform these acts. If we choose not to perform them, then they are not part of our goal in life—and therefore, the enjoyment implied in doing them is not part of our goal in life. We may *like* doing what is enjoyable, but if we choose not to do it, we do not *want* to do it.

Essentially, when you choose to do something other than what is enjoyable, what you are doing is saying that, taking all the effects of your acts into account, the sum total of the effects is “more yourself” in doing the non-enjoyable set of acts than in doing the enjoyable one. Thus, the person who chooses to be the business manager rather than the mechanic considers that he would rather have the higher status and salary that he thinks will result from the business career than the enjoyment in fixing cars.

And this is precisely what human freedom implies. We are not bound to choose what is more enjoyable; we can choose anything at all as a goal; and if that goal is in principle fulfillable (i.e. not self-contradictory), then that goal becomes part of our happiness when we achieve it, whether or not it is part of what our “built-in” inclinations headed us towards.

But this means that if we enjoy some activity, we had better choose it as a goal here in this life, because it will not occur after death unless we do so.

Now of course, this does not mean that the act has to be one of the main goals in your life; you can choose it as a hobby or avoca-

tion. Our businessman, for instance, can tinker with cars in his spare time, and so being a mechanic is *part* of his life, if not (now) the major part. The point is that if he *rejects* this as part of his life here on earth, he cannot expect to find it waiting for him after he dies.

3.3.3. No forgiveness The second hidden implication in this theory of morality and its relation to the life after death is rather horrible to contemplate. This theory makes sense out of life, because we get just exactly what we ask for, including frustration, if that is what we choose.

But once you have chosen a self-frustrating goal, there is no way you can remove the choice and its consequent frustration; it is from then on part of your eternal consciousness.

Well, suppose you realize what you have done afterwards, and then repent. What does that do?

First of all, notice that “realizing what you have done” does not mean that you *made a mistake* when you made the immoral choice; it simply means that you didn’t (a) *experience* the effects that you foresaw, and/or (b) foresee *all* of the consequences of the act you chose to do.

But you can’t be *immoral* in your choice if you don’t realize that there’s *something* self-contradictory about it. If the choice was the result of a total mistake (so that you didn’t suspect that there was anything wrong with it), then you didn’t in fact set up self-contradictory *goals* for yourself, and so there is no frustration in your *consciousness* which would carry over to the next life. Hence, an immoral choice is *always* a *deliberate* attempt to frustrate yourself at least to some extent.

3.3.3. No forgiveness

With that said, then, all that *repentance* does is set up *as a goal* not *having made the choice which you actually made*. But this does *not erase* the previous choice; it merely *adds* the choice “I choose not to have done this.” But that choice, of course, is itself self-contradictory, because you *did* do it. As Lady Macbeth said, “What’s done cannot be undone.”

Hence, the person who repents of an immoral choice is actually doubly at cross-purposes with himself: he has the self-frustrating purpose implied in the immoral choice, and he has as a purpose not to have this purpose which he has. Repentance does you no good.

But this does not mean that, once you have been immoral, it makes sense to say, “Well, as long as I’m damned anyway, I might as well enjoy myself,” and to continue to make more immoral choices.

The reason for this is that there are *degrees of frustration*, depending on *how important* the goals are in your life. One immoral choice in your whole life sets up an unfulfillable goal as a goal in your life; but if this is the only one you have, then it probably doesn’t figure very heavily in your definition of your “true self,” and so wouldn’t bring much frustration along with it.

But if you choose this goal again and again, or choose many self-contradictory goals, then these goals become increasingly important to you, your definition of “the true self” turns more and more around these acts (and consequently depends on the impossible “fulfillment” of these goals); and therefore more and more of you remains unfulfilled (because unfulfillable) eternally.

3.3.4. The afterlife and God There are those who would react to this in this way: “But God loves us too much to leave us frustrated forever, especially if we repent of what we have done. He’ll forgive us for offending him.”

Unfortunately, this conclusion simply doesn’t follow either from the evidence dealing with morality or the evidence dealing with what

God is.

The evidence that there is a God at all (which I am not going to go into but which you can find, for example, in my *The Finite and the Infinite*.) indicates that God is totally incapable of being affected by anything that happens in the world; so our immoral choices do not “bother” him in any way; and so for him there is nothing to forgive.

God’s “love” for us consists, not in some “affection” for us, which is “saddened” if we ruin ourselves, but in the fact that when he does something for us, *he* gets nothing personal out of it. Fundamentally, God’s love for a free creature means *an infinite respect for that creature’s reality*. If, then, the creature deliberately chooses to mess up his life, then it would be *contrary* to God’s love to save him from the consequences of his choice—because it would be to *take control over his life from the creature*.

But this would again contradict Argument C above, because ultimate control over our lives would then only *apparently* be in our hands, but would actually be due to God, or “luck.” A person who didn’t *want* to be happy would then be *forced* to be happy in spite of himself because of “God’s love.” Furthermore, if God’s “love” is such that the immoral person is actually going to be made happy eventually, then again it makes sense to be immoral and be forgiven than to be moral and suffer—which contradicts Argument D, and therefore contradicts the evidence that there is an afterlife at all.

Granted, the immoral choice, as an attempt to be “independent” of God (and be one’s own creator totally, as if one had no limits), is objectively an “offense” against God (who set the limits), and as an “offense” against the Infinite, can be called an “infinite offense,” this still does not mean that God is *offended*, let alone infinitely, by our silliness. So the “offense” in this sense does not need to “satisfy” the offended party, because he isn’t offended (in the psychological sense).

3.3.4. The afterlife and God

In any case, the statement, “God loves me too much to let me be frustrated eternally” contradicts the evidence for saying that there is a God at all, as well as the evidence for saying that there is a life after death.

Remember, eternal frustration for immorality doesn’t mean that you have made God angry, and he’s going to get even by punishing you. All it means is that if you want to frustrate yourself, you get what you want. Your choices don’t bother God; and if that’s what you want, why should he do anything about it?

So a belief in a God is no way out of the mess you get into by making an immoral choice. And if you believe in a God that will save you in spite of yourself, then you believe in a God that doesn’t exist, because that kind of God can’t exist.

3.3.4.1. Theological note on salvation This is as far as philosophy goes. It turns out, however, that the actual truth goes beyond this in an important way; and I would not like to leave readers with a false impression, simply because in a book on philosophy one has to stop at what can be proved based on observable data.

Hence, in this section, I am going to be talking about what I believe is true and factual; but the evidence is not the data about life, but the Bible (specifically, the New Testament) and Christian tradition. There is evidence for saying that the New Testament is reporting facts; but I am not going to go into that. Suffice it that what I will be saying here is outside the realm of philosophy or science, but that this does not mean that (a) it is unreasonable, or (b) that there is *no* evidence in its favor.

There *is* scientific, philosophical evidence that our nature is “fallen”; as embodied spirits, (a) we ought not to have to die, because our spirit is by nature one that organizes a body, and if it is deathless, so should our body be—which makes a purely conscious eternal life

a paradox, since for practical purposes the whole of our lives is spent being only part of ourselves. Further (b) as embodied spirits, our consciousness ought to be in complete control over itself; but our emotions can sometimes take over control of our actions in spite of our choices—in which case our own mind in its emotional dimension is at war with itself in its reasonable dimension, which is absurd, since it is the same mind.

How we got this way, philosophy cannot say; but the Adam legend sheds light on the subject. I am not going to pursue this here, however. The fact is that we *are* this way; and what is important for my purpose here is that this means that *when we make a choice, our whole personality is not wrapped up in that choice*, because (a) we do not necessarily have all the information dealing with that choice available to us (we can forget relevant facts), and (b) the conflict with our emotions makes the choice to be immoral less “totally ours” than if every aspect of our mind was completely dominated by the choice.

Furthermore, *since our lives are now spread out in time, with only one small aspect actualized at any moment*, it is therefore *possible, while we live as bodies, for a choice to be erased without destroying the whole person*. For a pure spirit, like an angel, an immoral choice can’t be erased without annihilating the whole angel, because the choice isn’t a “part” of him, but a dimension that permeates and “colors” the whole—just as you can’t “remove” the mass of a body without annihilating the whole body, so with a pure spirit, any “act” of consciousness is not part of a system of acts, but simply a way of looking at the act as a whole.

But this is not how it is with our consciousness, since it spreads itself out in time, and especially since it is in conflict with itself. It is not (in this life) totally present to itself. Hence, there is no contradiction in (a) our repenting of a choice we have previously made, or (b) in that choice’s being erased while leaving us in some sense the same person.

3.3.4.1. Theological note on salvation

There are three *difficulties* with this, however. First of all, as I mentioned, repentance of itself cannot erase the previous choice, but only adds the choice not to have done what we have done. In fact, since the only thing we can do by ourselves is *forget* (which does not mean erase, but simply file out of the conscious area temporarily), then there is nothing at all we can do to erase an immoral choice we repent of. *Hence, if any erasing of our choices is done, this must be by a miraculous intervention of God.*

Secondly, there is no *reason* why God would do a thing like this. When we made the original choice, we knew what we were doing, and the repentance afterward does not change that. So to leave a person with a repented immoral choice is not unjust, unfair, unmerciful, or unloving of God.

Nevertheless, since the original choice was not something we were totally committed to, then there is *no reason why God would not* erase such a choice if we repented of it. It is not that *he* cares, one way or the other; and so there is no reason why he should do one rather than the other. But this means that a loving God *might* indeed do the act of erasing our sins for us.

But, thirdly, it is still true that *each choice forms a dimension of our eternal lives*, and that we create our personality bit by bit by the choices we make through time. Hence *if a previous choice is erased, this means that in a real sense we will be from that moment a different person.*

That is, a person who wants to give up a previous choice he made can't simply give it up the way he can take off a coat he is wearing. That choice has infected his whole being; *everything* about him is different (in some way) because of it; and hence if it is removed *everything* about him is *going to be different* in some unknown way.

Therefore, a person who repents and wants his sin erased must be willing to reject himself, to give up the person he is and become someone else. Who? Not just "the same one without the sin." In

fact, the person whose sin is erased *is given, in addition to the newly-formed personality, the life and thought of God himself; he becomes YHWH, or the man who is YHWH embodied, Jesus.*

It is impossible to be saved and to remain the same person. He who wishes to be saved must be willing to give up his self and become a new creation—to live the life Jesus lives in addition to a transformed life of his own.

That’s just the way things are. God could have arranged things differently, so that we would simply live a transformed human life after the erasure of our sins. But he chose to lift us in addition totally beyond the finite and to make us live his own life—which is something totally beyond human desires or goals (in fact, to choose to be God would be immoral for a human being, as contradicting his finiteness; this divine life must be a gift, not a goal).

If you don’t want to accept this condition upon salvation, that’s fine with God. It’s there if you want it. He became man and died the horrible death he died, not to show us how horrible to him our sins are, but to show us graphically that he didn’t care about himself and to prove that the fantastic gift is real. That is, *he* gave himself up to death as an example that we *can*, if aided by him (if we take up our cross and follow him) die to ourselves; that his love extends far beyond what is “necessary” or “merely sufficient,” and that by giving his life *for* us it is reasonable to believe that he gives his life *to* us; that failure does not matter, because after death there is resurrection; that the body we lose will not, in fact (as philosophy would seem to imply) be lost forever, but by a miracle will be restored glorious—and to show a thousand other things that make life not only make sense once again for the sinner but make it beautiful beyond our wildest dreams. “No eye has seen, nor has ear heard, nor has it entered the

3.3.4.1. Theological note on salvation

mind of man to conceive what is in store for us.”

All this is true, if in fact Jesus came back to life after he died. This is what his Emissaries, who were there, swore happened. If it didn't, then the whole thing is a noble, beautiful, wonderful fairy-tale, and a dream, and philosophy is the whole truth, and there is an afterlife, and we are eternally cursed with our sins.

3.4. The meaning of life But with that said, let us return to philosophy and what it can tell us about our lives. Given the conclusions we have reached, what does the nature of the afterlife tell us about what life (this life plus the one afterwards) is all about?

Since we are self-determining, our life in itself does not have purpose or meaning; we *give* it its meaning and purpose by our choices.

What this amounts to is that it is impossible to *discover* what your life is “all about” or “really means,” because the constitution of the human person is such that he *has no* built-in purpose, but gives his own life directions toward goals of his own choosing.

And there is nothing about us that means that we *have* to select this goal rather than that one. The moral obligation simply says “Do not try to select self-contradictory goals”; but a self-contradictory goal is not a real goal, simply because it is the opposite of itself. So there is nothing in morality that says one real goal is to be chosen rather than another; what you want to make of yourself is up to you, and is not imposed on you by (a) your nature or (b) God.

So to ask God, “What is your plan for me?” as if you could find out from him what your particular goal in life was (what he wanted you to be) contradicts the fact that he created you self-determining. His plan for you is the life you choose for yourself; there is nothing

he “wants” you to be other than exactly what *you* choose to be. Even if you choose to be eternally frustrated, that is his plan for you: because he created you to be the master of your own eternal destiny. *You* make God’s plan for you; it is not the other way round.

Many people would actually like things not to be this way; they would like to be like animals, which are not self-determining, and whose mature state is built-in from the beginning. Animals are not responsible for what they become; they can’t help themselves. But we are, and we can. What we *can’t* do, if this theory of life is correct, is *avoid* “helping ourselves,” and being *totally* responsible for the eternal selves we will be.

What you will be for eternity depends solely on your free choices; you cannot “blame” the environment, luck, God, fate, parents or anything else, because even though these things affect the life before death, they do not force us to choose.

Thus, the eternal future state you will be in is the sum of the goals you have chosen. And this is the whole meaning and purpose of your life. It has no other.

3.4.1. God as the “real” goal of life? There are many Christian philosophers who have tried to amalgamate their Christian belief into their philosophical systems, and have called God the “ultimate goal” of any human being’s life, and so the standard of and objective kind of moral “goodness.”

The reasoning goes this way: The human will desires the possession of the good; but since it desires this in the abstract, it cannot be satisfied with the possession of any finite good; but possessing an infinite good could satisfy it, and therefore, the will desires the pos-

3.4.1. God as the “real” goal of life?

session of God, and hence God is objectively the goal of our choices or our “final end and good.”

There are several difficulties with this. First, it assumes that, if I *could* “want to possess” more, then I *will*, and won’t be satisfied with the way I am. But this is not so. The goal is simply an imagined “self” that we set up as something to try to reach; and if it *could* be greater, this does not imply that we *want* it to be greater. You *could* enjoy listening to Beethoven’s symphonies rather than Jethro Tull or Madonna; and this is an objectively higher (because more complex) type of musical experience. But it doesn’t follow that you “secretly want to.” Beethoven isn’t *better* music than the Beatles, objectively; his music is *more complex, more varied, more intricate*, etc., but it is “better” only for the person who considers listening to complex music the ideal, rather than in being easily entertained by interesting sounds.

Secondly, for the “possession of God” to be a goal which would satisfy all *possible* “desire,” I would have to want to possess God *infinitely*, because to possess him as I now do, knowing little about him and caring not that much for him is hardly the ultimate in “satisfaction.” But this makes *being God* a goal for a creature—which, as I said earlier, is immoral, because it contradicts the finiteness of one’s nature.

Hence, the possession of God is not the goal of our lives; our lives only have the goals *we set* for them; and the sum of these goals is *the only purpose we have*, and this is what *being good* is for us. But this varies from person to person.

Well, what of the purpose God had in creating us? Isn’t that God? The *reason* God created us was himself, in that he recognized that his power was such as to be able to do this, and he had no need of us. But all that means is that he created us because he could; not because he “wanted” something from us. But we fulfill that “purpose” simply by existing, not by having him somehow as a goal *toward which* we

3.4.1. God as the “real” goal of life?

are supposed to work.

Therefore, we give our life its purpose, which means we create the ideal which is to be our “true self,” and this ideal will be eternally realized, as long as it does not involve any contradictions; and hence the life after death will be the “good life” for each of us; but in each case, the “good life” will be different.

It is now our task to look into our choices more closely, to see their relation to the actual facts, the facts we know, our emotions, and the various aspects of ourselves.

Summary of Chapter 3

Even though this theory concludes to a life after death, it can be scientific, because scientific theories, starting from what is observable, often conclude to what is unobservable, if this is the only way to save the observable data from contradicting itself.

The *evidence* that life continues after death is (a) that human consciousness doubles itself in one single act, which means that it is spiritual, not energy, and therefore can exist without a body; if it does so, it does so unchangingly, immortally, and eternally; (b) as an act of life, it partakes in the nature of life, which is to continue indefinitely, and so would not cease at the death of the body if it could go on; (c) if consciousness ended with death, this would mean that human goals could not be reached, which contradicts the fact that humans by nature cannot avoid determining themselves by setting goals, since human life has no built-in goal; and (d) if consciousness stopped at death, it would be reasonable to act immorally, which, as setting unrealistic goals, is the unreasonable thing to do—which is absurd.

Since forgetting depends on keeping energy out of certain areas of the brain, then the conscious life after death cannot forget, and so is the sum total of all experiences we have ever had, including all our choices, present together eternally and unchangingly.

Therefore, any immoral choice, which intends to achieve a goal which cannot be achieved, necessarily involves eternal frustration, which, even if small, is always greater than any advantage which ends with death; thus it is worth it to be moral, even if one suffers for it in this life.

Moral choices have possible goals; and since the moral person with

3.4.1. God as the “real” goal of life?

eternally unfulfilled goals would be worse off than an immoral person, it follows that all goals will be eternally fulfilled after death (except the immoral—self-contradictory—ones). This makes it worth while to be moral.

So this theory is not an “emotivist” theory, since we saw that how you feel about things has no relation to whether your act is right or wrong. It is not just a “deontological” theory (stressing the command), since those theories don’t give any practical advantage in doing what is commanded; and it is not just a “consequentialist” theory, since what is right or wrong is not defined by the consequences of the act, and it is only the consequences in the life after death that make it advantageous to do what is right.

Success is the fulfillment of goals; **happiness** is the knowledge that one has fulfilled goals. **Frustration** consists in not being able to achieve your goals. The afterlife is a happy one for the moral person. **Enjoyment** is doing what is emotionally satisfying; and the moral person will only enjoy his eternity if he chooses as a goal something he finds enjoyable. If what he finds enjoyable involves a self-contradiction of some other aspect of himself, this will be eternally frustrating.

Once an immoral choice has been made, there is no way a person can erase it. Repentance merely sets as a goal the self-contradiction of intending not to have made a choice which one has made, but does not erase the previous choice. Thus, any immoral choice inescapably results in eternal frustration; to make more immoral choices merely means that the frustration will be worse eternally. Since God is not really offended by the immorality, then God cannot “forgive” the insult to him.

(God can erase an immoral choice, however; and Christianity believes that he does do this if the person repents and is willing to give up his reality and become Jesus in love. But this erasure of immoral choices is miraculous, and there is no scientific evidence that it happens.)

Our self-determination means that we create by our choices the meaning and purpose of our life; in itself it has no purpose. There is nothing we can blame but ourselves for our eternal life, because our choices are under our control.

The possession of God cannot be the “real” goal of life, because it is possible to be unsatisfied when possessing God unless one possesses God infinitely, which means being God—and to have this as a goal is immoral for a creature. In fact, our purpose is the set of finite goals that we have chosen during life, and this defines what the “true self” is to be.

3.4.1. God as the “real” goal of life?

Exercises and questions for discussion

1. But the fact that God is really forgiving vitiates the whole argument, doesn't it? Because it means that if you deliberately do what is wrong, you can repent and everything will be OK. So the immoral person wins again.

2. It doesn't seem fair that a person who, to be moral, has given up much of what he'd enjoy doing, can't be doing those things after he dies. Isn't he worse off than the immoral person, who after all did do them for a while?

3. If there is no forgiveness for any immoral choice, isn't that cruel on the part of God, given how weak we are?

4. If there is no built-in purpose or meaning to our lives, does this imply that the life after death is a meaningless, purposeless life?

5. Suppose a person gets murdered, and as he dies he makes a purpose of his life letting people know he's been murdered. Could this allow for the possibility of ghosts?

6. If one of your goals in life is actually doing some good on earth after you die, does this mean that dead people can really change the world?

3.4.1. God as the "real" goal of life?

CHAPTER 4

FREEDOM AND RESPONSIBILITY

4.1. The choice as free The theory that morality makes sense because life goes on after death seems to hang together, so far at least. It supposes, of course, that there is a difference between our acts and their consequences here on earth and our choices and their eternality. It also supposes that these choices are always under our control; because if they aren't, then (a) self-determination and eternally being what you chose to be is nonsense, because you had no control over the choice; and (b) eternal frustration for immoral choices over which you had no control would be self-contradictory and unjust. In other words, if our choices are not free (whatever may be said about our acts), then life is once again nonsense; the whole theory collapses, and so does any attempt to make sense out of life and morality.

This in itself constitutes a proof that our choices are free—at least in the sense that they are under our control. There is, however, other evidence that leads to the same conclusion; but this evidence, like that for immortality, is the proper subject of the Philosophy of Human Nature, and so will not be treated here (once again I refer you to *Living Bodies* for a more extended discussion).

Let me just sketch the evidence for those who simply want to see an overview of what it is.

- (A) The choice, which is conscious of itself, is a spiritual act, containing the whole of itself within itself (e.g. whenever you choose, the choice includes the choice to choose now—and not postpone it—the choice chooses itself). Such an act, as directly within itself, cannot be deceived about itself (because there is nothing “between” it and itself to fool it); and since it recognizes itself as in control, then this must be true.
- (B) If the choice were not free, then our idea that we could have chosen differently must be a delusion based on ignorance of what is making us choose. If this were the case, then those who have unconscious things directing them would have to feel freer than those who know what is influencing them. But neurotics do not know what is making them do things, and yet feel *unfree*.
- (c) People feel unfree in the situation in which they *choose* to do something and then find that they can’t carry out the choice. But if the choice is forced, then what forces the choice would also force the act; it would be contradictory for the act to be forced in the opposite direction.

Hence, the evidence confirms what we need for our theory: that our choices are free, even when our acts aren’t.

4.1.1. Characteristics of free choice

Obviously, we are not free in every sense of the term. I just got through saying that our *acts* are not always under our control. Also, when someone threatens us, even though we *can* choose to do what he threatens us not to do, we aren’t *as* free as we were. So let me list the characteristics of the kind of “freedom” that is relevant to our present discussion:

- **1. Our choices are *always under our control*.**

That is, it is always *possible* to choose *any* of the *known* alternatives (and always possible to choose not to choose now), whether those

4.1.1. Characteristics of free choice

alternatives are reasonable or realistic or not.

- **2. Nothing unconscious can directly affect a choice. Our choices can be *influenced*, but *only* by *facts we know* at the time we make the choice.**

The first part of this point says that options we are not consciously aware of cannot be chosen. If you don't realize (at the time you make the choice) that you can, say, leave the room, you can't at that time choose to leave the room. Further, you can't use as a motive (a "reason") for your choice some information you have forgotten at the time you make it. If you decide to buy a car and you choose to buy a less expensive one because you don't think you have the money for the down payment—and the next day your tax refund comes—the fact that the information about it was "filed" in your unconscious didn't affect the choice.

And this brings us to the second part. These facts are the *reasons* for which we make the choice, or its *motives*. We do *not* choose based on emotions we have, *except insofar as the fact that we have the emotion figures as a reason for choosing*.

Be very clear on this. When we choose to do something because we like it or it feels good, it isn't the feeling that influences the choice, but our *knowledge* of the *fact* that the act we choose will make us feel good. Similarly, if we choose to avoid some act because we are afraid, it is not the fear itself but the fact that we have the fear that is what influences the choice.

This is a very subtle little distinction, but very important.

- **3. The choice has *control* over *how much* each known fact is going to influence it.**

That is, we choose not only the act we perform, but *we choose the reasons for which we perform it, and we choose how important those*

reasons are for the choice.

We are *not* at the mercy of the “objective weight” of the motivations for the choice; we *make* the weight and importance of these motivators by *choosing* which is to be important, which is to be insignificant, and which is not to figure at all in the choice.

So, for instance, when you are wondering whether to buy an expensive suit or a stereo system instead, you weigh the fact that the suit will let you “dress for success” for your job interviews, that it will make you look nice, that it will be the envy of others, etc., against the fact that the stereo will allow you to hear Starship without distortion (?), that you can invite others to your house without shame for parties, etc. You then put these facts in an order of importance which *depends on you*, not on some “objective goodness.” (This is where the subjectivity of goodness comes in.) You may recognize that objectively, it is more to your long-term advantage to buy the suit, but you *choose* to make, say, the looks of the stereo in your room the most important consideration, and buy the stereo *for that main reason*. You choose to ignore what your parents will say.

● **4. Feelings, habits, instincts, and drives affect choices *only indirectly*, by (a) making us *unaware* of facts we might have known if we were calm, or (b) creating *illusions* that we take to be facts.**

Feelings, then, *affect* choices (indirectly, not directly) by creating *misinformation*. We then use this misinformation as the reasons on which we base our choices, thinking that we are basing them on facts. Either that, or the emotions *conceal* information; and we base our choices on *fewer* facts than would otherwise be available to us.

Thus, a person who is in love simply cannot understand what someone else is talking about when the other person says that his beloved is, say, selfish; his emotion prevents him from being aware

4.1.1. Characteristics of free choice

of this. Similarly, he sees his beloved as more beautiful than she really is, because his emotions are “enhancing” his perceptions.

Note that the choices in this case are still free, and the emotions did not “force” them. It is just that they are *more ignorant* than they would have been if the emotion hadn’t blinded the person.

- **5. Our *acts* are never free. They are ordinarily forced by our choices, but may be forced by emotions or habits in spite of the choice.**

We often choose to get into habits, in fact, because we don’t want to be bothered deliberating and choosing about the minor affairs of our lives. The habit amounts to a “programming” of the brain so that a given response is automatic upon a certain stimulus; as, for example, when you get into the bathroom in the morning, you reach for the toothpaste and brush.

Sometimes these habits (and emotions) can be so strong that they operate even when we choose to stop them. Then the person feels out of control. His *choice* is still under his control; but his *act* is not, because it is not under the control of his choice.

- ***Note on terminology:***

This is something else that belongs in the Philosophy of Human Nature, but has a certain relevance here.

Acts can be called *analogously free* when they are the acts we choose to do (because the choice is free). Thus, when I choose to type at this computer, the act of typing is a “free” act, because I could have chosen to do something else (and presumably would be doing it). Actually, the act is *forced* by the (free) choice.

Choices can be called “less free” or “not free” insofar as they are *made under a threat*. The choice is still *free* (choices are always free)

in that it is *possible* to choose to act in spite of the threat; but the threat (the warning that some harm will come if you make a certain choice) makes such a choice positively *unreasonable*. That is, no reasonable person would (or morally could) deliberately choose harm to himself; and so threats give a person only one *reasonable and/or moral* option. The freedom to act unreasonably is not a realistic freedom. It is in this sense that the victim says to the robber, “You leave me no choice.” *Freedom from threats is sometimes called liberty.*

There are other senses of “free” and “not free,” but these are the ones that are apt to cause difficulties in ethical investigations if one is not aware that there are these different meanings.

4.2. The general moral rule I think it now can be seen why it is the choice that is moral and immoral and has eternal implications; only choices are always under our control. Our acts (morally right or wrong) may or may not be, and in any case, the moral rightness or wrongness of the act may not be known to us.

Let me refresh your mind with the first statement of the moral command:

● **GENERAL RULE OF MORALITY: You must never *be willing* to do what is morally wrong (i.e. what is inhuman in some respect).**

There is a lot hidden in this rule. What it says is that “to be willing” to do something wrong is the same as to *choose* to do what is wrong. That is, **your choice is immoral even if you don’t precisely *want* the wrongness in what you choose, as long as you see that it’s there, and you’re willing to put up with it.**

So, the thief doesn’t precisely want the self-contradictory situation of pretending he owns what he really doesn’t; he just wants to be able to watch “The Cosby Show” on the set he stole, and he’s *will-*

4.2. The general moral rule

ing to pretend he owns the set in order to do it. He'd *rather*, perhaps, watch it on his own set, but he chooses to watch it on this one. That choice to steal the set is *immoral*, even if the pretense is not his goal.

Now of course, you can't be willing (or choose) to do something you don't know about (as we saw above); so **this willingness depends on your factual knowledge.**

But this is quite a complicated subject, as it works itself out in practice; and so let us start with something fairly simple: the relation of emotions and how you feel to the morality of your choices.

4.3. Morality and emotions Since morality depends on the choice, which in turn depends only on our awareness of facts, not on how we feel, then it would seem that emotions, habits, feelings, and drives are completely irrelevant. Unfortunately, this isn't quite true, because emotions, habits, and so on can affect information you have, and can also take over control of your actions in spite of your choice.

Since this is so, then based on the general rule above, we can make this application:

- **RULE: We must never be willing to *let* emotions force us into doing what is morally wrong.**

Let us unpack this rule. First of all, what it says is that the excuse, "Well, if I go over to her house, I'll be so blind with desire that I won't know what I'm doing and so I won't be making an immoral choice" is fundamentally dishonest. Granted, *at that time* you might be out of control of yourself, and so your choice *at that time* (because of misinformation or the emotion's controlling your act in spite of a moral choice) might not be immoral.

But since you *now* foresee that this might happen, then your

choice now to get into that situation means that *you are now willing to have it happen*; and so your choice *now* is immoral. You are actually willing to do whatever you might wind up doing when out of control.

We must *choose to avoid* situations where we have reason to believe that emotions or habits will blind us or take over control and lead us to do what is morally wrong.

Note first that you have to have *reason to believe* that this will happen; actual evidence (facts) that indicate that this result is probable. The fact that your emotions *might* take over control (“Things like that can always happen”) is *no* evidence that they *will* take over. A man who dances with a woman he is attracted to *might* become so sexually aroused that he would take her out and rape her; but this possibility is not a realistic one except in the case where a person knows this has happened before to him. People in general can dance without becoming that sexually aroused; and so, even if you have never danced before, you have no reason to think that you are going to go blind with desire—and so it would not be immoral to choose to dance with someone you are attracted to.

Secondly, note that the emotions may be operating at the beginning of the situation, so that you may already be out of control to some extent.

The alcoholic, for instance, can’t control himself in the presence of liquor, and he knows this. In general, then, he has to choose not to go to bars. It doesn’t follow, however, that if he *goes* to a bar, he has (a) chosen to do so; because his need for a drink is already so strong that he might not be able to prevent his going even if he chooses not to go; or (b) he has chosen to go to the bar knowing what he is doing; because the need for a drink may be so strong as to

4.3. Morality and emotions

blind him into thinking that he is just going there to meet a friend (and that's the only reason he *chooses* to go).

So it is a fallacy for someone observing such a person to say, "Well, if he can't control himself when he gets there, he can at least choose not to go there; and so he's to blame anyway." This might be the case and it might not; just as it might be the case that this time he can control himself when he gets there. No outsider can judge the effect emotions are having on a person's acts (so that he doesn't act the way he chooses to act) or information (so that he doesn't at this moment know fully what he is doing).

Note thirdly that very often the person himself afterwards does not know to what extent emotions took over control of the act or blinded him to information he *now* is clearly aware of. It is always *theoretically* possible to control your acts by choosing; it just doesn't work that way in practice; and so you can always say to yourself afterwards, "If only I'd tried a little harder, I could have prevented that"; and this might be true, and it might not. Or you can say, "Well, I knew that I shouldn't have done that" because you *now* know that you shouldn't have, when in fact at the time, you were so overwhelmed with the emotion that you couldn't think straight.

What to do when in this situation? Don't worry about it. First, if philosophy is the whole truth, the immoral choice was either made or it wasn't, and nothing you can do now can change that; so there's no sense fretting about it. Secondly, if something like Christianity is true, then the Lord will erase any sin involved in the choice, if there was one; and so you confess to him your repentance of whatever you might have chosen (or to a priest, if that's what you believe), and stop worrying about it.

The point is that you are not *deliberately* let yourself get out of control; but if you *are* out of control, to that extent you have no moral problem.

4.3. Morality and emotions

4.3.1. Morality and emotional problems

Thus, we can distinguish moral from psychological problems. They do not necessarily go together, nor are they necessarily mutually exclusive. You can have both a moral and a psychological difficulty at the same time; you can be immoral and have no psychological problem, or you can have a psychological problem and not be immoral.

● **DEFINITION:** *Psychological or emotional problems occur when a person, because of emotions or habits, is out of control.*

That is, *whenever* a person does what he chooses not to do or does not do what he chooses to do, then this is a psychological problem. It used to be called a “neurosis” when this is a constant problem. This may have no moral overtones whatever. A person may not be able to go into a dark room, for instance, because he has a neurotic fear of the dark. There is nothing morally wrong with staying out of dark rooms; and so he is out of control, but this particular neurosis does not have any moral implications.

A psychological problem that makes a person do a morally wrong act involves immorality when the person *is willing* to do the acts.

What this means is this: If the person doesn’t care that he is doing something that he knows is wrong, the fact that he is doing this because he’s neurotic (and couldn’t help himself) is irrelevant; he is *willing* to do it, and so the choice is *immoral*.

So you can’t use a neurosis as an excuse for doing something morally wrong.

If, however, the person *chooses* to avoid the acts and his neurosis forces them on him, he has *only* a psychological problem and not a

4.3.1. Morality and emotional problems

moral one. Here, he is *unwilling* to do what his emotional problem makes him do.

If a person *recognizes* that he has an emotional problem that is leading to morally wrong acts, *and he has information that a cure is reasonably possible and takes no steps to be cured, then he is willing to have the problem and so to do the acts.*

That is, to *refuse* to be cured when you are in this situation (supposing it to be realistic that the cure would work), is the same as letting yourself be out of control when you could control yourself; and then you are obviously willing to do the acts.

However, to the extent that the cure is not a realistic possibility, or involves bad effects that make it worse than the problem itself, a person can *choose not to have it* in order to avoid these bad effects, and still not be willing to perform the acts the neurosis forces upon him. (This is an application of the Principle of the Double Effect, which we will see later.)

For instance, alcoholism can lead to drunkenness and other morally wrong behavior. If an alcoholic has tried to stop and even got help in stopping (say, going to Alcoholics Anonymous), and it hasn't worked—it often doesn't—he doesn't have to try every new gimmick that comes down the pike. He has to do *enough to assure himself that he is unwilling to be in this condition*, but he doesn't have to “be determined to lick it at all costs.” It is then a psychological problem, not a moral one—and some psychological problems can't be cured and have to be lived with, just as blindness or lameness or physical problems that can't be cured have to be lived with.

Of course, the alcoholic can't say, “I've tried and failed; so now I can enjoy myself,” because then he's willing to do the act. What I'm talking about is that he can say, “Well, there's nothing I can do about it, so I'm not going to worry about it as if I were a sinner, even though I'm not happy about it. After I die it'll be straightened out.”

4.3.1. Morality and emotional problems

Hence, there are psychological problems that have no moral dimension at all (if they don't deal with wrong acts), and psychological problems with a moral dimension which involve no immorality (if the person is unwilling to have the problem but can't do anything about it); there are psychological problems which are also moral problems (when the person doesn't care that he is doing something wrong); and finally, there are moral problems that have no psychological difficulty connected with them (when a person is in control of his emotions or what they lead to).

Psychological problems, then, do not provide an "out" for the general rule of not being willing to do what is wrong; but neither do they trap a person into immorality in spite of himself. The question is whether you are satisfied with your condition or not; whether you would stop if you could.

4.3.2. Habits: virtues and vices

Habits can also take over control of our acts, as I mentioned; and in fact psychological problems are usually a combination of emotions and habits; and psychological problems are usually cured (when they can be cured) by some kind of acquisition of a new habit.

But this belongs in the domain of psychology, not ethics. For our purposes, what we can note is that *habits are acquired by repeated actions of the same type*. As opposed to the "built-in program" of the brain, which is our instinct, which appears in consciousness as the various emotions we have, we can program our brain ourselves, by repeating responses to a certain stimulus. Depending on how often and strongly we do this, the tendency to produce the response (without choosing to do so) upon presentation of the stimulus becomes stronger.

Habits do not in themselves have any emotional overtone connected with them; but insofar as the stimulus-response pattern originally had some emotional overtone (as when you get into the habit

4.3.2. Habits: virtues and vices

of eating six meals a day because you originally felt hungry), the emotion tends to grow stronger as the habit grows—until a certain point is reached, at which the emotion more or less ceases, and we do the act even without the emotional kick.

Because emotions tend to lead us to action, some habits are acquired without realizing that we are doing so. Many alcoholics become so simply by having a drink at a certain time of the day, not realizing that they're getting into a habit, and are becoming dependent on the drink.

Other habits, however, are deliberately acquired. Originally, we must choose to do the act each time, taking pains to remember to do it; and gradually, we need pay less and less attention, until finally the act automatically occurs. Getting into the habit of brushing your teeth in the morning and evening is an example of such a thing.

Morally speaking, once the habit is acquired, it functions in the same way as an emotional problem: if the person is satisfied with the automatic behavior, he is willing to do it; and if he does it in spite of a choice to the contrary, he is unwilling to do it. In either case, it is the choice which counts morally.

Not all habits are bad habits, of course. Hence, to acquire a habit of doing what is morally right is one that you *ought* to be satisfied with. For instance, if you get into the habit of honesty, so that if you were to see a wallet on the street, you would pick it up, look inside to find the owner's name, and return it intact to him with no thought that you could take anything in it for yourself, then the fact that you *aren't trying to stop yourself* from doing this would be equivalently a *morally good choice*. So even though the act is automatic, it has moral overtones, insofar as you realize what is going on and are

unwilling to prevent it.

It would be immoral to let oneself acquire a bad habit if (a) one realized he was getting into a morally bad habit, and (b) made no effort to prevent it.

This is the same as getting yourself into a situation where you foresee that your emotions will take over and lead you into a morally wrong act. In this case, of course, many morally wrong acts are involved (because it's a habit), and so the situation is more serious. It doesn't follow, of course, that you will in fact be able to prevent the habit from being formed; you may already be out of control. But insofar as you are in control, to let yourself get into the habit is *to be willing to do all the wrong acts you might do when the habit gets entrenched*.

Some terminology:

- **DEFINITION: A *virtue* is a good habit.**
- **DEFINITION: A *vice* is a bad habit.**
- **DEFINITION: A *moral virtue or vice* is a habit of doing something morally right or wrong.**

Not all virtues are moral virtues: studiousness is an intellectual virtue; cleanliness is a physical virtue. The following are, however, like moral virtues:

- **DEFINITION: The *Theological virtues* of faith, hope, and charity are habits that are given to us by God because of the new life he gives us. They cannot be acquired by repetition, but can be strengthened by practice.**

4.3.2. Habits: virtues and vices

It is outside the scope of this book to talk of the Theological virtues; I put them here to distinguish them from moral ones.

● **DEFINITION:** The *cardinal virtues* are the four moral virtues on which all others “hinge,” all of which are present in any moral virtue. They are *good judgment* (“prudence”), *honesty* (“justice”), *courage* (“fortitude”) and *moderation* (“temperance”).

The reason these are “cardinal” virtues (from “*cardo*,” meaning “hinge”) can be seen from a description of what they are as habits:

● **Good judgment (also called “common sense”)** (“*prudentia*” in Latin) is the habit of being aware of all the circumstances surrounding the act you are to perform and adjusting the act to agree with the reality of all the circumstances. Obviously, without this habit, a person is apt to act unrealistically, and his action is apt to be self-defeating, even though his intentions may be of the best.

The vice which is the opposite of this virtue is **rashness**. Here, a person knows what he wants to accomplish, and has the habit of simply doing something that he thinks will lead to the goal he wants, without considering whether, given the circumstances, his action will actually do what he wants it to do.

● **Honesty** (“*justitia*” in Latin) is the habit of considering the *persons* involved in the action, and adjusting the act to suit their nature. It has two branches. When the virtue adjusts the act to suit the nature of the *agent* (oneself), then this “being true to yourself” is the same as *morality itself*; when it suits the act to the nature of the *person(s) acted on*, then it is *justice*. Thus, a person who does not lie is being honest with his own nature as a communicator; and insofar as he does not *deceive* the other person, he is being just also.

The vice, of course, is **dishonesty**. This too has two branches. It is immorality when it is the “fundamental dishonesty” we spoke of

earlier (pretending that you aren't what you are); it is **injustice** when the habit pretends that the one who is acted on is different from what he really is.

There are various kinds of justice, which we will see later, when talking of rights and society. Not every just act is either "fair" or "equal."

- **Courage** ("*fortitudo*" in Latin) is the virtue of **getting control over negative emotions**, mainly fear, so that they do not take over and either blind us to reasons for doing something or prevent us from doing what is reasonable. Notice that courageous acts *are not rash ones*. A person who has courage without good judgment has a *vice, not a virtue*. Such people are the people who run risks "on a dare" just to show how brave they are, without considering whether it makes sense (or even is morally right) to run such a risk. The courageous person will be able to run a risk, even a great one, when it is reasonable to do so; but he will not do so if it is unreasonable.

The vice opposite to courage is **cowardice**. Here, the person lets fear determine whether he will act, in spite of what is reasonable.

- Finally, **moderation** ("*temperantia*" in Latin) is the habit of **controlling attractive emotions** so that the attraction will not either lead one to do what is unreasonable, or blind one to the reasons for not doing the act.

All of the cardinal virtues have to be operating in order for any one of them (or any other virtue, for that matter) to be a virtue; if either of the two types of emotions are deliberately let get out of control, then no act is able to be virtuous; if there is deliberate disregard for either the persons involved or the physical circumstances of the act, then there is no assurance that the act will be morally right.

4.3.2. Habits: virtues and vices

Other moral virtues

Here is a partial list of some other habits of doing morally right acts that you can get into. These various virtues “fit under” one or another of the cardinal virtues. We could go into a study of them, but it seems to me that this would be of purely academic interest; so I will just list them.

Generosity, open-mindedness, trustworthiness, truthfulness, respectfulness, patience, leniency, kindness, humility, tolerance, sympathy, mercy, obedience, helpfulness.

This, as anyone who puts his mind to it can see, is by no means a complete list; it is here simply to suggest that there are various good habits with moral overtones that you can get yourself into by practicing the corresponding acts.

Obviously, the opposites of these virtues are vices; and the vices involve acts to be avoided.

Not every philosopher agrees on what habits are virtues and what are vices; and this is because a virtue is a *good* habit, and what is “good” depends on the ideal one has for what a human being “ought” to be doing. For instance, Christians regard humility (“self-forgetfulness”) as a virtue; and Aristotle considers it a vice; for him pride (i.e. recognizing one’s real superiority to others—if it exists) is a virtue, while for the Christian, this is a vice.

4.4. Responsibility Because habits and emotions tend to take over control of our acts, then we can say in a sense that they aren’t “ours”; we could even have tried to prevent them and failed; it is almost as if someone else had done them. This brings up the question of “responsibility,” which anticipates to some extent what we are going to say about conscience, but perhaps goes better here than anywhere else in a general consideration of morality and our choice.

● **DEFINITION:** *Responsibility* is the attribution of an act (and its consequences) to the person whose *choice* could have made it different from what it was. It is also called *accountability*.

That is, the act “belongs” to the one on whose *choice* it depends. Machines and animals do things, but they are not responsible (i.e. “answerable”) for what they do, because, given the stimulus, the act could not have been any different from what it was—and so it doesn’t really “belong” to the machine or animal.

But persons are free, and so the acts they do as persons could be different; and therefore, the acts are in a special sense “theirs”; just as they possess their being, so they also possess their acts. Karol Wojtyła (Pope John Paul II), in fact, wrote a whole book analyzing the concept of person from this distinction between acts someone “does” and acts that, as it were, “happen to” something.

Note that humans perform all kinds of acts that “happen to” them and that they are not responsible for (such as heartbeat, falling down when the floor collapses beneath you, feeling anger when slapped in the face—and in general all that we don’t have control over); and these are not acts that we really “do” as persons.

Basically, a person is *responsible for whatever he had control over*; i.e., what he could have *prevented or altered* by his choice.

● **DEFINITION:** A person is *morally responsible* for an act and its consequences if (a) he understood what it was he was doing and foresaw the consequences, and (b) that he could *morally* have chosen to prevent it.

● **DEFINITION:** A person is *physically responsible* for *any* act that he could have chosen to prevent (whether the choice would

4.4. Responsibility

have been moral or not, and whether he understood what he was choosing or not.

● **DEFINITION:** A person is *legally responsible* for an act that a *normal person* would have been morally responsible for.

What do these definitions mean? Physical responsibility is the broadest category. Any act at all that could have been different had you chosen differently *for whatever reason* is one you are physically responsible for.

The idea here is that it is “your” act because it didn’t have to be this way; if you had made a different choice, it would have been different.

Moral responsibility means that you could have chosen differently *and* that the choice was an *informed* one, *and* that this different choice would not have been an immoral one. Since making an immoral choice means bringing eternal frustration on yourself, then you can never be expected to make an immoral choice; and so there is a real sense in which you “couldn’t” prevent an act when to do so would mean making an immoral choice. Further, since bringing eternal frustration on yourself means knowing that you are doing so (at least in some minimal sense, such as knowing that you are going to do what is wrong), then if you don’t have the information conscious, you are not in fact choosing what the act actually implies.

Hence, the act is not *morally* “yours” in the sense of something you could have prevented; in the first case, it would be immoral (and eternally frustrating) to do so; and in the second place, you would have no reason for doing so (because you don’t know there’s anything wrong with it). And so, morally speaking, it becomes like your heartbeat, which “happens to” you. You are not morally responsible for it.

Legal responsibility comes from the fact that an outside observer

can't get into a person's mind and know what his knowledge is at the time he makes the choice. Hence, society can't tell, if a person violates a law, whether he deliberately chose to do so, or whether he forgot and wasn't aware that he was violating the law.

Hence, society goes on the assumption that, if the person didn't realize what he was doing, he "ought" to have realized it, because a normal person in his circumstances would have realized it; and so it, as it were, makes him responsible for his lack of knowledge, and therefore for his act.

If there weren't this concept of legal responsibility, there would be no way for society to enforce its laws without extremely gross injustice. That is, a person would be punished for something it was obvious no one in his circumstances could have helped doing (such as accidentally harming someone because of circumstances over which he couldn't have had control); or he would be allowed to escape punishment on the bare claim that he hadn't actually thought that he was doing something wrong—which makes punishment a farce.

Hence, in order to protect its ability to punish violations, society *imputes* legal responsibility to a person who may or may not be morally responsible for what he does, as long as he would be *reasonably expected* to be morally responsible. In some cases, this imputation is unjust, because the person actually wasn't morally responsible; but the injustice is an unchosen side-effect of the act by which society protects its right to punish violators.

Points to note on responsibility:

● **1. Responsibility is *not* the same as *duty*.**

When lists of "responsibilities" are drawn up for a certain job or position in society, these are the *duties* connected with that position. They are called "responsibilities" *because if they are not done, the*

4.4. Responsibility

person with this job is the one responsible for this. Hence, duties are “responsibilities” in an analogous sense, the way comfortable shoes are “comfortable” because they make *you* comfortable; or as a morally wrong act is “immoral” because *if* you choose to do it and know what you are doing, the *choice* is immoral.

The point, however, is that *strictly speaking*, duties are *duties*, not responsibilities. Remember, “responsibility” as we are using the term is the equivalent of “accountability.” You aren’t *accountable* for what you haven’t done yet; and so you aren’t responsible for it either.

● **2. you *have* responsibility whether you like it or not; you don’t get it by *accepting* it.**

That is, you may “accept” responsibility, which means that you *recognize* that you are responsible for some act of yours—or on the other hand, you may “refuse to accept” responsibility. But in either case, you have it, provided you *could have prevented the act by choosing not to do it*.

Similarly, if you “accept” responsibility for an act you had no control over, *this acceptance does not give you responsibility for the act*. A person, for example, who “accepts” responsibility for an act his employee did against his orders and secretly (so that the employer couldn’t have known he was doing it) is not responsible for what his employee did because the employer did everything anyone could reasonably do to *prevent* it.

● **3. A person can only really be responsible for what actually happens.**

The reason is that an act that didn’t happen (but could have) isn’t something that can be attributed to a person. Nevertheless, since foreseen consequences enter a person’s choice (whether they happen or not), they can make the choice moral or immoral, and thus can

affect moral *guilt*.

4.4.1. Responsibility and guilt

This brings up a distinction that it is important to make. We are apt to use “guilty” and “responsible for” interchangeably; but if you look at the definitions above, you can see that we can be responsible for all sorts of *good* things, and no one is guilty of doing good. And I just said that you can be (morally) guilty even when you haven’t actually *done* anything (because morality deals with the choice, whether you carry it out or not). Hence, we should define guilt.

- **DEFINITION:** A person is *guilty* when he has *chosen* to do what is wrong or illegal.
- **DEFINITION:** A person is *morally guilty* when he has *chosen* to do what he knows or suspects is a *morally wrong act*.
- **DEFINITION:** A person is *legally guilty* when he is *legally responsible* for an act *violating a law*.

For **legal** guilt, you actually have to *do* something, and not only do it, but be (at least) *legally responsible* for it. It also has to be something *legally wrong*: that is, something that there is a law against. Thus, a person who *chooses* to murder the President of the United States, but gets sick and can’t do anything about his choice, is not legally guilty of assassination or attempted assassination of the President. If he raises a gun to shoot the President and his arm is deflected and he misses, he is legally guilty of violating the law against *attempted* assassination (because he did actually do something in the attempt), but not of violating the law against assassination.

Interestingly, in legal guilt, you don’t actually *have* to have made the choice in question, because of the peculiar nature of legal responsibility. If in fact you didn’t make the choice (because you forgot

4.4.1. Responsibility and guilt

some circumstance and thought you were choosing something else) and a “normal person” would have realized this circumstance and known what he was doing, the law *assumes* that you actually *did* make the choice in question—because it can’t get into your mind to tell whether you made it and are now lying, or didn’t make it and are now telling the truth. There are, however, loopholes in this; but the burden, as it were, is upon you. If you can show that you were insane at the time, you are freed from legal responsibility. Also, you can plead “no contest,” which essentially is taken to be an admission, “Yes, I did it, but at the time I didn’t realize that what I was doing was illegal.” In this last case, however, you are still legally guilty.

In any case, *legal* guilt *always* includes *responsibility for some act actually done*.

But *moral* guilt does not, because the “law” dealing with morality commands the *choice itself*, and the act is morally relevant *only insofar as it conforms the fact that the choice was an actual choice and not simply a daydream*. That is, if you “think about” killing the President because you’re writing a novel about it and you want to “get under the skin” of a killer, but you have *no intention of actually doing the act*, then you have not *chosen* to kill the President, and you are not morally guilty of it.

But if you *choose* to kill the President, and you get sick or your aim gets deflected, then *your goal was that he die by your act*, and this is what the moral command forbids. Hence, you are *morally guilty* of the wrong act whether your choice gets carried out or not.

However, you are not *morally responsible* for killing the President if you intended to do so and you got sick and couldn’t actually do it. Why? Because you didn’t kill him; and you can’t be responsible for something if it didn’t occur.

(Note that if you *prevent* something, you are responsible for its *non-occurrence*; but if you choose to do something and it doesn’t get done through no “fault” of yours, you aren’t responsible for it,

4.4.1. Responsibility and guilt

because there is no “it” to be responsible for. You are only *responsible* for what *happens*, as was said above.)

Summary of Chapter 4

We know that human choices are free, because, as spiritual, they contain themselves and cannot be mistaken when they think they are free (as they do) and because neurotic behavior becomes nonsense if choices are not free.

The **characteristics** of freedom of choice are (1) that the choice is always under our control; (2) nothing unconscious can affect the choice; it is influenced only by facts we know at the time; (3) the choice has control over how much a known fact influences it; (4) feelings and habits affect choices only indirectly, by creating misinformation; (5) our acts are never free; they are forced either by choices or emotions/habits or both. Acts are **analogously free** when they are the ones we choose to do; choices are sometimes called “not free” when made under a threat, but this is an analogous sense of “freedom” called “liberty.”

The **general rule of morality** is that you must never *be willing* to do what is morally wrong.

Since emotions can force acts or create misinformation, we must never be willing to let emotions force us into doing what is morally wrong. We must choose to avoid situations where we have reason to believe emotions will take over control and force us to do what is wrong. If we have no evidence that this will happen, or if we are already out of control, there is no moral problem; it is merely that we must not deliberately let ourselves get out of control.

Psychological or emotional problems occur when a person is out of control, particularly in a constant way; they have moral relevance only when the person is willing to do the (morally wrong) acts he can't help doing. If he thinks he can be cured and takes no reasonable steps to be cured, then he is willing to have the problem, and this is immoral. But only reasonable steps with reasonable hope of cure need be taken.

Habits are automatic behavior-patterns acquired by repetitions of acts; they function morally like emotional problems, since the person is out of control. It is immoral to let yourself acquire a morally bad habit if you see that it is beginning to happen and you do nothing to prevent it, since then you are willing to do all the acts the habit will later force on you.

4.4.1. Responsibility and guilt

Good habits are **virtues**, bad habits are **vices**; the three **Theological virtues** are faith, hope, and charity; they are given and cannot be acquired, but can be increased by repetition of acts. **Moral virtues** and vices are habits of doing what is morally right or wrong. The **cardinal virtues** are the four moral virtues that are presupposed in any virtuous acts: (a) good judgment, (b) honesty, (c) courage, and (d) moderation; they are habits of (a) suiting the act to the circumstances, (b) suiting the act to the people involved, (c) not letting negative or (d) positive emotions lead one astray.

Responsibility (accountability) is the attribution of an act and its consequences to the person whose choice could have made it different. A person is responsible for what he has control over. He is **morally responsible** for what he could morally have prevented; **physically responsible** for anything he could have prevented by a choice; and **legally responsible** for what the normal person would have chosen to prevent.

Moral responsibility implies that a person knows what he is doing and does not think he is morally forbidden to do the act. Legal responsibility occurs because we cannot know what another's thoughts are; and so we impute a kind of "moral" responsibility if the person normally would be expected to know what he is doing and realize that the act is not wrong.

Responsibility is not the same as "duty"; it deals with acts that have been done, not possible acts; it is something that a person has, whether he "accepts" it or not, and "accepting" responsibility for what you have no control over does not give you responsibility. You have responsibility only for what actually occurs.

A person is **guilty** when he has chosen to do what is wrong or illegal. **Legal guilt** implies legal responsibility for actually doing something that violates some law. **Moral guilt** occurs when a person chooses to do what is wrong, whether he actually does it (and so is responsible for it) or not.

Exercises and questions for discussion

1. If our choices are always free from determination, doesn't this prove that "brainwashing" won't work, and the people who claim to have been brainwashed into doing something are really lying?
2. If an alcoholic plans how he is going to get out to get a secret drink, doesn't this prove that he was free when he made the plans and so he isn't really out of control?
3. If you drive to a bar, knowing that you'll be driving home, isn't this being

4.4.1. Responsibility and guilt

willing to take the consequences of drunk driving?

4. Suppose a homosexual doesn't like being homosexual, and he's heard that some psychologists hold that homosexual orientation is curable. Is he morally bound to seek counseling at \$100.00 and up an hour?

5. Is it better to be virtuous and not actually to make a moral choice because you're just in the habit of doing the act, or not to be virtuous and be making conscious moral choices to do the act?

6. Are you morally responsible for doing something stupid (but not morally wrong) if you are commanded to do it by someone who has legitimate authority over you (i.e. has the right to command you to do things)?

4.4.1. Responsibility and guilt

CHAPTER 5

MORALITY AND KNOWLEDGE

5.1. Morality and knowledge: The material of the preceding chapter dealt, really, with the easy part about making moral choices. Basically, with emotions and habits, you can't deliberately let them take over and lead you into doing wrong acts; but insofar as you're not deliberately letting this happen, you can forget about them.

But our choices depend directly on the facts we know at the time we make the choice; and hence, our knowledge of the facts has direct moral relevance.

● **DEFINITION:** *Conscience* is the factual information a person has about whether a given act of his is morally right or wrong.

This is an important definition. It isn't what we ordinarily think conscience is; and so pay attention to all of it.

First, conscience is *factual information*. It is *not* the way we *feel* about the act we are to perform (Guilt feelings are not qualms of conscience, because you can feel guilty about doing something you *know* is right). Feelings have nothing to do with conscience; *conscience is your evidence that the act is right or wrong*.

Secondly, conscience is the information *you* have; it is not necessarily all the information there is to know. As I said, you can only

base your choice on the facts you are conscious of at the time you make the choice; and “conscience” is the name given to these facts insofar as they deal with morality. Conscience is a set of facts: the facts available to you here and now.

● NOTE WELL ●

Conscience is *not* your *opinion* of the moral rightness or wrongness of something. It is the *information* on which you base *knowledge*.

Your *opinion* is the conclusion you come to based either on *insufficient* information (for knowledge) or on *conflicting* information. *When information is conflicting, basing a choice on your opinion is immoral, because your conscience is not clear* (as we will see shortly).

What is called “subsequent conscience” is the information you now have about an act you *already* performed, whatever your knowledge might have been at the time you actually made the choice.

Subsequent conscience is no necessary indication of the morality or immorality of a previous choice.

The reason for this is that (because of a calm emotional state you now have, or because you might have found out some new facts), your *present* knowledge of the rightness or wrongness of your act might not be the same as the knowledge you had when you made the choice; *but the morality or immorality of the choice depends on the knowledge you have when you actually make the choice.*

Therefore, “conscience” in the morally relevant sense means *only* the factual information you *actually* have *at the time* you make the choice.

5.1. Morality and knowledge: conscience

It follows from this that “examinations of conscience” tend to be counterproductive. Mulling over past choices can’t change them, nor can regretting them change them. Further, thinking over what you did in the past is apt to give you the impression that, because now you have information that the act is wrong, then you “must” have known it then; or it can make you think you were in control when you weren’t (because theoretically you always can choose not to do something).

In a religious context, an examination of past choices done to be aware of them, admit one’s sinfulness (insofar as one knows it) before the Lord, and recognize the situations to be avoided if possible in the future, can be a beneficial act. But insofar as this leads to anguish, it is not Christian; God is a God of peace, not a computer who needs the proper input or he won’t forgive you.

There is a psychological problem called a “*scrupulous conscience*,” which consists in a *fear* that you have been immoral or might be going to be immoral, without real evidence to back up the fear.

Remember, the Lord is not a spider waiting for you to step on his web so he can pounce. You are only morally guilty of something if you are *willing* to do it even if it is wrong; and to be willing, you have to have *evidence* (a real reason to believe) that in fact it *is* wrong.

The fact that it *could be* wrong based on evidence you *don’t* know is obviously *not* evidence that it *is* wrong. You don’t have to be concerned with such hypothetical possibilities.

Thirdly, conscience deals with a *definite act*, and is not knowledge about acts in general. It is the information on which you base the answer to the question, “Can I morally choose to do this here and now?”

Thus, the discussions about ethical issues in the second half of this book are not conscience, though that information can *become* part of your conscience if you use it to find out whether you can do some

definite thing without being immoral. But this general knowledge can never be *all* of a person's conscience, because the conscience will also contain the specific information about the circumstances in which the act occurs.

For instance, the discussion later on abortion may help some woman answer whether she can morally choose to have an abortion. Her conscience will contain this information, plus the information about whether if she doesn't have it, both she and the baby will die, and so on. Her choice will be based on *all* the information she has *at that time*.

Fourthly, conscience deals *only with moral rightness and wrongness*. Information about other aspects of the act (such as whether it is silly or polite) are not part of a person's conscience.

So conscience is not the same as "consciousness." It is ONLY that aspect of consciousness that is (a) factual, and that deals with (b) the moral rightness or wrongness of (c) a given act that (d) you are thinking of doing.

● **RULE:** The morality or immorality of a choice *always* depends on the *conscience* of the person who makes the choice.

Conscience is, as they say, the "supreme court" in moral matters.

5.1.1. Clear and unclear conscience

Given that this is what conscience is, how does it operate on the morality of the choice? It is not perfectly straightforward, and so we have to make some distinctions:

● **DEFINITION:** A *clear* conscience means that the person has *no* information that there is anything wrong with the act he is

5.1.1. Clear and unclear conscience

about to perform.

You may *feel* terribly guilty about doing something (such as informing on a drug pusher), and still have a *clear conscience* that this is the right thing to do. All the information you possess indicates that this is right, and you know of no *facts* to indicate that it is wrong.

● **RULE:** When a person acts with a clear conscience, his choice is *always moral*, irrespective of the actual rightness or wrongness of the act.

A clear conscience is sometimes called a “morally certain” conscience. (Except that you can be morally certain that the act is *wrong*, in which case obviously your conscience is not *clear* in the sense above. A Clear conscience is *moral certainty that the act is not wrong*.)

The difference between “moral certainty” and other kinds of certainty is that you *don't* have to be able to *prove* that you are correct in your opinion. You don't have to have facts to back up your position, in other words; all that is needed is a *lack* of information *against* your position—and by information, I mean “facts you know.”

Obviously, if you are morally certain that the act is *wrong*, it will be immoral to choose it. But it turns out that if you have information on *both* sides (so that you're not even morally certain of either), then you can't count on the fact that the act might be all right; your conscience is not clear.

Hence, “moral certainty,” while a valid concept, introduces a complication that can be avoided by considering whether the conscience is clear or not.

I will take it that if you are morally certain that the act is *wrong*,

your conscience is unclear. Usually, an “unclear conscience” means that you don’t know whether in fact the act is right or wrong (you have some evidence on both sides). But it would be strange to say “I acted with a clear conscience” when you are *certain* that you did something *wrong*.

For our purposes, following the general usage of language, we will say that your conscience is *clear* only when you know that the act is *morally right* and have no evidence to the contrary. When you have evidence that the act is or might be in fact wrong (whether this evidence is conclusive or not), your conscience is *unclear*.

Another distinction that is legitimate but irrelevant is that between a “correct” and “erroneous” conscience. A correct conscience simply means that the information is accurate: you think that the act is all right and it is in fact morally right; or you think it is wrong and it is in fact wrong. When your conscience is erroneous you think the act wrong when it is in fact right, or you think it is right when it is wrong.

But since the choice is based on your information about the facts and not on the facts themselves, then *what the facts actually are* is irrelevant to the morality of the *choice*. Hence, as long as your conscience is *clear*, it doesn’t matter whether it is correct or in error.

Some might say, “Well yes, but if you know that you don’t have information and you refuse to find it, then this refusal is morally significant.

This is true; but the only way you would *realize* that there was morally relevant information to be had would be *if you had some information* that further investigation *would be likely to indicate* that the act is wrong. But this is the same as *having information that there*

5.1.1. Clear and unclear conscience

is or might be something wrong with the act, which means that *your conscience is not clear*. (A clear conscience, remember, means that you *don't* have any information that there is anything wrong with the act.)

The only time you have to find out additional information is (a) when you want to do the act in question, and when you *have information* indicating (b) that the information you have is inadequate, and (c) the further information might show that the act in question is wrong.

A woman, for instance, who thinks that it is all right to breast feed her child does not have to read a book on the moral benefits of breast feeding. The only time she would have to read up on the subject would be if she saw something indicating that there might be a danger to the child from breast feeding (there isn't one; I use this as an example).

A third distinction that is valid but both irrelevant and confusing is that between “vincible” and “invincible” ignorance. “Invincible” ignorance is ignorance that can't *in practice* be overcome, because you don't realize that you're ignorant. This is the same as having no information to the contrary, and so having a clear conscience or being “morally certain.” “Vincible” ignorance, however, is “insincere” ignorance, where you refuse to find out the facts. Obviously, here you have to be in the situation above, where you have information that makes your conscience not clear.

The reason this is confusing is that the usual interpretation is that “invincible” ignorance excuses a person from immorality. This is true if you are “invincibly” ignorant *that the act is wrong*. But if you happen to be “invincibly” ignorant *that it is right* (i.e. morally certain that it is wrong), then your “invincible ignorance” will damn you.

With that said, forget about vincible and invincible ignorance. Your conscience's clarity or unclarity depends on the information you have, not information you *could* have.

5.1.2. Clearing an unclear conscience Now let us look at an unclear conscience more closely. Your conscience is *unclear*, as I said, if you have *any* information that your act *is or might* be in fact morally wrong. The problematic situation, of course, is that where there's a doubt in your mind as to whether it's wrong or not. You may have a lot of evidence that says that it's perfectly all right, but there is at least one fact you know that indicates (directly or indirectly) that the act might really be wrong.

For instance, someone you know who's not a fanatic and who generally knows what he's talking about thinks that the act is wrong. This fact (that a knowledgeable person thinks the act is wrong) is an indication that *he* knows a fact you are ignorant of indicating that the act *is* wrong. This would be an indirect indication that the act is in fact wrong.

● **RULE:** It is *always immoral* to choose to perform an act when your conscience is unclear.

Why is this? It follows immediately from the general rule of morality. If your conscience is unclear, you have *information* that the act you are about to perform *might* be wrong. To *choose* the act under these conditions is *to be willing to do it if indeed it should in fact be wrong*. You don't know that it isn't; and so you have to accept that you might be doing a wrong act. And, you will remember, the general moral rule is that you must never be willing to do what is wrong.

So your choice is immoral even if it is *much more likely*

5.1.2. Clearing an unclear conscience

that there is nothing wrong with the act.

No matter how much more likely it is that the act is all right, if you have *real information* (i.e. facts) that indicate that it might be wrong, you don't *know* that it's not wrong; and this means that you would have to be willing to do wrong if you do the act.

How to acquire a clear conscience

Obviously, when your conscience is unclear, something must be done. How do you get from this state to having a clear conscience? It must always be possible to have a clear conscience, or morality makes no sense, because then you could be trapped into damning yourself no matter what you chose (as when it was unclear whether it was wrong to act, and also unclear whether it was wrong not to act).

● I. DIRECT METHOD

● A. *Find out the facts.*

If you want to perform the act (if it is all right to do so); or if you are in a dilemma where *not* performing the act might be wrong, what do you do?

For instance, a woman might think that it might be wrong to have an abortion; but she might think that it might be wrong *not* to have an abortion and give birth to a deformed child. Obviously, she's got to do one or the other.

The *first* thing that *must* be done in a case like this (if at all possible) is to find out what the facts are, so that the conscience can be cleared up.

The general rule of thumb here is to act the same way you act when you have a medical difficulty. In simple, straightforward cases you treat it yourself; in complicated ones, you seek the advice of a doctor, who has devoted his life to medical problems, and so who is likely to know what the facts are.

In the next section, on the act and the situation, I will give guidelines on how you can discover facts and clarify your conscience in reasonably ordinary situations. If this works, and you *know* you have found the real facts, then everything is fine; your conscience is now clear. (Remember, however, that this is not just coming to a conclusion which “in your opinion” is right, but that you *know* that there isn’t any *evidence* against your conclusion. Ethical matters can often be very complicated indeed, and your own investigations can leave you wondering whether you have evaluated the facts properly. *If this happens, your conscience is still unclear, and you must do the following:*

● 1. *Ask an expert.*

In practice, when you can’t honestly assure yourself that you know which course of action is in fact right, then what you do is rely on someone who has made a study of ethical matters; because that person will know what the facts are: that’s his business.

Here, you *don’t* have to know the expert’s *reasons*. If he says that the act is all right, *this is enough to clear your conscience*, except in the unlikely case that you have *actual information* that he is (a) lying, (b) biased, or © misinformed about the situation. It’s always *possible* that the expert could be misinformed or be lying to you; but this abstract possibility doesn’t leave you with an unclear conscience; you have to have *facts to indicate* that he’s actually doing this in order not

5.1.2. Clearing an unclear conscience

to have a clear conscience.

So once the expert tells you that the act is all right, you now know that it is not immoral to choose it. Any mistake that might be made *is the expert's problem*, not yours.

● **2. Points to note on consulting an expert:**

● **a.** Who an “expert” is will be based on the information available to you at the time you are looking.

● **b.** It would be immoral to *go looking* for someone you thought would tell you what you wanted to hear. You don't necessarily have to go looking in the other direction, of course; but if you actively *try* to find someone who will tell you that it is all right to do what you want to do, your *intention* is to do the act *whether it is in fact right or not*, and you simply want an expert's advice as an *excuse* to back you up. But then you are willing to do the act even if it is really wrong (or why not seek advice from some other expert?); and *that* choice to go looking for expert reinforcement is *immoral*, even if the expert's advice should happen to be correct. This is like a person who wants a doctor to tell him he has a “heart condition” and to prescribe nitroglycerine. Such a person isn't *honestly* trying to find out the facts about himself.

● **c.** It would be immoral *deliberately to seek advice from a less qualified expert* in favor of someone who was more likely to know what the facts are, other things being equal. The idea in seeking expert advice is that you want to find out what the facts really are, not just get an expert to talk; and so you would seek the best advice available to you if you really wanted to know.

There might be reasons for seeking a less qualified expert, of course. If the matter is trivial, and the less qualified person is qualified (as far as you know) *enough* to be likely to know the facts, then

you don't have to go out of your way to find the best advice. Or if consulting the best expert you know of would involve inordinate amounts of time and expense and so on, then only an extremely serious matter would necessitate going to the trouble.

- **d.** If you know that recognized experts disagree on whether the type of act in question is wrong or not, then you may choose the *most lenient* view (i.e. the one that allows the most leeway), *provided* it has good authority behind it.

This is sometimes called “probabilism” or the “doubtful law.” The point here is not whether *your act* is right or wrong, but whether *a whole class of acts is right or wrong*. If even experts can't figure out whether this kind of thing is right or wrong, then this indicates that the matter is so complex that no one can straighten it out. But any lawgiver who wants to be obeyed must make it *possible* for his subjects to know what he wants done; if he doesn't do that, he can't expect anyone to obey him. Thus, if the matter is so obscure that even experts can't figure out whether the acts in question are wrong or not, then this is the Divine Lawgiver's problem (or nature's, if you prefer); and so you can act as if there really is no obligation here, *and be morally sure that it is all right to do so*.

The view is called “probabilism” because in the case where the existence of an obligation is objectively unclear, *any* solidly probable opinion (no one can have knowledge in such a case) can be followed, for the reason given above.

- **NOTE:** This is a bit of a dangerous rule to put into practice, however. There are all kinds of crazy people who set themselves up as ethical “experts”; and I would venture to say that if you considered any issue, you would find someone who presumably had qualifications saying that just about any act you wanted to name was all right.

So it might seem that any type of action would fall under the “doubtful law,” and you could do anything. For instance, there were

5.1.2. Clearing an unclear conscience

experts who defended slavery; there are experts today who defend abortions.

I think that before a person could legitimately feel secure in applying this rule, he would have to know the *general orientation* of the “expert” who says that it is all right to do some controversial act. If the expert seems to be rather strict or “orthodox” in his view of what human nature is, and he says it is all right to do some particular act, then he probably has valid reasons on his side. If, on the other hand, he is “compassionate” and just “doesn’t want to burden people,” then he probably is not reasoning but telling people what they want to hear—and he may be sincere in this; but the likelihood that he is stating the facts about what we really are is that much less.

There are those nowadays whose view is that being moral ought not to be difficult. They are “redefining” human nature into infinite “flexibility,” and are simply not being realistic. Let their consciences save them; but follow them not.

This finding out the facts is, as the title of these guidelines said, usually called the *direct method* of clarifying your conscience. It is called “direct,” not because you necessarily find out the facts directly (using expert advice and especially the “doubtful law” is certainly indirect), but because *what you know* is that *the act you are to perform is all right*. That is, using, say, the “doubtful law” you realize that it is all right to use legal tax “loopholes” and pay no income tax.

● II INDIRECT METHOD

● A. *It is, of course, always moral to choose some alternative course of action that your conscience is clear about.*

That is, if you don’t want to be bothered investigating the issue, you don’t have to (as was implied above), as long as you avoid doing the act. A person who isn’t sure whether abortions are wrong or not doesn’t have to investigate the issue, as long as she has no intention

5.1.2. Clearing an unclear conscience

of having an abortion.

Suppose, however, this fails. Either you can't find an expert (either at all, or in time before you have to act), or having consulted one, you still think that he didn't understand the situation, and you went to someone else who still didn't seem to realize the real issue—and you're still in doubt as to whether the act is right or not.

● **NOTE** that “*being in doubt*” here *does not mean being worried about the act; it means knowing information that it might be wrong*. “Doubt” is an *intellectual*, not an emotional thing in this case. Emotional doubt is irrelevant.

● **B. *If and only if there is (a) no certainly right way to act and (b) there is no way to find the actual facts, then***

● **1. *Choose the course of action that seems morally safest.***

That is, choose the act that seems *least* likely to be wrong or to involve the *least* wrongness. It has to be what “seems” least wrong, because you don't know it *isn't* wrong and you can't find out. If you do this, your conscience will be clear in this sense: you will *know that you are trying to avoid what is wrong*, and this is what moral choices are: unwillingness to do what is wrong.

In this case, anything you do might be wrong; and so you choose *away from* what (to you at the moment) is *more* likely to be wrong or from what seems *worse*, and you have assured yourself that your choice, even though you might be doing wrong is your best attempt to avoid doing wrong under the circumstances. Your choice is explicitly *away from* wrongness; you are *unwilling* to do what is wrong.

This is different from acting with an unclear conscience, because then you are willing to do what might be wrong (and you could avoid it). Here, there is no way you can avoid what *might* be wrong;

5.1.2. Clearing an unclear conscience

and so you choose *away* from what is more likely to be wrong with the intention of avoiding wrongness.

This method of clarifying one's conscience is called the "*indirect method*," because you don't know whether in fact the *act* you chose was the one that in this situation was the morally right one. All you know is *that you have the proper orientation of your will*. All that is *really* necessary, of course, in morality, is to be *unwilling* to do what is wrong; which in this case you know, because, not knowing *any* action to be certainly right, you are choosing *away* from what is *most likely* wrong.

But, as should be obvious, this last step only works *if there is no certainly right alternative and you have already tried the direct method and it has failed*. The reason is that if you "take the lesser of the two evils" without trying to find out the facts, then you might be able to *know* what is *in fact* the right course of action; and if so, not to find out is *to be willing to accept the possible wrongness* in what you choose, even though it is the "lesser evil." But when you *can't* find the facts, then the choice of the "lesser evil" is not immoral, because you know you are doing the only thing that can avoid immorality.

●Be very clear on this●

You must *never* choose *any* wrongness. When confronted with two "evils," it is *not* moral to *choose* the lesser one just because the other is greater. And sometimes, if you know what the facts are, you have to choose a course of action (indirectly) involving greater wrong in order to avoid choosing wrong.

We will see this later. If the small wrong is the *only means* to avoid having tremendous wrong happen, *you cannot choose it*, and must *unwillingly permit* the greater harm.

But that applies when you know what the facts are. Let me now give an example of not knowing. A woman is grabbed by a rapist, who holds a knife to her neck and says, "Lie still and let me rape you, or I'll kill you." If she lies still, she's choosing to let him rape her and is having sex with him; if she struggles, she's choosing to let him kill her. Both seem wrong to her, and obviously she can't consult anyone.

She chooses not to struggle, on the grounds that it's worse to die. She knows that she doesn't *want* to have sex with that man, and so she isn't choosing to have it; she just can't avoid it if she wants not to die. It would be absurd to say that the woman is choosing sex with the rapist, under these circumstances.

(Actually, if she knew the facts, she would know that this course of action is morally all right and that she is not in fact committing adultery. But we are supposing here that she doesn't know; all she knows is that she was trying to *avoid* doing what is bad. Her conscience is clear, even though she might not know what "a person" should do in similar circumstances, or why.)

● **2.** *In the unlikely event that all options seem equally wrong, then any one may be chosen with the intention of avoiding the wrongness of the others.*

The reasoning is the same. You are choosing away from wrongness; and in this particular case, the choice does not involve *choosing* the possible wrongness of the alternative.

5.2. Act and situation I promised just above that I would give guidelines how you could find out for yourself what the facts are about the moral rightness or wrongness of a given act in most cases, so that you can usually clear up your own conscience. The key to doing so very often involves *recognition of what is included within a*

5.2. Act and situation

choice

The choice to perform an act is a choice to perform a *concrete act*: that is, an act in a certain *situation*. The situation is what *relates* the act to the *agent's humanity*.

Obviously, if the situation relates the act to your humanity, then the situation can make the act *inconsistent* with what you are (and so morally wrong) or consistent and so morally right.

Sometimes the situation doesn't affect the *moral* character of the act at all. Studying in the library or in your dorm room doesn't make any moral difference; the point, however, is that various aspects of the situation *can* make the act consistent or inconsistent with you as its agent; and so certain acts cannot be morally chosen in certain situations, but can be chosen in others.

For instance, ordinarily it is not immoral to refuse to give a person fifty dollars. But if you have just bought something worth fifty dollars from him, then it would be immoral to refuse to pay him. "Well of course," you say. But this just illustrates that the situation can change the moral character of an act you are thinking of doing.

● **RULE: An act is *not morally right* unless *every aspect* of the situation makes it consistent with the nature of the agent; it is *wrong* if even *one part* of the situation makes it *contradict any aspect* of the agent in that situation.**

To relate this to what we said about conscience above, *you would have to have evidence that there might be some inconsistent aspect of the situation* in order for you to have an unclear conscience. Most of the time, (as in paying what you owe someone) the aspect of the situation will shout at you; but there can be cases where you don't know;

and these would be the times when you would have to consult an expert.

Note that the act itself (the physical act, independently of the situation) is *always morally neutral*; i.e. neither right nor wrong.

Before you leap to accuse me of being a “situation ethicist,” hear me out. Why is this? Because the act is an act performed by a human being—and so is an act a human being can perform. If a human being could not perform it consistently in *any* situation, then it would be physically impossible for him to do it.

Some might object that, since we are creatures of God in every situation, an act of contempt of God like the statement, “God, you are a stupid fool” is an *act* that we could never perform in any situation. But of course I just wrote that statement in a situation in which there is nothing morally wrong with writing it: as an example of a blasphemous statement. I couldn’t write this *and mean what I was writing*; but that is part of the situation. The same would apply to any act.

Note that when ethicists define some acts, such as “murder” or “abortion” or “lying” as “wrong in themselves,” the *act they are talking about* is a *morally defined act, which includes part of the situation in its definition*. For instance, killing a person in self-defense is not “murder”; removing a diseased uterus in which there is a fetus is not “abortion”; saying what is false in circumstances where what you intend to convey is a forceful presentation of the truth, (e.g. “What beautiful weather!” in a rainstorm) is not a lie—and so on.

I would not deny that “acts” like murder or abortion or blasphemy or lying and so on are “wrong in themselves,” when they are defined in this ethical way. But I think that it makes for confusion

5.2. Act and situation

when you say that “murder” is wrong and then say that deliberately executing a criminal is all right; because people think of murder either as “killing” or as “deliberately killing”; and this is not what the “act” called “murder” technically is, as defined by such people: they define it as deliberate *unjust* killing; and for various reasons say that capital punishment is not unjust.

But then I see no point in making a distinction between the “act” and the “circumstances,” (which is what they call the situation), when you are including *some* of the circumstances in the “act” and excluding others. For instance, a killing is “unjust” when the one you kill has a right to life; but this is a circumstance (the person acted on).

Therefore, it seems to me to make more sense to define the *act* as *the actual physical or mental act you perform* irrespective of the circumstances. This is *what is related* to your humanity; and so in itself it is neither right nor wrong, until it *gets* related by some aspect of the situation.

The problem, really, with “situation ethics” is that it supposes, really, that you don’t have any “given” humanity, and that the situation *creates* the moral status of the act, basically depending on how “lovingly” you act in that situation. Acts like lying (in which you contradict factual communication in the act of factual communication) are all right, according to them, when the “situation” makes it “better” (because it has good effects) to lie rather than tell the truth. *If you take this view anything can be justified, and so there is no real morality. It then becomes “the right thing” to violate your own reality.* Thus, “situation ethics,” under the guise of being “loving,” makes a mockery of morality and stands morality on its head.

But this should not blind us to the fact that it is the situation which *connects* the act to the humanity you have at the time you perform it; and hence the situation *enters into*, though it *does not define* the moral status of the act.

5.2. Act and situation

Now then, with that said, let me show how *any* aspect of the situation *can* change the moral character of the act. I will simply mention some aspects, but pay special attention (and give special subsections) to others.

- **Who** performs the act. You, the agent. If you have promised to pay someone fifty dollars, then you have changed your nature into a “payer,” and it is inconsistent with you to refuse to pay; while if you haven’t promised and someone asks you for fifty dollars, there would be nothing wrong with refusing.
- **Whom** you act on. When you promised to pay Jones fifty dollars, then you can’t satisfy your nature as a “payer of fifty dollars” by paying Smith the money.
- **Where** you do the act. It is all right to play your stereo in your dorm room; it can be morally wrong to play it under a hospital window.
- **When** you do the act. Playing your stereo loudly at two in the afternoon in your dorm room is (probably) not morally wrong. Playing it at the same volume at two in the morning probably is.
- **How** (i.e. in what manner) you do the act. Playing your stereo at two in the morning in your dorm room is all right if you use ear-phones or play it softly enough so no one else can hear you.

5.2.1. The motive There are, as I said, some aspects of the situation that merit special attention and emphasis. The first of these is the *motive* for the act.

● NOTE WELL ●

The terms *motive, purpose, intention, goal, reason, and end* all refer to the same thing; they are *the effect for which the act was chosen*. They are what you are *trying to accomplish* by the act you choose.

5.2.1. The motive

- **RULE:** A *wrong* motive makes the choice *immoral*; but a *good* motive (or good intention) does *not* necessarily make the choice moral.

This is another way of saying that good intentions are *necessary* for morality, but they are *not sufficient*. You can't *save* an otherwise immoral choice by having a good intention; but of course you can *vitiate or ruin* an otherwise perfectly innocent act if you do it with an *evil* motive.

(There is another sense of "intention" that you might find in ethics textbooks, which is the equivalent of the *whole content of the choice*, on the grounds that the choice "tends into" the whole concrete act it chooses. But this is an archaic sense, which is no longer used. For this book, the "intention" just means the effect you want the act to produce.)

So, for example, terrorists cannot excuse bombing bystanders on the grounds that "this will wake the country up and the terrible oppression of my people will cease." The intention is good—stopping oppression—but you are still *choosing* to kill people in order to achieve your good purpose; and the choice has eternal repercussions for you.

And on the other side, volunteering for overtime work on your company's computer is fine, but if you do it because you want to break into their payroll program and give yourself an unauthorized boost in salary, you have chosen to steal (This kind of stealing is called "embezzlement," of course).

5.2.2. The means Another of the aspects of the situation that affects the choice is that of the *means* you use to bring about the purpose you have.

5.2.2. The means

- **RULE: A *morally wrong* means may *never be chosen* to achieve *any* purpose, however good.**

This is what the old saw, “The end never justifies the means” says. The fact that you have a good intention or purpose, as we just saw, does not save a wrong means from being wrong, and the choice of a wrong means from being immoral.

Actually, *if this were not true, then there would never be anything immoral*. It can be said in general that what we want to accomplish in anything is something good: our development, our happiness, whatever. If the means to this good end either “became good” because of your good intention or were “ignorable” because of your good intention, then there would never be anything immoral. And in general, for those who try to justify acts by their good intentions, the more horrible the act, the better the intention.

Note, therefore, that even if the purpose is *avoiding terrible wrong* or harm, it is still *immoral* to choose a *morally wrong means* to do so—even if the wrongness in the means is insignificant in comparison.

This is the place where what I said earlier about the “lesser of the two evils” applies. Suppose you know a secret, and you are captured by the Evil Enemy, and you realize that by telling a little lie, you can save the world from nuclear war. Either you lie and the world is saved, or you refuse to speak and the whole world gets blown to smithereens. Can you lie to save the world?

No.

And, in fact, if you *do* lie, you have chosen what is *in fact the greater* of the two evils. Why? Because you have chosen your eternal frustration: one that will never, never end; while the destruction of

the world, though horrible, is finite. Eventually, the “quantity” of suffering you undergo will surpass the suffering the world undergoes in the days of its destruction.

When I was talking about choosing the morally safer course of action, I was supposing that you *don't know* the facts and *can't discover them*, and *all* courses of action seem bad to you. Then and only then do you know that what you are trying to do is *avoid* wrong. In the case where you choose a wrong means (even a “little tiny” one) for a good purpose, you *know you are choosing what is wrong*. There's the difference. You can't be avoiding wrong *by choosing wrong*.

5.2.3. Side effects Another aspect of the situation that can lead to complications is effects of the act which you *foresee will happen*, but which you *don't want* to happen. They happen as side-effects of some act that has *another* effect that is your purpose. Are these part of your choice, or can you ignore them?

On the face of it, it would seem that you can't. It would be a rare person who would say that it was morally all right to excavate your back yard for a swimming pool if this would undermine the house on top of the hill behind you, and you knew this. The fact that your purpose was to build a swimming pool doesn't free you from responsibility for the destruction of your neighbor's house.

● **RULE: In general, if you choose an act, you are also choosing ALL of its known effects, even if they are effects that are not part of the purpose of your choice. Hence, if any side-effect is wrong, the choice is generally immoral.**

Notice that I very carefully put “in general” there. This is one of the aspects of the situation that has a sort of “escape clause” in it, because the effect is not *in* the act itself as part of it (the way the

place, time, and manner are), but is often divorced from the act in time, and may possibly not even occur, though the act occurs. Thus, for instance, your excavations might not in fact do any damage to the house above you, though you had reason to believe they would.

Before we get to how to use this “escape clause,” notice that in general, you would still be *willing*, in the case above, to wreck the house, because you foresaw that it *might* happen and went ahead with doing what could bring it about. So even if the bad side-effect doesn’t actually happen, *in general*, if you foresee that it *might* happen (i.e. not that you’re “afraid” that it might happen, but you have *actual facts* leading you to think that it *would*), then you are willing to have it happen.

So, for instance, based on the Surgeon General’s evidence, you know that smoking more than a pack of cigarettes a day is likely to give you lung cancer. If you *choose* to smoke this much (supposing you to be in control, now, not addicted to nicotine already), then you have to be *willing* to get lung cancer, even if you’re not *trying* to and even if you never get it.

BUT

There are times when a side-effect of an act you *chose* can be *against* your will.

Take the case we saw before of the woman who is being raped. She is told, “Lie still and be quiet, or I’ll kill you.” If she lies still, she has sex with the rapist. If she screams or struggles, she dies. Both of these are effects of the act she chooses. Now if she chooses to lie still, *one* effect is that she saves her life, and the *other* is that the rapist has sex with her. Has she *chosen* the sex?

In this situation, no. Here, *all* she chose was to save her life; the other effect of the same act was an *unchosen* side-effect of the act which could not be avoided if she was to save her life; and to choose to scream (and so to die) would be worse.

We looked at this earlier as an example of the “choosing away

5.2.3. Side effects

from wrong”; and this in some circumstances can be what it is. It is traditionally called, however, the Principle of the Double Effect, and it is legitimized on the grounds that the effect is not actually part of the act, and in this special situation (rules for which we will give below) it can be kept out of the choice.

5.2.4. The Principle of the Double Effect

This principle is perhaps the most useful tool in ethics. It is not, as I said above, really a set of rules for the indirect method for clarifying your conscience (i.e. knowing you have chosen away from wrongness), because with this set of rules, *you know which act is the correct act to choose when in a dilemma*. In the indirect method, you don’t know which act is actually the right one; you just know what you are trying to do. Here, you can tell which is morally right.

● **RULE: An act *indirectly* involving wrongness may morally be chosen if the following five conditions are met:**

● **1. The wrongness involved must be in an *effect* of the act, not in any other part of the situation.**

If the wrongness is in some other part of the situation, then it is there modifying the *act* you choose (as the time or manner would); and since you choose the act, you could not then keep the wrongness out of the choice. The effect is *separate* from the act itself, and hence can be separated from it mentally without “fictionalizing” the situation.

● **2. There must be *at least one known right (good) effect in addition to the wrong one*.**

The idea is that you choose the act as causing the *right* effect, merely *permitting* the wrong one; your motive is the right one. If all

the known effects were wrong, then why would you do it except for a wrong reason?

Of course, the reason why this is called the *double* effect principle is that you lump all the good effects together as one complex effect, and all the bad ones as one bad effect.

● **3. The *right* effect must *not depend* on any of the *wrong* effects.**

Both the right and the wrong effects depend on the *act*, of course; but the point is that if the right effect depends on the wrong one, then the wrong one becomes a *means* for the right one (your motive), and you would *have* to choose it, as we saw when discussing the means.

So the two effects have to be *independent* of each other.

Note that this does *not* mean that there has to be a chance that the wrong effect might *not* actually happen. You might be morally certain that it will happen; but you still don't *have* to choose it if it isn't a means to the good effect and the other conditions are also met.

● **4. The *wrong* effect must *not be a motive*.**

Obviously, if the wrong effect is one of the effects you *want* to accomplish, then you have *chosen* it. The point here is that you can't use a dilemma as an *excuse* for doing what is wrong; as the woman being raped can't *want* to have sex with the rapist, and think, "Well, it's rape, so that makes it all right." You have to be *unwilling* for the wrong effect to happen, except that it's inescapable under the circumstances.

● **5. The *sum total* of the wrong effects must *not be worse* than what would happen if the act were *not* chosen.**

That is, you have the alternative of choosing this act with its bad

5.2.4. The Principle of the Double Effect

side-effects, or of not choosing it. Suppose you didn't choose it, what would happen? If the effects of *not* choosing it are *as bad or worse*, then you can choose it (always supposing the other four conditions are met, of course). If, on the other hand, it would be *less bad* if you didn't choose the act, then *you are choosing something which is worse than the alternative, and this is immoral*.

This is usually phrased as “the good effects must equal or outweigh the bad ones.” The trouble with this is that you can't measure “goods” as “better” than “non-bads.” Not only are goodness and badness subjective in the last analysis, but the two are *incommensurate*. That is, a certain “amount” of goodness cannot “compensate” for some amount of badness. For instance, a thousand dollars (or even a million) does not really “equal” the loss of, say, a leg. There's no comparison, any more than a certain loudness of E-flat “equals” a certain shade of blue.

Let me finish off this chapter by illustrating with a couple of examples, showing how you would go about applying the rules.

Situation: You are trapped on the 80th floor of the World Trade Center as it burns. Elevator shafts and stairways are on fire. The window is open, but there is no safety net below, and you will surely die when you hit the ground.

The alternatives are (a) jumping out the window and dying on the pavement, or (b) staying in the room and burning to death.

Take the first alternative. 1. The *act* is jumping out the window, which has nothing wrong with it except what will happen when you hit the ground (fulfilled). 2. The act has a good effect: you escape burning to death (fulfilled). 3. The escape from the flames does not depend on your *death* (the wrong effect), because it occurs *before* you die (fulfilled). 4. You are not trying to kill yourself, but to *avoid* burning to death (fulfilled). 5. It is at least as bad not to jump and to burn to death (fulfilled).

5.2.4. The Principle of the Double Effect

Take the other alternative. 1. The act (of staying where you are) has nothing wrong with it except what happens when the fire reaches you (fulfilled). 2. The act has a good effect: you don't die by hitting the pavement (fulfilled). 3. The avoidance of dying on the pavement doesn't depend on your *death* (because if the fire went out you would still achieve the good effect) (fulfilled). 4. You aren't trying to burn to death; you want to avoid dying on the pavement (fulfilled). 5. It is at least as bad to die by hitting the pavement as it is to stay in the room and die (fulfilled).

So in this case, since the two alternatives are about equal, you can choose either way.

We could add an alternative here which shows how the third rule works.

Situation: You try to get out the window and can't squeeze through. You search the room and find a pistol. You figure, "If I shoot myself, it'll be quick and less painful, and if I burn to death, it'll be slow and agonizing." Can you shoot yourself?

1. The act of pulling the trigger on a gun aimed at your head has nothing wrong with it except its effect (if there isn't a bullet in the gun, nothing bad happens) (fulfilled). 2. The act has a good effect: you don't die slowly and in agony (fulfilled). 3. Your *death* is what allows you to escape the agony of burning to death (not fulfilled).

So even though it would be *worse* to die by the fire, you can't shoot yourself to escape it, because then you would have to *choose* to die.

Let me now give an illustration of why you have to take the fifth rule in the sense I have mentioned it, rather than "weighing the good effects against the bad ones." No respectable ethicist I know of would disagree with the conclusion I am going to reach in this illustration; but I think that logically, using "good vs. bad," you wouldn't have to come to this conclusion.

5.2.4. The Principle of the Double Effect

Situation: You are offered twenty million dollars if you will play a game of Russian Roulette just once: put a single bullet into a six-shooter, spin the chamber, point the gun at your head, and pull the trigger.

Alternatives: Take the bet, with a five-out of six chance of winning \$20 million, and a one-in-six chance of dying. Refuse the bet, and be sure of not getting \$20 million but also of staying alive.

Take the first alternative. 1. The act of taking the bet, and even the act of pulling the trigger on the gun has nothing wrong with it in itself (as we saw above in the burning building's third alternative); the only thing wrong is the effect if the bullet is in the wrong chamber (fulfilled). 2. The act has a good effect: you have a five-in-six chance of getting \$20 million (fulfilled). 3. The good effect doesn't depend on your death—obviously; if you die, you don't get it (fulfilled). 4. You don't want to die; you want to live and collect the money (fulfilled). 5. But it is *worse* to have a one-in-six chance of dying than to be the way you are now.

You see, the comparison isn't between the likelihood of living with \$20 million and the likelihood of dying; you might argue that with a five-in-six chance of living (which are pretty good odds) and that "reward" for it, it would be on balance worth the risk.

But the real comparison is between how *bad* it is if you *take this alternative*, as opposed to how *bad* it will be if you take the other one. Nothing *bad* is going to happen to you if you refuse the bet (you don't *lose* \$20 million, because you don't have it now); you're no worse off than you are now if you refuse the bet. That is, you might just as well say that if you keep on the way you are, you "won't get" 20 *billion* dollars, or 20 trillion, or any sum you want to name. But this "not having" money doesn't mean you're actually *losing* anything. Not gaining (missing a possibility) is not the same as a loss.

Hence, since if you take the bet, you are putting your life in

danger, and there is no harm coming to you in the alternative, you can't take the bet, *even if you think the money is worth the risk.*

I rest my case for my formulation of the fifth rule.

Important note on the fifth rule

Since "good" and "bad" are basically subjective, evaluating which alternative is "worse" will also be somewhat subjective. There is no problem with this if *you alone* are involved; since there are no "objective degrees" by which you can *measure* "badness," then you may avoid whichever *seems* worse to you, based on the data you have (i.e. avoiding false comparisons like the "loss" above of what you don't have to begin with).

But when *harm to someone else* is involved in the "bad" effect, then *you must take what is generally regarded as worse in the society you are in as your view of the harm to the other person*, and not impose *your* evaluation of what is "bad" on the other person.

That is, *you* might consider it "worse" to lose ten thousand dollars than to lose an eye (so that you would refuse an operation to save your eye if it cost that much); but you have to realize that *another person* could legitimately reason the other way; so that if you had ten thousand dollars and your son (who depended on you) needed an eye operation, *you would have to pay it and let him have the operation.*

Which is "really worse" in this case? The point here is that there is no *truly objective* answer to that question. You can make some kind of assessment by this procedure: "What acts *can I not do* if I didn't have the ten thousand that I can do if I have it? What acts can I not do with only one eye that I can now do with two eyes?" This will tell you what you are being *deprived* of in the two cases. But it is not simply the *number* of acts not able to be performed that constitutes the deprivation, it is the *quality or importance* of those acts in your

5.2.4. The Principle of the Double Effect

life. But the *importance* depends on what your goals are, and how these acts reflect your goals; and your goals depend on your free choice, not on something objective.

So even though you can make an assessment of what is bad and what is worse, that assessment has an *inescapable subjective component*, and therefore must not be imposed upon another.

This means, of course, that absolute, cut-and-dried answers that apply to everyone are not possible in ethics.

I think it is well to be aware of this fact, and be honest about it. It does not mean that ethics is “subjective”; just that there are situations in which the subjectivity of “good” and “bad” enters, and where different people of good will will come to different conclusions.

But this does not really matter, because morality depends on the choice; and even though the choice depends on the facts you know, the real fact you have to know is that you are doing your best to avoid what is inconsistent with your reality here and now. God is not a spider who is sitting at the edge of a web of complexities waiting to pounce as soon as you make a mistake. The whole moral issue is whether you deliberately want to frustrate yourself or not; if you do, you can’t use anything said here to get around the consequences of your choice—because the choice *is* its eternal consequences. If you don’t, your attempt not to saves you from setting up a self-contradictory goal.

So even though ethical questions may be very complex and intricate, *there is never anything to worry about*. If you are trying honestly to do what is objectively right as far as you can see it, your mistakes will count in your favor.

5.2.4. The Principle of the Double Effect

This ends the general considerations of ethics.

Summary of Chapter 5

Conscience is the factual information you have about whether the act you are thinking of doing is morally right or wrong. It is evidence, not opinion or feelings. The morality of a choice always depends on the conscience of the one who makes the choice.

Conscience is **clear** when there is no information that there is anything wrong about the act in question. When a person acts with a clear conscience, his choice is always moral, even if he is mistaken. Conscience is **unclear** if there are any facts which indicate that the act is or might be wrong, even if it is more likely that the act is morally right. It is always immoral to choose to perform an act which your conscience is unclear about, because then you are willing to do it even if it really is wrong, and this is to be willing to do wrong, which is immoral.

To acquire a clear conscience, the **direct method** is used if you want to perform the act that you are unclear about. In this case, you must first find out whether in fact the act is morally right. If you cannot do this by yourself, then you must ask an expert and follow his advice. An "expert" is one you have information is in fact an expert. It is immoral to try to find an expert who will tell you what you want to hear; your intention must be to find out the facts. It would be immoral to seek less qualified experts when more qualified ones are available, other things being equal. If recognized experts disagree on whether something is wrong or not, then you may take the most lenient view that has good authority behind it, always remembering that not everyone who calls himself an "expert" really is one. This is called the direct method of clearing your conscience, because if one of the above indicates that the act is all right, you know that it is something you can morally choose.

If you cannot discover the facts, the **indirect method** applies. It is always, of course, moral to choose an alternative that your conscience is clear about. But if there is no course of action that seems to be certainly right, then you may clear your conscience by taking the morally safest course of action: the one that seems least wrong or least likely to be wrong. If all alternatives seem equally bad, any one may be chosen with

5.2.4. The Principle of the Double Effect

the intention of avoiding the wrongness of the others. This is called the "indirect method" of clearing your conscience, because you don't know whether you chose a morally right act, but you know that your will is directed away from wrongness. *It is only applicable when the direct method has been tried and has failed.* Choosing "the lesser" wrong when you are not in this situation would involve actually choosing wrong, and would be immoral.

To find out the facts for yourself, recognize that the choice is a choice to perform an act in a **situation**; and the situation relates the act to your nature. The act in itself is morally neutral, but any aspect of the situation is capable of changing its moral character by making it inconsistent with your nature. Important aspects of the situation are the **motive** (which is the same as the purpose, intention, goal, reason, or end for which you choose); if it is wrong, the choice is immoral; but if it is good, other aspects of the situation can still make the choice immoral. The **means** toward the purpose must not be wrong, because it must be chosen if the act is chosen for the purpose on which it depends. Even if the wrong means is less wrong than the purpose (which can be the avoiding of a great wrong), it must not be chosen if the purpose depends on it. **Side-effects** of an act (effects foreseen which are not the purpose) are ordinarily chosen along with the act, even though they are actually separate from the act itself.

The **Principle of the Double Effect**, however, is a way of keeping a wrong side-effect out of the choice of the act that produces it. It contains five rules: 1. The wrongness must be in an effect of the act, not in any other part of the situation. 2. There must be at least one known right effect in addition to the wrong ones. 3. The right effect must not depend on any of the wrong ones. 4. None of the wrong effects may be a motive (even a secondary motive). 5. The sum total of the wrong effects must not be worse than what would happen if the act were not chosen.

Since the last rule involves evaluating "degrees" of badness, it will have some subjectivity in it. There is no problem in this, except when the bad effect involves harm to someone else. Then a person must take the "worst case" interpretation, and not impose his own degrees of badness on another person.

This implies that absolute and objective answers to ethical problems cannot always be arrived at; but this does not really matter, because by following all the rules in this chapter, a person has cleared his conscience, and knows that his choice is not self-frustrating; and so has not brought eternal frustration on himself.

5.2.4. The Principle of the Double Effect

Exercises and questions for discussion

1. The Pope says you can't use contraceptives, and a Catholic says, "Well, I don't agree." Since each person has to follow his own conscience, does this mean that the person can use contraceptives?
2. A person has an abortion, thinking at the time that there is nothing wrong with this. Afterwards she sees the film *The Silent Scream* and realizes what she has done, and has to go into psychotherapy to deal with her guilt. Does she have a guilty conscience?
3. If conscience is knowledge, then obviously if you don't know something is wrong your conscience is clear. Wouldn't it help you to have a clear conscience, then, if you quit the course at this point, given that you might find out a lot about what you can't morally do?
4. If you're "clearing your conscience" by taking the morally safest course, knowing that even this course of action *might* be wrong, aren't you still willing to do what is wrong, and so still acting with an unclear conscience?
5. Doesn't taking the morally safest course in clearing your conscience mean that it's all right to do something that's a little wrong in order to avoid something that's very wrong? And doesn't this contradict the whole of morality, since we never do wrong unless we expect that by not doing it we will be worse off?
6. If *any* aspect of the act makes it inconsistent with your reality, then won't *every* act be wrong in some respect—since at the very least it uses up energy and causes wear and tear on the body, and this is harmful to the organism?
7. If you kill someone in defense of your own life, isn't his death the means toward your staying alive—and so doesn't this violate the third rule of the Double Effect?

5.2.4. The Principle of the Double Effect

PART TWO

**APPLICATIONS
TO HUMAN LIFE**

CHAPTER 6

INDIVIDUAL LIFE

Introduction to Part Two The purpose of this part of the book is to go through the main aspects of our humanity that we have in common, and to see how our actions can contradict these aspects of ourselves, and so to find what actions would be morally wrong for human beings in general.

Of course, what was said in Part I is still applicable; our individual situation modifies our “common” humanity in ways which will sometimes modify the rightness or wrongness of what we do; and our conscience may sometimes not be aware of the facts, and so we may be doing what in fact is wrong without realizing it.

Some might wonder why bother going through an analysis of our humanity, if it makes no eternal difference whether we are in fact acting inconsistently with our reality, as long as we don’t realize it. The answer is that if you violate your nature, you are in fact fighting yourself without realizing it, and that is hardly a recipe for how to be happy even here.

And these are serious matters. Many mothers who have abortions do not realize that they are dismembering their own children; but

Introduction to Part Two

that is what they are doing. And twenty million children have been pulled apart limb from limb or had their skin burned off since the Supreme Court refused to find out whether they were human beings or not. I think this is enough to show that it is worth trying to find out what the facts are about our reality and its acts.

We will approach the investigation first by considering the individual apart from any relation to other human beings; then as an independent being who can interfere with others; and finally as cooperating with others in a common enterprise.

6.1. Finiteness The first aspect of our reality to consider is one we share with absolutely everything else except God: we are finite or limited realities.

In my books, *Experience and Reality* and *The Finite and the Infinite*, I tried to show that (a) to be is to do; to be real is to be active (in the broadest sense of the term); but that (b) to be a finite reality: a *kind* of reality or a *degree of* a kind of reality was either to contain a real nothing (which doesn't make sense) or to be a reality which is both reality and less than reality (which doesn't make sense either). I also showed that the only thing which *could* make sense of any finite reality was an activity which was unrestricted either in kind or degree, but was Absolute, Infinite Activity—and this is what people call God. There can be only one of these, because any “second” one that was really different would have to have its reality “modified” by something that wasn't activity, which would make it finite.

Thus, each of us, and each aspect and activity of each of us, directly depends for its finiteness upon the Infinite Activity which we call God.

6.1. Finiteness

We depend on God *absolutely*; that is, *no* act we perform can be *fully* accounted for by ourselves alone, because, as finite, we cannot account for the *finiteness* of the act (though we may account for why it is *this particular type* of finiteness rather than that one). But if God does not *also act* to account for the act's finiteness, it cannot occur. This goes for *any* act we do, any aspect of ourselves, and for ourselves as a whole.

GENERAL ETHICAL RULE: It is therefore morally wrong to act as if we did not depend on God in this absolute way, or as if we depended in this absolute way on anything else except God.

More specifically, we can spell this out in the following way:

- **1. Acts despising God** are morally wrong. Obviously, the only person who could despise God would be someone superior to Him, not someone who depends on Him absolutely. Acts or statements despising God are called *blasphemy*.
- **2. In the same vein, treating objects, actions, or places used for worshiping God as if they were like anything else** is morally wrong. This is called *sacrilege*. For instance, using goblets used for worship as drinking-glasses, vestments used in religious ceremonies as ordinary clothes, sacred names as exclamations, sacred rituals as jokes or ordinary events—all of these actions are morally wrong *whether a person belongs to the religion in question or not*. These are ways in which people show their dependence on the sacred, and to treat this lightly just because you don't agree with their ideas of this is to treat the relation to God lightly.
- **3. Worship of anything except the Infinite Activity** is morally

wrong. *Worship* is the term that means *the acknowledging of one's absolute dependence on*; and since the Infinite Activity is the one—and the only one—on whom we absolutely depend, it is clearly inconsistent to act this way toward others.

This is not to say that we can't act as if we *depend* on others—even others who have died, who may still have an interest in helping us after death as they have had in this life. We do depend on others; *but not in the way in which we depend on God*. Therefore, when you ask help from others around you, or you pray for help to deceased relatives or saints, you must make a clear distinction between this kind of help and the relation you have with God.

● **4.** It is morally wrong to attempt to manipulate God, or to bargain with Him. You are absolutely dependent on Him; He is absolutely *independent* of you; to try to *make* him do something by some magical practice, or to try to offer Him something in return for a “favor you do for Him,” or to try to control Him in any way is inconsistent with the relation you have with Him. You are His absolute slave, and He is your absolute Master.

This does not mean that you cannot pray for favors from Him. Indeed, such prayer acknowledges that anything that happens to you has God as at least one of its sources, and this is true. But to “vow” to God, “I will build you a church if you will cure my sickness,” with the attitude that God is going to be “moved” by the thought of getting a church and will cure you for that reason pretends that God is an equal who can be bargained with, or someone who lacks something that you can give Him. The same vow, taken in the spirit of recognition of the depths of your gratitude if you are cured, is, however, perfectly legitimate.

6.1. Finiteness

●5. It is morally wrong to **refuse to worship God often enough so that in practice you do not forget your dependence on Him**. This necessity to worship is the first of the “affirmative” duties we have, because, even though you may never act as if you despised God or were His equal; still, if you *refuse to acknowledge* your absolute dependence on Him, you are in practice acting as if He didn’t make any difference in your life, when in fact He makes an absolute difference.

It is also true that **to refuse to offer external worship or social worship** is morally wrong. This would be to say that your “interior life” depends on God, but your external life has nothing to do with Him; or your personal life depends on God, but you are independent of Him as a social being. Both of these “independences” are false.

It follows also that **if you suspect that the Infinite has revealed a way in which humans are to worship Him, it would be immoral to refuse to investigate whether this is so, or, having investigated, to refuse to use this form of worship**.

This does not say whether or not the Infinite Activity *has in fact* revealed some special religion. But *if* you think He might have, and refuse to find out, then you are in effect saying, “I will acknowledge my absolute dependence on you, my Master; but I will do it in my own way, not yours, thank you very much.” This is hardly the act of one who is *absolutely* dependent on another.

So those who refuse to go to church simply because “they get nothing out of it” are missing the point. If going to church involves mainly recognizing the God is the Master and you are the slave, *this recognition* is what you are supposed to get out of it—or put into it, rather; and whether you get “uplifted” or “inspired” or anything but bored is totally irrelevant. You are acknowledging that as a social being, you depend on God.

6.2. Bodiliness We have in common with everything else in the

6.2. Bodiliness

observable universe that we are *bodies*: many forms of energy that are integrated into a single unit that behaves primarily as a unit, and only secondarily as a “system” of many “interconnected things.”

There are two things to note here. First of all, our bodies happen to be organized with a form of energy that is *also* a spiritual act, one that is conscious. As I tried to show in my book *Living bodies*, this spiritual act *is one and the same act as the energy uniting the body*.

Thus, we are not “spirits that inhabit a body;” *what we are is a body, whose organizing activity happens also to be spiritual*.

Therefore, it is morally wrong to act as if we are spirits which “have” or “control” our bodies, and to despise our bodies and “physical acts” as “beneath our true reality.”

We are not angels who have got trapped into “matter”; we are material spirits, and our bodily acts are as much “ours” as thinking and choosing. This is not actually something which is very commonly violated nowadays, except by devout and “spiritual” people. *The body is not evil*—which is just as well, since it is us.

For most, the opposite of this is the problem.

It is morally wrong to act as if our bodies were controlled either by pure energy or by instinct, and as if feelings and not thoughts were our “true selves.”

Our natures are so constructed that *thinking is to govern all our acts*, because our minds can understand our reality and how it is related to our actions, while feelings can’t; and this act of understanding is *the same act* as the act which controls the body. Hence, to let the control be either automatic or instinctive is to refuse to

6.2. Bodiliness

recognize the unity of the body on the other side: to let ourselves act as if we were unthinking bodies when in fact we can think.

Since bodies are units of many parts, and it is the whole which behaves when the parts act, and in human beings the organizing activity *builds* the various parts *in order for the body to perform certain functions*, it follows that

It is morally wrong to remove a part of one's body and so deprive oneself of a function one has by nature.

This removal (which is called *mutilation*) puts the body in the self-contradictory position of being able by nature to perform some act, and yet not being able to perform the act because the part by which it does so was removed. The human organizing activity built the whole body in the first place; but the body is so complex that (unlike starfish's bodies, for instance) the "functioning" parts (whole organs), once removed, cannot be rebuilt; rebuilding is confined to individual cells, or to such things as hair and skin. Hence, removal of a functioning part (a part with a function attached) *deprives the body of a power which it has*, and so is inconsistent with it as a body.

But since the organizing activity, which built the body and which is the same as our minds by which we think, has control of the body, it follows that

It is *not* wrong to remove parts of the body when the Double Effect applies.

- 1. In the first place, it is not wrong, in general, to remove parts of the body which have no particular function or only a minimal one. Hair on the face, for instance (or on the head, for that matter) may be removed, if a person thinks he looks better that way. Ears may be

pierced for cosmetic reasons, since this does not deprive the person of any activity he might otherwise perform; and so there is no real bad effect. *Such removals and alterations of the body are not mutilations*, even though they might be permanent and to some unsightly. Getting a tattoo (supposing that you are careful that you don't get one with an infected needle—which is a real danger, tattoo parlors being what they are) is not a mutilation. Since the “wrong effect” is practically nonexistent in these cases, any reason will do.

Cosmetic plastic surgery (plastic surgery done for the improvement of the appearance) is *not* morally wrong, *provided* the danger and expense of the operation is not worse than the bad effects (such as feelings of inferiority) attendant on not having it. Some of these operations can be quite risky, it is to be noted, including the risk of disfigurement if there is a failure; and these risks must be realistically assessed.

- 2. Functioning parts of the body may be removed if not having them removed would be worse than letting them remain. The reasoning goes this way: 1) The act of removing the part is only wrong in its effect (as we can see from 1. above); 2) there is a good effect (the avoidance of whatever harm comes from leaving the organ where it is); 3) it must not be *the deprivation of the function* which is the means toward whatever good effect is sought; 4) the deprivation of the function must not be *wanted*; and—as was said above 5) to leave the organ there would be worse, for some reason, than to be without the function it performs.

Thus, for instance, it would not be wrong for a person to donate a perfectly healthy kidney to another person who would die without the donation. We can get along with one kidney; the second is a kind

6.2. Bodiliness

of redundancy or “backup”; and so the damage done to oneself by having one kidney removed is less than the damage to the other by not having a kidney implanted.

● NOTE WELL ●

A person *never has an obligation* to donate some part of his body to another person, even if the other person will die without it and the donor is not appreciably harmed by the donation.

The reason for this is that the only reason you could have an *obligation* to do something like this is if another person *had a right against you* for what you had to give him. But no human being has a *right* to another’s body, since the “body” *is* the person, and this would mean *owning another person*, or making a slave of another person. And, of course, a *part* of the body, even if *separable* is not different from the body itself, because the body is not a system of interconnected “things,” but a unit first and foremost.

Hence, while it is not morally wrong to donate an organ to another (and in general is a morally very good act); it is never *required* to do so; and if for some reason you are reluctant to do it, you have no reason to think you are guilty of any wrong.

● NOTE WELL ●

It is *immoral to choose* the suppression of the ability to act, even if it is a means toward a very good purpose.

The reason for this, of course, is that if you choose *not* to have the ability you *have by nature*, you are choosing to be not what you are. You say, “Well, I don’t choose not to have the ability; I just choose not to be able to exercise it.” It is one thing to choose *not to exercise* an ability you have; but there is no difference in meaning

between “not having an ability” and “not being *able* to exercise it.” If you choose the suppression of the ability to function, you are choosing to be a contradiction.

- For this reason, **sterilizations** are morally wrong, even if, for instance, the woman has herself sterilized because her life would be in serious danger if she became pregnant. The bad effects (in this life, at least) of not being sterilized clearly outweigh the bad effects of being sterilized here; but it is *by not being able to reproduce* that the danger to life is avoided; and so the woman would have to *choose* the contradiction of her nature as reproducing in order to achieve the good effect. The same, of course, would apply to a man who chose to be sterilized in order not to father any more children than he could afford to bring up decently.

Note here that people *do* have a *very serious obligation* not to have more children than they can bring up decently. It is a contradiction to cause a child to begin to exist if you foresee that that child won't have a decent chance to live a reasonable human life. The point here is that the end doesn't justify the means. You can't use *sterilization* as your way of fulfilling that obligation, for the simple reason that you can't be immoral to avoid being immoral.

Of course, when an operation done for some other purpose also sterilizes a person, and the sterilization is an *unchosen* side-effect, then the third and fourth rules of the Double Effect are fulfilled, and the only consideration is whether the resultant inability to reproduce is worse than what would happen if the organ were left intact. A diseased uterus or testes may be removed, even though this would sterilize the person.

6.3. Life But the human body is not simply a body; it is a *living*

6.3. Life

body. As I tried to show in *Living Bodies*, the difference between a living body and an inanimate one is twofold: (a) the living body exists at an energy-level *greater than* what would be expected from the energy of its parts (i.e., it is not dominated by the degree of energy it has); and (b) the living body *has control over itself*, and is not simply at the mercy of the energy striking it. The human body is so far removed from its degree of energy that its organization is basically spiritual; and it has such control over itself that, within the limits imposed by its genes, it is self-determining.

But since the *range within which* a human being can determine himself is *given* by the genes, and since all of the acts of life have an *automatic tendency* to prolong life indefinitely (as we saw in the arguments for life after death), it follows that

It is immoral to choose to die.

The reason is that *the fact that you are alive* is not one of those aspects of life that you have in your control; you did not *give* yourself life; and irrespective of your will, your living acts tend to prolong themselves indefinitely. In the last analysis, you *cannot in fact stop living*; if you choose to die, you will discover that you have stopped living *as a body*, but you have not stopped *living*. Hence, to choose to die is a contradiction; you can't accomplish your choice.

It is immoral in general to choose an act which will be *likely* to result in one's death.

We saw this earlier, actually, as examples of foreseen side-effects of one's act. When you choose an act that has an effect, in general, you are choosing the effect of the act, even if it is not the purpose of your choice. Hence, if you have *evidence* that a given act is dangerous

to your life, you may not choose it without also choosing your death—unless, as I will say below, the Double Effect applies.

But specifically, this means

- **1.** that **smoking** more than a pack of cigarettes a day is morally wrong, because it has been shown that this creates a significant danger of death.
- **2.** that **driving when under the influence of alcohol or drugs** is morally wrong, because that too is objectively likely to cause death, not only to yourself but to others.

Nevertheless, a person *may* morally choose an act which will in fact result in his death when the Double Effect applies.

If the death is an *unchosen side-effect* of an act chosen for *another* purpose, the act may be chosen, provided all five of the rules are met:

1) The act has nothing wrong with it in itself except that it will result in your death; 2) the act has a good effect in addition to your death; 3) your *death* is not the means to this good effect; 4) the act is chosen *for the good effect* and not for the sake of your death; and 5) something (to you) at least as bad as your death would happen if you did not choose the act.

But can that fifth rule ever be fulfilled? Yes. Consider this situation: If some terrorist throws a bomb into a room in which you and twenty other people are sitting, you can throw yourself on top of it on the grounds that ten or twenty deaths are worse than one. Note that it is not *by dying* that the others are saved, because if you survived, you would still have blocked the blast and they would still be saved.

Again, you can, instead of defending your life when attacked, let

6.3. Life

the attacker kill you, choosing *not to have him die*; your death is no worse objectively than his.

It is even possible that there are types of life that are worse than death. Some have thought that it is less bad to die than to live in slavery; some think that death is a lesser evil than being maimed or diseased or mentally defective for the rest of their lives; and so on. Since “good” and “bad” are subjective, there is nothing *objectively incorrect* about such assessments. *In no case may one want to die in order to avoid these evils*, because then the death becomes the *means* to the good effect; but when a person is in a situation in which an act can *result in death, but also and independently avoid such evils*, the act may be chosen.

In general, for people whose situation is so bad that they think death is preferable, they don't really want the death, but the surcease from the intolerable life. They would almost universally gladly live if they didn't have to continue the particular kind of life that they find so burdensome. So the point here is that there is usually no problem in the fulfillment of the fourth rule; the real problem comes in the third, not having the death itself be the means toward the good effect.

Thus, a slave may choose to run away, even if he knows he will be killed for doing it. Here the death is not the *means* to escape the slavery, because if he is not caught, he achieves the good effect without the bad one. A person may refuse to have an operation which will save his life but leave him a permanent cripple. Again, it is not the death which allows him to escape being crippled, because if the disease does not kill him, he achieves the good effect without the bad.

● **Note** that a smoker who has tried to quit and finds he can't without disrupting his whole life *may* be able to achieve a balance be-

tween the bad effects of quitting and the bad effect of being *likely* to die by smoking, provided the odds against dying are in his favor. But he would have to know what the likelihood of his survival is in order to have a clear conscience. You can't use this, however, in the case of drinking and driving, because *another's* life may be involved.

If a person is dying, he may morally choose not to take measures that will postpone the death, in order to avoid suffering and expense and other bad effects.

● NOTE WELL ●

At this point we are only speaking about what you can do with *your own life* in this situation. What you can do about *someone else* who is dying and who is, for instance, unconscious, is another story which will have to wait until we discuss rights.

Here let me make a distinction between *maintaining life* by food, water, and air (which we need at all times) and *postponing death* by taking steps to *prevent* the dying process from advancing. Kidney dialysis machines (which supply the function of defective kidneys), artificial or transplanted hearts, respirators (which *make* you breathe, as opposed to supplying air for you to breathe), etc., are means of preserving life, or postponing (sometimes indefinitely) the death of a person whose own nature is in the process of dying.

A. A person may not morally refuse to *maintain* his life.

That is, even if you are dying, you may not refuse food in order to get it over faster. Since food is a necessity all through life, then this would be to starve yourself to death, which would involve choosing your death.

6.3. Life

The general criterion here is that if whatever it is that you need would have *somehow* to be supplied to any normal person, then that is life-maintaining, even if you're getting it in an "extraordinary" way. For instance, we don't all by ourselves get food and water; in general, farmers and merchants and so on help us get our food and drink, and sometimes by highly "artificial" means as supplying the water through miles of pipes from the reservoir (note how expensive this sort of thing is also). So if you are being fed and hydrated intravenously, then this is maintaining your life, not postponing your death.

In the case, however, where food has to be forced into your stomach through a tube directly into it (in which care must be taken that the food does not spill into the abdominal cavity and decay there, and so on), there comes a point where you can argue that your digestive system is being forced to absorb food it is actively rejecting because of the dying process; and then this becomes something like forcing your dying lungs or kidneys to function. At that point, if you choose not to be "fed" in this way, you are refusing to postpone death, not choosing to die.

● I hasten to say that *there is nothing wrong with selecting* these death-postponing measures and prolonging your life. It is just that you don't *have* to.

B. But when death is being *postponed* by equipment, and you choose not to remove it, you are not necessarily choosing your death, unless what you want is to die.

True, not using these machines *may even certainly result in your death*, but this non-use or removal has the independent

good effect of saving expense, freeing the machinery for someone else's use, saving the agony of a continuation of a life that is nothing but pain, and so on.

Even with this last point, you are not choosing "life of agony" or "death," because you are dying anyway, and the life-preserving mechanisms are simply postponing the moment when it will happen. Therefore, you are really choosing between two more weeks (or years) of life as opposed to two more hours of life; and it can be worse to live in agony for two years than to live for only two hours. *In this case—when you are dying anyway—the "quality" of the life you live can be a consideration in your choice.*

Let us spell out the Double Effect here: 1. The act (of unplugging the instrument) is in itself neutral (if you were healthy, obviously there would be no problem; it's that it will result in your death that is the difficulty—the effect). 2. The act has a good effect: avoiding expense and suffering. 3. The *death* is not the means to the good effect, even if they occur at the same time, which can be seen by the fact that if the shock causes you to get healthy, then the good effect (avoiding the expense) has occurred without the bad one's happening. 4. You do not want to die, but to avoid the suffering and expense. And 5., as I said above, the alternative can be worse, given that what is in question really is the quality of the life you have left.

● But a person in the same situation may not morally take an overdose of sleeping pills to end things quietly rather than prolong the agony, because then it is *by dying* that you stop the agony. When the death is the means, it is chosen.

Hence, if the "plug is pulled" and you keep on living, you

6.3. Life

can't do something to bring about your death.

6.3.1. Control of acts This is not the place to talk about the beginning and end of life, because obviously a person cannot choose for himself when or how to begin living, nor can he really find out for himself whether he is dead or not in such a way as to do something with his body like remove an organ. Those considerations belong in the chapter dealing with *someone else's* life, and need a discussion on rights first.

But the living body has, as I said, control over itself; and it exercises this control by subsystems of the body called *faculties*, which enable certain acts to be turned on and off, or used in various ways under the basic control of the organizing energy, which is also the mind. Thus, our visual faculty enables us to see or not to see; our nutritive faculty to increase our energy or not; our reproductive faculty to reproduce another human being or not; and so on.

It would be morally wrong to refuse to exercise a faculty if the non-exercise *does damage* to the body.

“Damage” here means that the non-exercise is the equivalent of *depriving you of some ability that you genetically have*. Thus, to refuse to eat enough so that you become weak or unhealthy would be morally wrong; to refuse to open your eyes and so to walk around bumping into things and courting injury would be wrong (though there is nothing wrong with blindfolding yourself in a controlled situation such as the game of Blind Man's Buff).

It is *not* morally wrong to refuse to exercise a faculty when no damage to the self would result from the non-exercise.

Thus, you are *not* contradicting your nature if you choose to remain a virgin and never have sex. Your sexual *faculty* gives you *control* over when and whether to engage in sex; and since no damage is done if you never exercise this ability, it is open to your free choice whether you want to be someone who has expressed himself sexually or not.

This goes for *all* our so-called “talents.” The Parable of the Talents (from which this word—which means a large sum of money—was taken) does not refer to abilities to act or skills, but to the gift of the Message of the Gospel, which is not to be hoarded secretly, but spread. So if you are a “gifted” pianist, *there is nothing wrong with never playing the piano* and devoting your time to doing mathematics problems—which you may not be terribly good at. This is what “to be self-determining” means. If we *had* to exercise our talents, then self-determination would be a farce; the only thing we would be free to do would be to develop ourselves *at the direction of the genetic tendencies of our bodies*, and the controlling factor in us would then be under the control of what it is supposed to be controlling. This is clearly absurd. Therefore, we don’t have to exercise our talents, to develop them, and certainly not develop them to the full.

This is not to say that it isn’t a good thing to develop your talents and exercise all of your faculties; it is only that you don’t *have* to—unless not doing so does you some damage, as I said.

To pass on to using the faculty, this should be said first:

It is *not* morally wrong to use a part of the body for some function *other* than that to which it is directed by its nature, *provided* this exercise does not *hinder or contradict* its natural function.

What do I mean here? You can use your ears to hold up your

6.3.1. Control of acts

glasses, even though it is obvious that your ears' natural function is to hear—and even the function of the external ear is to help focus the sound that goes in to the eardrum. But holding up your glasses with your ears still enables you to hear just as well as before, and—let's face it—that protuberance on your face *can* hold up things.

So we mustn't, if we are to be sane, get too “naturalistic” here, even though this is “natural law” ethics. (This is one reason why I don't like the term, by the way; it makes it sound as if anything artificial or technological is morally wrong; but we are *by nature* technological beings—in fact, we are *the* technological beings.)

Nor is it wrong to walk on your hands. Our hands are adapted for grabbing things and picking them up, and are not really like other mammals' forepaws. Still, thought it is not *consistent* with the function of the hands to use them as if they were feet, it is not positively *inconsistent* with them either.

I am using my fingers at the moment to speak, by typing into a computer, which is then going to send impulses to a printer, which will then make masters to be reproduced; and you will “listen” to what I say by using your eyes. There is nothing wrong with this at all, because (a) these organs *can* without damage be used for these purposes, and (b) there is no contradiction of their natural function in doing so.

You would contradict the function of your eyes if you used them to look directly at the sun, which would destroy them; but not if you read something with them.

Furthermore,

It is *not* morally wrong to *suppress* the functioning a faculty when this is the equivalent of not exercising it.

Suppressing the functioning of a faculty isn't quite the same as

6.3.1. Control of acts

not exercising it because you're *preventing* it from doing its thing, and presumably it would be acting if you didn't take steps to force it not to act. But since you don't *have* to exercise a faculty, then it is legitimate to *prevent it from acting* if it acts when you don't want it to—always supposing that no damage comes of this.

Thus, if you don't want to hear, it is perfectly all right to put something in your ear to keep out the sounds. If you don't want to see, and for some reason your eyes keep opening, it is all right to cover them. If your head is aching, it is all right to stop the ache, keeping in mind that the ache is warning you of something wrong, and trying to cure the problem.

- **Note** that this is not the same as mutilation, where you deprive yourself of the *faculty itself*. You can still exercise the faculty by removing whatever it is that is preventing it from acting; and so when you suppress the function, you still have control. When you remove the part of the body, there is no meaning to “having control” over exercising the act.

It is morally wrong, however, to suppress *one* of the functions of a *multi-function* faculty and *exercise* the faculty for one of its other functions.

In this case, you are pretending that the faculty doesn't do what it does; and this is different from either exercising or not exercising it. You want to exercise it, *but here you want its function to be only part of what its function is*, and thus *you contradict the nature of the faculty in its very exercise*.

Gluttony—or what is now spoken of with the medical term “boulimia,” is a good example of this, insofar as it would be delib-

6.3.1. Control of acts

erately chosen. What this is eating and then either throwing up or taking a laxative so that the food will not be digested. Eating has a pleasure-giving function, and it also involves the assimilation of the food into the body.

Note that this is now taken to be a “disease,” and people who do this sort of thing are called “sick.” True, they may be out of control; but that isn’t really the point. The culture’s current code-word for “morally wrong” is “sick” or “unhealthy,” because it’s taboo in our society to accuse an individual of doing something morally wrong (it’s okay to accuse institutions or “the system,” of course). But the point is that people recognize this behavior as self-contradictory, and so disapprove of it.

Now it may be that you are taking in more food than your body needs, and in fact enough food so that you are harming your health (i.e. doing damage to your body). It is obviously good not to do this; and clearly, not eating is a way to prevent it.

● NOTE WELL ●

This is not to be taken to imply that one must *intend* all or even any of the “purposes” of the function one is exercising. As long as no function is contradicted or suppressed in the exercise, the part of the body may be used for any purpose one pleases.

For instance, you can eat for the sake of keeping somebody company, not because you want to nourish yourself or because you feel hungry and want to relieve the pangs or even because the food tastes good. Many is the parent who has eaten a child’s first culinary creation with a smile on his face simply to make the child feel good.

There is absolutely nothing wrong with this. The moral obligation does *not* command that we “do good” (i.e. *fulfill* the aspect of ourselves which we are exercising) but that we *avoid contradicting*

any aspect of ourselves; and that, of course, includes contradicting an aspect-of-an-aspect also in the course of fulfilling some other aspect of that aspect.

That is, when you try to *prevent* being nourished by food *by eating and then suppressing digestion*, you are *exercising* the faculty of nutrition *in such a way that it only does part of what it does*, and this is morally wrong. You are pretending that eating is *only* for the taste, and that the exercise of the faculty *has nothing to do with assimilation of the food*—which is the point here; *That* is a falsification of the faculty's function.

The point here is that the *interference* in the functioning of the nutritive system while exercising that system is what is morally wrong. A similar kind of wrongness to eating and throwing up would be **intestinal bypass** surgery, which is sometimes done to correct gross obesity. In this, the intestine is cut and then reattached (temporarily) to a lower part of the intestine, making the path the food travels through it significantly shorter, and therefore making it not possible to digest as much of the food. In this, the nutritive faculty is being exercised, but it is being prevented from doing part of what it does in the very exercise of it. This is wrong.

But suppose the person will suffer all kinds of health problems if this isn't done, because in practice it's the only way to keep him from absorbing far more food than his body can use. Sorry. The end never justifies the means.

You can put a balloon in his stomach which doesn't allow as much food to get *in* (because the balloon is taking up some room, and so the person feels full sooner); but you can't suppress the digestion or part of the digestion in the process of exercising the faculty of nutrition.

On the other hand,

6.3.1. Control of acts

● NOTE WELL ●

There is nothing wrong with eating things that taste good and have no food value.

This is not exactly like what I said above with respect to eating just to keep someone company. There, the food *does* nourish you and fill you up and so on; it's just that you aren't interested in this at the moment. I am speaking now of things that in fact can't be digested, like cellulose, or which have no nourishing qualities, like coffee or artificially sweetened Kool-Aid. Of course, it is supposed here that *no damage is done to the body* by eating this kind of thing, as might be the case if you eat so much of it that you are undernourished.

This sounds a good deal like suppressing one of the functions of the faculty while exercising another, as when you eat diet food just because it tastes good and you don't want to gain weight (i.e. you don't want the *effect* it would in fact have if it were nourishing.) But you really aren't *contradicting* the functioning of your digestive system; it is still doing what it naturally does; it is just that there's nothing there for it to assimilate as it passes through the body.

That is, the act is still the *kind of act* that this part of the body performs; it doesn't have the *effect* it normally would have, because the "food" isn't really food, but just bulk.

But then aren't you contradicting the nature of the food itself? No, because there is nothing which *has as its natural function* to be food for human beings. There are all sorts of things we *can* eat, from ants to cows to broccoli and mushrooms; and some of them are in fact nourishing. But any plant or animal doesn't have as its "natural purpose" to be eaten by a human being. Its only natural purpose is its mature state, as I mentioned in *Living Bodies*.

Hence, even if you took food which was nourishing and boiled all the nutrients out of it because you liked the taste better that way,

there would be nothing wrong in this, because, since it doesn't have as its function to nourish us, there's no way you can contradict this non-function.

The reason why this is not wrong is that you are *not preventing* your digestive faculty from doing all that it does; it is just that the things you ate can't be assimilated. Thus, drinking diet pop, which contains nothing nourishing, is not a contradiction of your nutritive faculty. Here you are *not asserting* the assimilative aspect of eating; but you are not *doing anything to contradict it* either. In the case of eating and purging, you are *preventing* the exercise of part of the function while exercising the function.

It is fairly easy to see this with respect to eating; but the principle also applies to sex. I think, however, that we should defer a discussion of that subject to a chapter of its own, since it gets quite complicated.

I hasten to add that many of the acts that are called "perverted" and are done between homosexuals, for instance, are all right by way of foreplay between marriage partners; as long as they don't constitute the whole act and it can reach its completion in a way that does not deny its reproductive character. It does **not save** such non-reproductive types of exercise of the sexual faculty such as oral sex that they are done between a man and a woman; what "saves" them is (a) that they are preliminaries leading up to a reproductive use of the faculty (and so don't pretend that it is only part of itself); and (b) both partners are willing to do these acts (and so one is not being used for the gratification of the other).

- NOTE that one's partner need not particularly **enjoy** having sex at a given time or in a given way; it is that **the partner must not be positively UNwilling to do it**. You do not have to **assert** any partic-

6.3.1. Control of acts

ular function of an act; you must simply **not deny** any of its aspects **when exercising the faculty**.

Thus, it is perfectly all right to have sex because it is tuesday and you both agreed (for some reason) that tuesdays are a day you have sex on; neither of you especially wants sex on this particular tuesday, but both are willing. Sex does **not have to be thrilling**; it is perfectly all right if it is routine. It is even permissible not to especially like it. Do not be deluded by our culture of sex; it does not have to be the be-all and end-all of a relationship of love between two people. The way some sex manuals talk, it is almost as if you not rising three feet off the bed every night makes you immoral. This is nonsense.

4. In the fourth place--here it comes--**contraception** is morally wrong, however it is done. But let us be clear what this is: it is **taking a reproductive act when it is reproductive and doing something to suppress its reproductiveness with the intention of exercising the faculty as if it weren't reproductive when it is**.

That's a long definition. The point is that the woman is not always fertile, and therefore **sex, in itself, is not always reproductive, even though it is always a reproductive KIND of activity**. That is, sex (and only sex) is the kind of activity which can reproduce; and so it is always a reproductive **kind** of activity. It is this, actually, which is denied by masturbation or homosexual sex.

But not every act of this type is **in fact reproductive**. Thus, one **need not intend that there be children every time one exercises the sexual faculty**.

It is a calumny to assert that those who hold that contraception is wrong say that "THE" purpose of sex is to have children. That would make sex after menopause morally wrong (since the woman can't have children then), and there are precious few ethicists who have ever held this.

6.3.1. Control of acts

BUT

It is simple dishonesty to take the act of sex **when it is reproductive** and **prevent it** from doing part of what it does. And that is what contraception does. No one would use a contraceptive during times when it was **known** that the woman was infertile, and that no child could result from the act. Why would one? No, the only reason that the “pill” is taken during infertile times of the month is that if it isn’t, then it won’t make the person infertile during the times when she is by nature fertile; and the person wants to be infertile during the times when she is fertile.

Is this a contradiction or is it a contradiction?

●**It is not morally wrong, using the Double Effect, to have sex ONLY during infertile times; and even to TAKE STEPS TO DISCOVER when these infertile times are.**

Remember, the problem with contraception is **not** “not having children”; it is **the contradiction in performing a reproductive act which is not reproductive**. It can be, as I said earlier, **good and even morally necessary not to have any more children**, if they can’t be brought up decently.

So the question is **not** a question of the **purpose**; it is one of the nature of the act as an exercise of a faculty. And since the faculty is not always reproductive, **then it may be exercised when it is not reproductive**, if the five rules of the Double Effect are met:

1) The act of having sex at a time when the woman is not fertile is consistent with the nature of sex; 2) the act has a good effect: one avoids children who cannot be decently brought up; but **it also has a bad effect**, because to exercise the act **only** during these times makes **the whole series of acts not reproductive, and thus the**

6.3.1. Control of acts

sexual activity of the couple as a whole not reproductive--more or less analogously to homosexual sex.

The act is still the **kind** of act that is a reproductive kind of activity; but the **deliberate** exercise of it only when not reproductive, has the effect of **denying** that one's sexual activity as **such** has anything to do with reproduction.

But since this is **the effect** of a whole series of acts, and is not in any one of them, this bad effect may be **an unchosen side-effect** of the acts of sex.

To continue with the rules: 3) the **non-reproductiveness of all of one's sexual activity** must not be the means toward the good effect. And it is not, in general; what is desired is that **this act** not result in a child one cannot support, not that, should conditions change, one **never** have a child. 4) The non-reproductiveness of the whole of one's sexuality cannot be what is wanted; it is just unfortunate that now one cannot afford a child. And 5) the bad effect of possible non-reproductiveness of sexual activity as a whole must not be worse than what would happen if one refrained from sex altogether.

Thus, the "rhythm" or "sympto-thermal" method of family planning cannot be engaged in lightly, because there **is** a bad effect of this kind of thing. It must be a method of family **planning**, not of family **avoidance altogether**. Sex in general is reproductive; and so results in "family."

5. Finally, **artificial insemination**, even by the husband's sperm is morally wrong.

Why is this? This is a use of the woman's sexual organs **purely** for reproduction. It must have **nothing to do with sexual arousal or with love of the person using the organs**, because this person is generally a physician. Consider what is happening. The man who impregnates the woman is not her husband, and he is not impregnat-

6.3.1. Control of acts

ing her with his sperm, but someone else's. He must not arouse her when he uses her sexual organs, because he doesn't want her to love him; this is just a business deal with him, or a favor to the couple. She must try not to feel pleasure at what he is doing, or she might be aroused toward him. The husband just stands aside, even if it is his sperm that the woman is being impregnated with; and of course if it isn't, then her doing this "out of love for him" so that "they" can have a child is a farce; he has nothing whatever to do with the whole procedure.

You can see what a mockery this makes out of sex.

But to continue with our control over our acts:

It is morally wrong to get into a situation in which one can *act* but *cannot control* one's actions.

That is, to use your control over yourself in such a way that you can act without being able to control yourself is clearly a contradiction. Therefore,

Getting drunk, or under the influence of drugs which take away control while leaving you capable of acting is morally wrong.

It is not morally wrong to *drink* alcohol; what is morally wrong about it is being in this acting-without-control situation. And since this occurs to a greater or lesser degree with things like marijuana, heroin, opium, cocaine, and so on, the use of those substances would also be morally wrong—always supposing that the Double Effect does not apply (as in taking morphine for pain).

Many of these substances are also *addictive*, which means that they form a *habit* and become *necessary* for the person's survival.

6.3.1. Control of acts

Forming habits is not bad in itself, nor is being dependent for survival on chemicals (we are all dependent on H₂O, for instance). But since the chemicals themselves have a morally wrong aspect, then *it would be immoral to choose to take them, even below the level of loss of control, insofar as it is likely that a habit of dependence will be formed.* Once the habit is formed, you are permanently out of control—short of a miracle.

Note that **this applies also to alcohol.** Alcohol is an exceedingly dangerous substance; if you have *any* evidence of incipient alcoholism (such as “needing a drink”), *then you have a serious obligation to stop drinking altogether.* The alcoholic is always “sure he can handle it” until he gets so far gone that he has to recognize that he can’t help himself. Alcohol is a fine thing to stay away from. There is, however, no moral obligation to do so if one drinks in moderation, *unless there are signs of dependency beginning to appear.*

6.3.2. The act itself Finally, it is possible to contradict not the faculty but the act itself in its exercise, if you use it in such a way that it can’t perform its real function.

The most common example of this, and one which will serve as a model is **lying.** We don’t have any “faculty of communication” as such; our vocal cords do not have of themselves any orientation toward communicating abstract ideas through words, any more than our hands of themselves are communicators as when we type or use sign language. There are many faculties that *can be used* to communicate; but there is none that is *by nature* communicative, as sex is reproductive by nature.

Hence, the liar is not contradicting any *faculty* he has.

But when you tell a lie, you expect the person you are lying to believe you. Why? Because you are in a context where what you say *by its nature* has the function of revealing what you think the fact are.

That is, *the act of factual communication* (as opposed to exclamations, stories, poetry, etc.) *has in itself the function of revealing what the communicator thinks is the facts of the matter.*

But when you lie, *you communicate what you think is not a fact*, with the intention of having the one who receives it take it as what you think *is* a fact. *This is a contradiction of the act in the exercise of the act itself, and so is morally wrong.*

Therefore, it is morally wrong to communicate as a fact something you think is not a fact.

● NOTE WELL ●

What is *communicated* may not be *what is said*.

Certain conventions of speech *communicate* (i.e. are understood to mean) something different from the literal meaning of the words. For example, “Mr. Jones is out,” spoken by his secretary, *communicates* “You can’t see Mr. Jones,” and nothing more. If the secretary said, “He’s in but he doesn’t want to see you,” she might also be communicating that the inquirer was not “worthy” to see Mr. Jones, which could be false.

Hence, those who take such conventions literally and accuse secretaries of lying do not understand the *meaning* of conventional expressions; and it is the meaning of the expression itself that is communicated, not necessarily the literal sense of the words.

A person in general has *no* obligation to *reveal* what he thinks is the facts to another person.

Another person may have a *right* to know what you think, how-

6.3.2. The act itself

ever, if he can't fulfill some obligation he has without knowing what you think about something. Thus, if you are asked a question by a lawyer in a trial, you *must* answer it, unless the Double Effect applies. The same would go for questions by parents of their children, or of those in authority in general.

A person may in fact have an obligation to *conceal* information he knows from other people.

If, for instance, you were told a secret by another person and agreed to keep the matter secret, then you have made a promise not to reveal it, and it is inconsistent to break a promise you made.

Secrets, it is to be noted, especially when you are told one *after* being asked to keep the matter secret, *generally have the implied proviso, "if significant harm would not come from keeping the secret."* A person cannot be expected to keep a secret when great damage would come from keeping it; and therefore to demand a promise beforehand and expect compliance without warning the person somehow is unrealistic.

Hence, secrets may sometimes be revealed when the Double Effect applies.

(It goes without saying, perhaps, that certain secrets may under no circumstances be revealed: those heard in Confession, for example; or certain secrets doctors learn from patients, etc.)

Information may never be concealed by means of a lie.

This, of course, is to use a wrong means for a good purpose, and would involve choosing the contradiction of the act.

When a secret must not be revealed, then keeping silence (or

saying something equivalent like “no comment”) **is the way this must be done** *unless this silence communicates information.*

That is, if someone asks you a direct question, “Were you downtown last night with Martha?” your silence could in fact *communicate* that you were; because if you weren’t, you would answer “No.”

Hence, if your being downtown with Martha is a secret that must be kept, *you can’t keep it by being silent or noncommittal in this circumstance.*

In cases where silence or its equivalent reveals secret information, then you must say something that communicates no information.

What you say depends on the situation, and what you think the hearer will understand. For instance, the statement, “Martha is not the kind of girl that would do what you’re thinking,” might leave your questioner wondering whether or not you were actually there with her—though it may answer what is behind his question.

It is even possible for you to say “No, I wasn’t,” in this case, *if you expect that the questioner won’t believe you.* If he realizes that either “yes” or silence mean the same thing, he probably realizes that “No” is the only possible answer you could give without revealing what he thinks you are trying to conceal. Hence, if you say, “No,” he doesn’t know whether this is because you weren’t there, or because you are trying to keep him from knowing whether you were there or not. *In this situation, you have made a false statement, but you have communicated nothing at all.* You have to expect the hearer to take your words as factual to lie.

If this sounds like splitting hairs, it is. Nevertheless, given that we

6.3.2. The act itself

don't always communicate the literal meaning of what we say, it is legitimate.

As a footnote to this, let me say that if you have reason to think that the person will take what you said as your view of what is factually true, then you are lying. But this applies to children, when you tell them, for instance, about Santa Claus, not as a story but as literally true. If you think they will believe that Santa actually comes down the chimney on Christmas Eve, then it doesn't matter how "beautiful" the story is, it's a lie and is morally wrong.

There's nothing wrong with telling about Santa Claus as a story; children can distinguish fiction from fact; the problem comes in trying to convey to them that it isn't "meaningful," but actually happens.

To get around this, I told my children what was true about Christmas: that it was Jesus' birthday, and that unlike others, he celebrates his birthday by inspiring people to buy presents for each other. My kids would then spend their evening prayers in Advent asking Jesus (in my presence, of course) to inspire me to buy them an Easy-Bake Oven or a Ready Ranger backpack kit; and they thanked him as well as me when the presents appeared under the tree. They also had fun sitting on Santa's lap in the stores, of course, smug in their knowledge that it was all just pretend, and they knew the real truth about Christmas.

I use this as an illustration to show that if you abandon your fear of what you "give up" when you stop acting inconsistently with your reality, you very often find that what you gain is considerably greater.

Keep that in mind when we discuss sexuality.

Summary of Chapter 6

Since our total reality and every act we perform is finite, absolutely everything about us depends for its finiteness on the Infinite Activity, God.

6.3.2. The act itself

Therefore, it is morally wrong to despise God (blasphemy); to treat objects, actions, places used for worshiping God as if they were like anything else (sacrilege); to worship anything except God; to attempt to manipulate or bargain with God; to refuse to worship God both interiorly and exteriorly and socially; if you suspect that a religion has been revealed by God, to refuse to find out and join that religion.

We are bodies, which means that we are forms of energy integrated into a single unit that behaves primarily as a unit; and our organizing activity is the same activity which is our spiritual activity of thinking. Therefore, it is morally wrong to act as if we were spirits which merely "have" a body, and despise bodily acts; to act as if our bodies were controlled by mere energy and instinct and not by thinking; to remove a part of a body and by so doing deprive oneself of a function one has by nature (mutilation), unless the Double Effect applies. It is not wrong to remove parts of the body which have no particular function. Cosmetic plastic surgery is not wrong, taking into account the danger of the operation. Organs may morally be donated to others; but a person is never required to do so. It is immoral to choose the suppression of the ability to act, even if the purpose is very good; hence, sterilization is morally wrong.

We are also living bodies, which means that our bodies exist beyond the limits of the degree of our energy, and are in control of themselves within the limits imposed by our genes. Since we do not control whether we are alive and since the tendency of life is to continue, it is immoral to choose to die. It is also immoral in general to choose acts which put one in danger of death, unless the Double Effect applies. Therefore, smoking heavily and driving after drinking are morally wrong. If a person is dying, he may morally choose not to postpone his death by taking life-preserving measures, using the Double Effect, balancing off the evil of not having an extra time to live with the evil attendant on that time. A person may not refuse, however, measures that maintain life, such as food, water, and air; to refuse these is to choose death. Life-preserving measures are those not necessary to maintain life, but which postpone the death when one is dying. One may not morally take measures to kill oneself to shorten an agonizing life.

The control over our acts which we have as living is done by subsystems of the body called faculties, which enable us to turn certain acts on and off and control them. It is therefore not wrong to refuse, even permanently, to exercise a faculty, as long as no damage is done to the body by the re-

6.3.2. The act itself

fusal; it would be wrong to refuse to do so if damage is done to oneself by the non-exercise of the faculty. It is not wrong to exercise a part of the body for some function other than its natural one, as long as the natural function is not contradicted and no damage is done to the person. It is not morally wrong to suppress the functioning of a faculty when this is the same as not exercising it. But it is morally wrong to suppress one function of a multi-function faculty and then exercise the faculty as if it had only part of the functions it has. Eating and then suppressing digestion (boulimia) is morally wrong, whether this is done by throwing up or by something like intestinal bypass surgery. One need not eat for the sake of either pleasure or nourishment, as long as the faculty is not suppressed. Nor is it wrong to eat things that contain no food value, because no exercise of the faculty is actually suppressed, and nothing has as its natural *function* "to be food" for human beings.

Control over one's acts implies that it is morally wrong to use one's control to get into a situation of being able to act and unable to control one's acts. Therefore, getting drunk or under the influence of similar drugs is morally wrong. If these drugs are addictive, then one can also be choosing to get into a morally bad habit; and when signs of dependency begin to appear, one must stop the drug altogether.

It is also possible to contradict the act itself in performing it. Lying is communicating as a fact something you think is not a fact. It does not contradict the "faculty" of communication, because we have no such faculty; it contradicts the act itself. What is communicated may or may not be the literal meaning of the words; it depends on what the community understands by the phrase. A person has in general no obligation to reveal what he thinks is the facts, unless a legitimate authority commands him. If he has been entrusted with a secret, he has an obligation not to reveal it. Secrets may never be kept by telling a lie; but must be kept by simple silence or their equivalent, unless this reveals (by implication) the information to be concealed. Then one must say something which communicates no information; and here, a false statement may sometimes be made, if the hearer would be expected not to believe it, since then nothing is communicated.

Exercises and questions for discussion

1. Some people say that they don't go to church because they get nothing out of it. Do believers have an obligation to go to church whether they get anything out

6.3.2. The act itself

of it or not? What evidence can you present to support your position?

2. If it's not wrong to donate an organ to another, can a person have a child because another child needs the organ that this new child can supply?

3. Is the "living will" (where you say that if you become incapable of saying so yourself, you want no life-preserving measures to be taken) moral?

4. A person gets branded as a sign of belonging to a fraternity. Is this morally wrong?

5. Since it's an artificial way of communicating to write something down on paper, reproduce it, and have the other person read it with his eyes, then isn't the very page you are reading the result of a morally wrong act?

6. Is a doctor lying when he gives a placebo (a medically neutral sugar-pill) to a hypochondriac patient and says, "Take this for a week and you'll feel better" knowing that by the "placebo effect" the patient's *belief* that he will feel better will make him feel better.

6.3.2. The act itself

CHAPTER 7

SEXUALITY

7.1. Preliminaries What we have been saying in the preceding chapter is fairly easy to see with regard to nutrition. Its application to sex, however, is what is now called “controversial.” I find it fascinating that people who are quite willing to admit restrictions on all of our other activities sometimes act as if sex were special and sacred, and no restrictions upon it are to be even mentioned.

But this is another of the things I brought up at the beginning of the book that no one really believes, even though people will hold demonstrations in its favor. I don’t know of anyone who thinks that it’s all right to rape someone if you want a child by her, for example, nor do I find anyone who claims that Jeffrey Dahmer should not be deprived of his sexual fulfillment, which involves cutting people up and having sex with their corpses. Even if that’s the only way he can get sexual fulfillment, it doesn’t follow that he has some God-given “right” not to be sexually frustrated.

“But that’s *sick!*” you say. Remember, “sick” is today’s code-word for “evil.” What I’m getting at here is that it doesn’t automatically

follow that (a) if you have an urge, there's nothing wrong with gratifying it, or even (b) if you can't get sexual fulfillment except by a given kind of sexual activity, that activity is just an "alternative lifestyle."

"Yes, but he's harming other people by what he does. There's nothing wrong with what some people think is 'kinky' sex if it does no harm." Well, a fairly accepted "alternative sexual expression" nowadays seems to be anal sex; and Magic Johnson in his book on AIDS points out that you had better use a condom (and a strong one) every time you have anal sex with anyone because it almost invariably causes bleeding, at least of capillaries, though the bleeding can be so slight as not to be visible. If you're breaking someone's blood vessels in your "alternative lifestyle," you're doing him or her no harm?

And what harm does it do to a child to have sex with him or her? Before you scream, "It does psychological harm," be aware of the fact that that's because sex with children is regarded as a great taboo in our society, and isn't taken as a matter of course, the way sex with adults is. So it is done furtively with pledges of secrecy and all of that, and so the child naturally thinks that there is something wrong with it; and then when he grows up, he attributes his hangups to the sex itself rather than to (a) the fact that everyone around him looks on what he did when young with horror and regards him as a victim (social pressure), or (b) to the clandestine circumstances and the apparent guilt of his sex partner.

Don't get me wrong. I'm not advocating child molestation, by any means. It's just that child molesters don't see what they're doing as molestation, especially since—let's face it—there are lots of little Lolitas, male as well as female, out there who are more than willing to try sexual adventures with grownups rather than with each other. And when people disagree with them, they don't do so on any real

7.1. Preliminaries

rational grounds, but on a gut-feeling that this sort of thing should not be done. The psychological traumas of the kids is something that *after the fact* confirms what they think. I am sure that you can find, if you look, lots and lots of well-adjusted adults who were molested when they were kids; but no one who's against child molestation is going to be moved by having them brought forward as evidence that there's nothing wrong with the act.

But then there's another case where we say that those people who can only be sexually fulfilled by having sex with someone under thirteen have no right to fulfill themselves—whether or not it actually traumatizes the kid.

I just wanted to bring this up to show that the sexual permissiveness that you hear promoted on every side nowadays isn't quite as permissive as it seems; but the restrictions don't have any *rational* foundation, because once you start saying that there are *some* things that can't be done, the basis of that is going to force you to say that there are some other things (which you happen to enjoy doing) that can't be done either.

7.2. The sexual faculty So let's remove the blinders from our eyes and look at the sexual faculty as dispassionately as we looked at the faculty of nutrition in the preceding chapter. After all, what we are after here is being honest and not being hypocritical. In the exercise of your sexual faculty, you want to exercise it in such a way that you're not positively saying that it isn't something which in fact it is. Clearly, from what was said above we can say this:

● NOTE WELL ●

“Being honest” in sexual matters doesn't mean just (or even primarily) being honest with the way you *feel*.

If it did, Jeffrey Dahmer should be allowed to cut people up, because he feels that that's so right, and it's not "honest" of him to relate to others without his butcher knife. Being honest means being honest with the way you *are* and not pretending that your sexual faculty is only *partly* what it is, or that it does only part of what it does.

So let us look at sex. Sex is obviously a these multi-function faculties; (1) it has a pleasure-aspect; (2) it involves another person, and so must respect the personhood and rights of the other person—this is the aspect of sex that is called "love"; (3) and it is the faculty of reproduction, though humans are not always fertile.

Traditional Scholastic philosophers and especially Catholic Theologians have made a great deal of the three "purposes" of sex, trying to set these purposes in an order of importance. It used to be that the reproductive aspect (which they called the "procreative" to stress that you were putting the conditions for God to create a new human being) was the primary purpose, the love-aspect the second, and the pleasure-aspect (which they sometimes called the "remedy for concupiscence"—lust or desire) was third.

Nowadays, of course, people are much more "compassionate," "humane," and less "biological" about the whole thing; and so in those who like hierarchies of purpose, the love-aspect has taken over primacy of position.

The impression was given, and it was sometimes stated, that it was okay to violate one of the "secondary" purposes of sex in order to fulfill the primary one, because the primary one, being primary, superseded the others. Still, I know of no traditional Catholic Theologian who ever held that rape of a woman was all right if you wanted her to bear your child—and that, clearly, would be a violation of a "secondary purpose" of sex for the sake of the fulfillment of the "primary" one.

7.2. The sexual faculty

Those who hold that love is the primary purpose of sex make no bones about violating the reproductive aspect in order to fulfill the love aspect. And of course, since there's no child yet, then the potential child doesn't have any rights; and so the "denial of the right of expression of love" to the partner is supposed to override the tiny inconsistency in the "merely biological" aspect of the act.

But note that this loving "denial of the right of expression of love" is actually denial of the other's *pleasure* that you're talking about. So the *goal* of your love is the other person's *emotional satisfaction*, not some lofty altruism on the part of the other person. It doesn't sound quite so humane and so on when you look at it this way.

Don't get me wrong. I'm not saying that there's anything *wrong* with wanting another person to get as much sexual pleasure as possible. What I'm saying is that there are no *objective* grounds for saying that sex is "really for" mutual gratification (which is what the love really amounts to in sex) *as opposed to* that it's for reproduction. If anything, looking at the sexual organs themselves, it seems pretty clear that they are automatically "for" offspring, since if you don't *want* offspring, you have to be pretty careful that they don't happen in spite of yourself—by the very nature of the act.

But all that business of the "hierarchy of purposes" is of course totally beside the point as far as ethics is concerned. Ethics, remember, says that you must *not* fulfill *any* aspect of yourself *at the expense* of any other, however insignificant. So who cares if the love-aspect of sex is "more important" than the reproductive aspect? You can't *violate either* of them when you exercise the act. You can't directly contradict any aspect of any faculty you have in the exercise of that faculty.

This was clear in the case of the other faculties. It should be clear in this case also.

7.2. The sexual faculty

7.2.1. The general rule Immediately, therefore, we can enunciate this general principle with regard to human sexuality:

● **GENERAL RULE:** To *exercise* the sexual faculty *in such a way that one or more of its functions is suppressed or contradicted is morally wrong.*

However, this, like the rules governing the exercise of any multi-function faculty also has the qualifications we made in the last chapter:

There is nothing wrong with having sex for some reason that has nothing to do with any of its functions.

That is, as long as your sexual expression doesn't *contradict* any aspect of your sexual faculty, you don't have to have sex *because* you want a child, or *because* you love your partner, or even *because* it feels good. You and your spouse, say, have made an agreement that, in order to keep your sexual relation vibrant, you will have sex at least once a week, say on Friday. Friday comes around and neither of you feels particularly amorous, but just to keep to the schedule, you go to bed together.

Not the most thrilling of sex lives, you say. Granted. I am certainly not holding up this system as an ideal. But there is nothing *wrong* with having sex this way, any more than there is anything wrong with eating because it's six thirty and you always eat dinner at six thirty, whether you feel hungry or not.

Similarly, as long as you're not doing anything *inconsistent* with one of the other aspects of sex, *it is perfectly all right to engage in sex*

7.2.1. The general rule

just because it feels good. That is, if your partner is willing, though not eager to have sex (and even if you're old enough not to be able to have any children any more), and you want it, it's perfectly okay to have sex just for the pleasure of it—or even for the relief of the tension that tends to build up when you've been without it for a while. Here, there's no question of doing it “for” reproduction, and you're certainly not doing it for love, but because it's a physical need that you want to satisfy, more or less the way you satisfy a need by urinating.

Again, there's nothing noble or uplifting about this. But there's nothing wrong with it, because you haven't contradicted any one of the aspects of the sexual faculty in its exercise.

- **Keep this in mind**, because once I start talking about the things you can't consistently do, people always come back with, “But sex isn't just biological. You're saying you can't have sex unless you want a child.” I'm not saying that. What I'm saying is that sex is *also* biological; and if *you* say that there's nothing reproductive about it, then *you're* the one who's making it “just” something-or-other, not me.

7.2.2. What you can't do Let us then look first at the negative side of human sexuality, and discuss those forms of sexual expression that are inconsistent with one or other aspect of the sexual faculty.

7.2.2.1. Masturbation First of all, **masturbation** is wrong, because it is an exercise of the sexual faculty in such a way that it *denies* that it has anything to do with another person or with reproduction; it pretends that sex is purely for pleasure, nothing else.

Thus, even if masturbation has a good purpose, such as the relief

7.2.2.1. Masturbation

of tension (or even something like freeing oneself from an irresistible urge to commit adultery), it cannot morally be done, because you would have to choose the contradiction of the faculty in order to achieve the purpose.

Note that there is nothing *physically harmful* in masturbating. When I was a lad priests used to try to motivate us not to masturbate by telling us that it was the equivalent of bleeding yourself. But it's not, of course. In fact, men have a physical need to get rid of sperm, and it will happen by itself (e.g. during sleep) if you don't consciously do something about it.

But this physical need should not blind us to the fact that the end doesn't justify the means; and the massage of the sexual organs to orgasm obviously makes the ejaculation of sperm *nothing but* a kind of urination, when in fact the sperm are sex cells which are potentially human when brought into union with a human ovum.

Human sperm is *not* just waste to be got rid of; and that's essentially what masturbation says it is.

In other words, masturbation is essentially a dishonest use of the sexual faculty, because it says that it is only one aspect of what it is. There is more to sex than mere pleasure or relief of tension.

7.2.2.2. Non-human sexual expression Not too long ago, a middle-aged man was reported to have been shocked while walking down a corridor in a college dorm and seeing a sign extolling the beauty of having sex with horses. He expressed his dismay to a young coed, who replied, "Well, what's wrong with a little bestiality?"

What's wrong with it is the same sort of thing that's wrong with masturbation. To take things in order, having sex with inanimate

7.2.2.2. Non-human sexual expression

objects is obviously just a technological form of masturbation; it has nothing to do with reproduction, nor does it have anything to do with love. The same goes for sex with plants; if you think the tree likes it and is asking for it, you've got more than a hole in your trunk. (It's hard to talk about this without making fun of it. But if you think that calling this sort of thing "sexual intercourse" is absurd, then think *why*. You will find that it's absurd *in exactly the same sense* as masturbation is absurd. If one is an absurd use of sexuality, then so is the other.

Animals can, of course, feel, and some of them seem to like having sex with humans. They say that dolphins want to have sexual play with the people that are swimming nearby. But clearly,

Sex with animals, even if they do not resist or are eager to engage in it, cannot be construed to have anything to do with reproduction, and so is positively inconsistent with one aspect of sexuality.

And so that's "what's wrong with a little bestiality." Of course, it's only by a stretch of semantics that you can call it an act of *love* to have sex with Flipper or Dobbin. You haven't got a person there who can have a meaningful personal relationship with you; and while you might feel *affection* for an animal, love is a good deal more than that: it is *the willingness to be used by another person*. You don't subordinate yourself to your dog's wishes; and it's only when some such subordination occurs that love is more than just liking.

7.2.2.3. Homosexual sex We get into a slightly different area when we talk about homosexual sexual activity.

First of all, I am talking here right now about the *act* of homosexual sex, not the homosexual *orientation* of the person. You can be

7.2.2.3. Homosexual sex

attracted to someone of the same sex without doing anything about it (just as you don't have to have sex with every person of the opposite sex you are attracted to).

But homosexual orientation is apt to muddy the waters here. The homosexual is only or mainly attracted to those of the same sex and either can't perform or feels unnatural performing sex with a person of the opposite sex. He (or she, of course, but let's stick with a single pronoun here) actually does feel *love* for the other person, and love for the person *as a person*, being willing to do things for the other's sake and so on.

So homosexual sex is not the same as bestiality. There can be, and often is, real love expressed in the sexual act—certainly the act could be said to be an expression of love as often as heterosexual sex is an expression of love. We mustn't blind ourselves to all the times heterosexuals have sex *just* because they want the pleasure and be damned to the other person.

But homosexual acts are morally wrong, because the *kind of exercise of the sexual faculty which occurs between two people of the same sex, even if they love each other, cannot be construed as having anything to do with reproduction.*

There is nothing morally wrong with *being* homosexual; i.e. being sexually attracted to someone of the same sex. In general, it would be wrong *deliberately* to get yourself into this state, since it would tend to lead to homosexual acts; but deliberately becoming homosexual almost never happens—especially in our culture, where, for all the talk about “gay rights” and so on, homosexuals are despised and hated, and even beaten just for being homosexual. No, one finds out that he is homosexual; and the discovery is usually rather traumatic.

7.2.2.3. Homosexual sex

Whether this orientation is innate or acquired (e.g. by being abused as a child) is irrelevant. Almost universally, as I said, it was not deliberately acquired, and by the time the person has any moral qualms about it, he *has* the orientation, and by and large can't do anything about it.

Nor is there anything wrong with *loving* another member of the same sex, whether you are homosexual or not; and the only thing wrong with *expressing* this love by caresses and so on *is the danger that these acts may lead to homosexual use of the sex faculties*. Insofar as that danger is remote, then the acts of showing affection for another of the same sex are not morally wrong. There is, of course, not only the danger to yourself, but to the other person to consider. You may be under complete control; but he might not be.

A homosexual might object to all this that his *nature* is homosexual, and therefore, why is it a contradiction of *his* nature to express it? As I said above, it is *not* a contradiction of the homosexual nature to express affection for others of the same sex; but to use the *sexual faculty* in doing so contradicts the faculty as *reproductive*; the homosexual is *denying* that the exercise of the faculty has anything to do with reproduction. So it is not his nature *as attracted to other persons* that is contradicted; it is his nature as *reproductive* that is contradicted by homosexual *exercise of the sexual organs*.

Note that even if homosexuality is genetic, this does not mean that one has permission to exercise his faculty according to its genetic tendency. Remember, people are born with all sorts of defective organs, such as eyes that cannot see or see in distorted ways, club feet, cleft palates, and so on. The fact that you were born this way says nothing about your being normal.

People also have tendencies that could be innate and certainly weren't deliberately sought, such as sadistic urges to torture others. But no one would say that, just because you have such a tendency, it is all right to gratify it. Of course, homosexual acts do no harm to

7.2.2.3. Homosexual sex

others, in general; the point is that “natural” *does not automatically mean* “able to be fulfilled.” And the fact is that, even if a person is born homosexual, this particular innate disposition cannot fulfill itself without contradicting the faculty it is using while it is using the faculty. Hence, even if it is an innate disposition, it is a defective one (“defective,” not “evil” or “perverted,” which have moral overtones; but it can’t fulfill itself without contradiction); it is *not* just a “different state” like left-handedness.

Homosexual orientation is a *sexual handicap* because the homosexual cannot fulfill himself without either (a) acting inconsistently with the sexual faculty, or (b) feeling unnatural.

Note this, by the way:

There is nothing wrong with a homosexual’s having heterosexual sex, even though it feels unnatural.

Feelings, as we said in the section on emotions in Part One, are not necessarily a guide to what the truth is. It’s all right to sit in the dentist’s chair and have him drill your teeth, even though it feels terrible. The point is that in the case of the homosexual, the sexual feelings lead him to perform an act that (in one respect) contradicts itself; and therefore, it’s the *feelings* that are out of whack. Hence, if he performs an act which is consistent with itself in every respect except the way it feels, then there is nothing wrong with his performing the act.

So homosexuals are not necessarily in the condition of someone like Jeffrey Dahmer. They *can* have (heterosexual) sex, and at least get relief from the tension involved in sexual abstinence.

7.2.2.3. Homosexual sex

7.2.2.4. Child molestation As a kind of footnote to this section of sex with a person of the same sex, let me add this:

Sex with a child is morally wrong.

This is true even if the child wants sex, or even if the child aggressively is seeking sex. Interestingly, however, sex with a child is wrong *for the same reason, and only for the same reason, that homosexual sex is wrong*. And this, of course, is true whether the child is of the same sex or of an opposite sex. It can be a loving act. Those who say it can't say this from their emotions, not their reason.

But, of course, you can't say that this kind of sexual activity has anything to do with reproduction. The child is not physically capable of either conceiving or begetting; but more than that, the child is not in a mental (or physical) position of being capable of caring for a child if the child should result (as has sometimes happened. Ripley in *Believe it or Not* mentions a seven-year-old mother).

But since any child who is born has a right to a decent upbringing and a child-parent is simply not capable of giving his or her offspring a decent upbringing, then it is not only the case that sex with a child is very unlikely to be reproductive, it *must* have nothing to do with reproduction.

But of course, that means that sex with a child contradicts the reproductive nature of sex, whether it is gentle and loving or harsh and violent.

7.2.2.5. Rape If we now turn to sex between a man and a woman, the first thing we can say is this:

Rape is morally wrong, even if it is for the purpose of having a child.

7.2.2.5. Rape

● **DEFINITION:** *Rape* is the sexual use of another person against that other person's will.

It is either having sex with another when the other doesn't want to, or having sex *in such a way* that the other person is repelled and unwilling.

● **NOTE WELL** ●

Even if a certain type of sexual activity is legitimate in itself, it is still rape if the other person does not like it and (though willing to have sex) is unwilling to engage in sex in this way.

The reason, of course, why this is wrong is wrong because it *denies the self-determination of the other person*. It deprives the other person of the right to choose whether to have sex, or how to have it. It does not recognize the other person as anything more than a tool to be used for one's own purposes. And since solitary sex is morally wrong, it follows that sex involves another person; and therefore, the denial of the self-determining aspect of the other person (his very personhood itself) is a denial of this aspect of sexuality. The other person is, as it were, part of the act.

● **Note** that *this also applies to one's marriage partner*. If you enjoy some particular type of sexual activity and your partner doesn't and positively doesn't want to engage in sex in that way, then *to force it on your partner is morally wrong*. You can't hide behind the fact that marriage gives you the *right* to sex with that person. It only gives the right to *consistent* sex with that person, *not* to every conceivable kind of sexual activity.

7.2.2.6. Inconsistent Homosexuals cannot exercise their sexual fac-
heterosexual acts

7.2.2.6. Inconsistent heterosexual acts

ulties consistently with one another. But many of the acts homosexuals perform (such as oral sex or anal sex) are also performed by heterosexuals. Does the fact that the partners are of different sexes make these acts legitimate, or are they “perverted” in every case?

The answer is that there is a sense in which they are morally wrong, and another in which they are not wrong.

Mutual masturbation, sex in the mouth or other parts of the body to orgasm are morally wrong, whether the partners are of the same sex or opposite sexes.

This sort of thing is wrong, of course, for the same reason that homosexual sex or sex with a child is wrong. To make the *complete* act an act which cannot have anything to do with reproduction is obviously a contradiction of the fact that sex is, in one aspect of itself, reproductive.

Nevertheless, many of the acts that are called “perverted” and are done between homosexuals are all right *by way of foreplay* between marriage partners; as long as they don’t constitute the whole act and it can reach its completion in a way that does not deny its reproductive character. That is, there is nothing in the sexual activity of a person that says that *at every moment* it has to be reproductive; and therefore, actions taken with the sexual organs which are not reproductive but are sexually exciting to at least one of the parties and at least not unpleasant to the other—and which are leading up to an expression of sexuality which at least *can* be reproductive—are perfectly legitimate.

Such preliminaries obviously aren’t a pretense that sex is only part of itself; in fact they lead sex beyond the minimum that it can be; and hence are not only not wrong, but good.

But, especially when these acts are “kinky,” care must be taken (a)

7.2.2.6. Inconsistent heterosexual acts

that no physical damage is done to anyone, and (b) that both parties are actually willing (or at least not reluctant) to engage in this type of act, or the act is an act of rape.

● **Note** that one's partner need not particularly *enjoy* having sex at a given time or in a given way; it is that *the partner must not be positively unwilling to do it*. You do not have to *assert* any particular function of an act; you must simply *not deny* any of its aspects *when exercising the faculty*. This, then, is the equivalent, with respect to the love-aspect of sex, of drinking coffee (which is not nourishing) or eating diet food. There's nothing morally wrong with it, though obviously sex is that much more its true self when both partners are eager.

Keep this in mind.

There is no moral requirement for sex to be thrilling. It is not morally wrong if it is engaged in perfunctorily or routinely.

It is even permissible not to especially like sex. You do not necessarily have some kind of mental problem if you feel this way. Do not be deluded by our culture of sex; it does not have to be the be-all and end-all of a relationship of love between two people. The way some sex manuals talk, it is almost as if you not rising three feet off the bed every night makes you immoral. This is nonsense.

Remember, "good" and "bad" and "pleasure" and "pain" are *subjectively* determined, as are all evaluations. It happens that our culture is propagandizing people to think that sex is *the* great pleasure of all pleasures, and that if you don't like it, it's not sex's fault but yours.

Don't misunderstand me. It is perfectly all right to like sex and

7.2.2.6. Inconsistent heterosexual acts

find it pleasurable. I am saying only that the opposite attitude is not “objectively mistaken or wrong” because there can *be* no mistake about evaluations, since each of us creates the standard for evaluating for himself. In the Victorian era, in fact, many women looked on sex as an unpleasant chore to get through because it was what you did if you got married and wanted to keep your husband from frustration. After all, sex is a pretty violent sensation; and so if you want to regard it as a pain, it’s quite possible to do so.

7.2.2.7. Contraception By this time, I have telegraphed the punch that is coming so blatantly that it should come as no surprise when I say that

contraception is morally wrong, *no matter how* it is accomplished.

A great deal is often made about the “artificiality” of contraception, as if that was what made it wrong. But if what is “artificial” is wrong, then the way I am communicating with you is wrong, because it’s pretty hard to be more artificial about transmitting ideas than what’s going on between us. So whether contraception uses technology or whether it’s just withdrawing the penis at the moment of ejaculation is completely beside the point.

So let us be clear what contraception is:

- **DEFINITION:** *Contraception* is taking a reproductive act when it is reproductive and doing something to suppress its reproductiveness with the intention of exercising the faculty as if it weren’t reproductive when it is.

That’s a long definition. The point is that the woman is not always fertile, and therefore *sex, in itself, is not always reproductive,*

7.2.2.7. Contraception

even though it is always a reproductive kind of activity. That is, sex (and only sex) is the kind of activity which can reproduce; and so it is always a reproductive *kind* of activity. It is this, actually, which is denied by masturbation or homosexual sex.

But not every act of this type is *in fact reproductive*. Thus, one *need not intend that there be children every time one exercises the sexual faculty*. There is a difference, in other words, between performing an act which is *non-conceptive* and an act which is *contraceptive*. When I say “non-conceptive” here, I don’t mean an act like oral or anal sex, because these are acts which can’t be construed in any sense to have anything to do with a child. What I mean is this:

● **DEFINITION:** A sex act is *non-conceptive* if it is (a) the *kind* of act which could in itself result in a child, and (b) it does not result in a child because one or the other partner is infertile, either permanently or temporarily.

It is a calumny to assert that those who hold that contraception is wrong say that “*the*” purpose of sex is to have children. That would make sex after menopause morally wrong (since the woman can’t have children then), and there are precious few ethicists who have ever held this. Sex after menopause is always non-conceptive.

BUT

It is simple dishonesty to take the act of sex *when it is reproductive* and *prevent it* from doing part of what it does. And that is what contraception does. No one would use a contraceptive during times when it was *known* that the woman was infertile, and that no child could result from the act. Why would one? No, the only reason that the “pill” is taken during infertile times of the month is that if it isn’t, then it won’t make the person infertile during the times when

7.2.2.7. Contraception

she is by nature fertile; and the person wants to be infertile during the times when she is fertile.

Is this a contradiction or is it a contradiction?

But first, we can say this:

Since a woman is not always fertile, there is nothing wrong or inconsistent with having sex at the time when she is not fertile.

The act is still a reproductive *kind* of activity if you engage in it after menopause, say, or during the infertile time of a woman's menstrual cycle. The only reason a child does not result from such an act is not because of anything in the *act*, but because the woman does not happen to have an egg ready to be fertilized.

So a couple does not have to wait until the fertile moments to have sex.

The following is also the case:

It is not morally wrong, using the Double Effect, to have sex *only* during infertile times; and even to *take steps to discover* when these infertile times are.

Remember, the problem with contraception is *not* "not having children"; it is *the contradiction in performing a reproductive act which is not reproductive*. It can be, as I said earlier, *good and even morally necessary not to have any more children*, if they can't be brought up decently.

So the question is *not* a question of the *purpose*; it is one of the nature of the act as an exercise of a faculty. And since the faculty is not always reproductive, *then it may be exercised when it is not reproductive*, if the five rules of the Double Effect are met:

1) The act of having sex at a time when the woman is not fertile

7.2.2.7. Contraception

is consistent with the nature of sex; 2) the act has a good effect: one avoids children who cannot be decently brought up; but *it also has a bad effect*, because to exercise the act *only* during these times makes *the whole series of acts not reproductive, and thus the sexual activity of the couple as a whole not reproductive*—more or less analogously to homosexual sex.

The act is still the *kind* of act that is a reproductive kind of activity; but the *deliberate* exercise of it only when not reproductive, has the effect of *denying* that one's sexual activity *as such* has anything to do with reproduction.

But since this is *the effect* of a whole series of acts, and is not in any one of them, this bad effect may be *an unchosen side-effect* of the acts of sex.

To continue with the rules: 3) the *non-reproductiveness of all of one's sexual activity* must not be the means toward the good effect. And it is not, in general; what is desired is that *this act* not result in a child one cannot support, not that, should conditions change, one *never* have a child. 4) The non-reproductiveness of the whole of one's sexuality cannot be what is wanted; it is just unfortunate that now one cannot afford a child. And 5) the bad effect of possible non-reproductiveness of sexual activity as a whole must not be worse than what would happen if one refrained from sex altogether.

Thus, the “rhythm” or “sympto-thermal” method of family planning cannot be engaged in lightly, because there *is* a bad effect of this kind of thing. It must be a method of family *planning*, not of family *avoidance altogether*. Sex in general is reproductive; and so results in “family.”

7.2.2.8. Artificial insemination I intend to say more about sexuality in discussing marriage in the chapter on the “natural societ-

7.2.2.8. Artificial insemination

ies.” There I will point out why extramarital sex is wrong; but obviously, one needs to talk about what marriage is before one can do even minimal justice to the subject. But let me finish off this section of “don’t’s” by talking about a use of the sexual organs that is *purely* reproductive, and is for that reason wrong.

Artificial insemination, even with the husband’s sperm, is morally wrong.

Why is this? This is a use of the woman’s sexual organs *purely* for reproduction. It must have *nothing to do with sexual arousal or with love of the person using the organs*, because this person is generally a physician. Consider what is happening. The man who impregnates the woman is not her husband, and he is not impregnating her with his sperm, but someone else’s. He must not arouse her when he uses her sexual organs, because he doesn’t want her to love him; this is just a business deal with him, or a favor to the couple. She must try not to feel pleasure at what he is doing, or she might be aroused toward him. The husband just stands aside, even if it is his sperm that the woman is being impregnated with; and of course if it isn’t, then her doing this “out of love for him” so that “they” can have a child is a farce; he has nothing whatever to do with the whole procedure.

You can see what a mockery this makes out of sex.

In fact, it is even worse than it appears when you realize that a child, as a helpless being, has a *right* to be brought up decently. And since that right is a right, as we will see, “against” some specific person, obviously in the child’s case the right is against the people who caused him to begin to exist. Therefore, the child has a right to be brought up by his *biological* parents, and it is only by using the Double Effect *after the child exists* that anything but this is morally permissible.

7.2.2.8. Artificial insemination

But artificial insemination (and also things like surrogate motherhood) confuse the issue horribly. Who is the father of the child, in the sense of the person the child has rights against? The one whose sperm it is (who may not even know that the sperm he left in a bank is being used)? The one who impregnated the mother (the doctor)? The husband of the woman at the time (who may have nothing biologically to do with the pregnancy—and might even not have been informed about it by the wife)? Who is *responsible* for there being a child, and who therefore has to face the consequences of the act *he* caused?

Actually, the ones who are suffering most, even more than women, from the sexual revolution, are the children.

7.3. Some positive remarks This book on ethics deals with enumerating what is wrong, because the area of what to *do* with your life, and how high to set your goals, is up to each individual. But I think a few things should be said on the subject of what sex *is* in addition to what it isn't.

Everybody knows all about sex nowadays. All about it except the important things.

First of all, the act of sex is a means of communication between two people. It is a communication that doesn't use words, but things like body temperature, breathing, tactile sensations, and so on. It is also a *private* language, a language in which each partner reads the body signs of the other partner to find out what *that* other partner likes, and experiments with ways of performing the sex act so as to give satisfaction to the other partner.

Sex in its emotional dimension (in case you didn't know it) is an extremely strong sensation; and so in itself it seeks *its own* gratification, using the other to obtain *one's own* maximum pleasure. In this, sex is *the very opposite* of love, which gives itself less for the greater

7.3. Some positive remarks

good of the other.

Sex *becomes* an act of love when one person so respects the other that in the exercise of an act so self-centered, one *foregoes* one's own maximum gratification for the sake of the greater gratification of one's partner. In the best of all possible worlds, of course, what gives you the greatest pleasure also will give your partner the greatest pleasure, and there will be mutual total orgasm. This almost never happens, because people are so different.

It is by no means a disaster when it doesn't. And when it doesn't, to give up something *against* the undertow of this very strong emotion is to give the other a present surpassing rubies.

But there is a greater gift than this that one can give to one's partner. The awkwardness of inexperience on the wedding night.

Why is that? Because the clumsiness and the not knowing what to do says to the partner, "You see. I have refused to learn this language from someone else, because I wanted to learn it only from that very special person you are. You can teach me all that I am to know about this communication which is sex, because it is to be between you and me alone: it is to be our personal, special, private language that we speak only to one another. I have saved myself and I have remained silent so that I might speak to you and only you, my beloved."

What greater gift can you give your beloved? Can sexual prowess and "knowing the technique" come within miles of the gift of virginity? Any other gift can be bought. This alone is priceless, because it is given only by having been kept without use, in spite of the pressure to use it.

No, ladies and gentlemen, sex is not "the most friendly thing two people can do." It is far, far greater than that. It is something two people can do that belongs to them alone and to no one else in the whole universe, however similar it might be to what other couples do.

This is not to say that if you are not a virgin when you marry, the

7.3. Some positive remarks

world of your sexuality is ruined. It can still be beautiful; what I am saying is just that you don't have the most precious gift you can give your partner. But in addition to this, if you are not a virgin, you must also be careful that your experienced sexuality does not make your partner timid, because she (I speak, of course, from the man's point of view, but it applies to both) knows you know so much more about giving pleasure, and she is afraid she is inadequate.

Sex is a very delicate thing, because it says, "In spite of the selfishness of the emotions here and their power, I love you and I am more interested in your pleasure than in mine." Otherwise, sex verges on rape; and so the exercise of sex as a kind of athletic event which we seem to see praised as "real, ultimate sex" misses the whole point of sex as love—and if sex isn't love, it's animal rutting, however Olympic that rutting might be.

One other thing. Don't get married before you can have a child. So many couples postpone having a child, because they can't afford one yet; and so, even when they do this legitimately (by periodic abstinence), they miss a whole dimension of what sex is about.

The great tragedy of the contraceptive mentality is that it considers sex as "really" just the language, and thinks of the child as a kind of side-effect that you can turn on and off as you please, the way you turn water on in a faucet. But if you are open to conceiving a child right from the honeymoon, you discover something much more wonderful than I have said so far.

If the two people are virgins, each finds how very much pleasure the act gives. Not only that, but the act which gives so much pleasure to *me* is an act which gives the greatest of pleasures to *you*. I can give without losing anything, really; I give in gaining and gain in giving. In what other act is there so much gain in giving up—and not only in giving up, but in giving up to the person I would give my life for?

But then when the woman discovers she is pregnant, the husband

7.3. Some positive remarks

sees her blossom. She thinks she is ugly, but he sees the radiance that emanates from her—the I-don't-know-what that makes her so much more beautiful than before, but in a totally different way: not attractively beautiful but deeply, invisibly beautiful, with a beauty of spirit that suffuses itself through her body.

And the man says, “I did this to her, with that act that was so satisfying to both of us.” And he marvels. And he marvels still more when she holds his hand to her abdomen and says, “Look; there’s his leg. Do you feel it? See, he kicked you!” And at the same time, she is aware that she is not one now, but two, and that the child within her has a mind of its own, and is totally under her protection. Would you “postpone” this?

And then finally when the child is born and each person looks into a face which is partly his and partly hers, and partly the grandmother of one or the other and partly Uncle David: into that face which is the literal physical union of the two of you and all your ancestors—then when that happens, each partner can say, *“This act is totally good. It is good in itself, it is good for my beloved, and it is surpassing good in its effect. A new human being has come into the world. Praise God who made all things to be very good!”* It is here that “the two become one flesh.” Literally.

That is what the act is in its totality. That is what it *really* is. And it is only if you have a child right away that you see the act in its true reality. Then, because you can’t afford to inundate the world with your offspring, you can *permit* the act to be not its full self, realizing what its full self really is, and with the attitude, “Well, we know what sex is really all about; and if now we must for practical reasons put up with less than the fullness of the act, we have lived it in its fullness, and no one can take that away from us, because its fullness is growing up beside the two of us, reminding us at every moment of beauty that comes as close to the Beatific Vision as anything on this planet

7.3. Some positive remarks

can do.”

Don't ruin it. It's too wonderful to ruin. Don't settle for just a part of what sex is; preserve it in its majesty and mystery.

Summary of Chapter 7

We seem to be being told that there should be no barriers to fulfillment of sexual urges, but no one really believes this. Sadists, rapists, and child molesters are regarded even by our permissive society as people who should not be allowed sexual fulfillment. So it is worth investigating what the real limits are to sex. “Being honest” sexually does not mean being honest only with the way you feel.

Sex has three functions: pleasure, involvement with another person, and reproduction, though sex by nature does not always reproduce. It is a waste of time to discuss which is the “primary” function and which the “secondary” ones, because the moral obligation commands that we are not to violate *any* aspect of ourselves for the fulfillment of any other.

Hence, to exercise sex in such a way that one or more of its functions is suppressed is morally wrong. But this does not mean that you have to actively want or intend any of the functions in the exercise of the act.

Masturbation is morally wrong, because it denies that sex has anything to do with another person or with reproduction. Sex with inanimate objects or plants or animals is wrong for the same reason. Homosexual acts are wrong, because this kind of sexual activity denies that sex can have anything to do with reproduction. It is not wrong to be a homosexual, or even to love others of the same sex; what is wrong is the expression of this love using the sexual organs. Homosexuals may morally have heterosexual intercourse, even though this may feel unnatural to them. Child molestation is wrong for the same reason homosexual sex is.

Rape is morally wrong, because it uses another person while denying the self-determination of the other. It includes having sex *in a manner* which is repugnant to the other person. Acts like oral sex are wrong if carried to orgasm; but they are legitimate as foreplay if both partners are willing. There is, however, nothing wrong with having sex when the other is merely willing to do so, but not eager. It is to be noted that it there is nothing wrong with a person who does not especially enjoy sex.

Contraception is wrong (whatever the method used) because it sup-

7.3. Some positive remarks

presses the reproductiveness of the act when it is reproductive. Contraception is different from non-conception, which is having sex that in itself could be reproductive, but which is not in fact reproductive due to infertility. Non-conceptive sex is not wrong. Nor is it wrong, using the Double Effect, to have sex only at the times when it is not reproductive, as long as the bad effect of denying the reproductiveness of sexual activity as a whole is overbalanced by avoiding the bad effect of having a child one cannot support.

Artificial insemination is wrong, because this use of the woman's sexual organs is purely for reproduction and denies the other two functions (pleasure and love for the one using the organs) of the faculty. Artificial insemination show up perhaps most clearly that the worst victims of the sexual revolution are the children.

But the sexual revolution has also blinded people to the positive side of sex. Sex is a private language not using words between two people; it is most itself when it is learned by the couple itself; then it says, "I love you" much more truly than the athletic sex learned from manuals or previous experience. Sex, which is in itself selfish, becomes love when one partner lets his own greater gratification yield to the gratification of the other.

When sex is open from the beginning to children, the couple learns from the start the beauty of the act in its complete reality. It is extremely gratifying; in gratifying oneself one is also gratifying the person one loves above all others. Pregnancy makes the woman blossom like a flower, and become aware that she is not one person, but two people in one body; and when the child is born, he is the union of the couple in one flesh.

This is far too beautiful and mysterious a thing to squander on casual encounters.

Exercises and questions for discussion

1. What would be wrong (if anything) with orgies: having sex with many partners at the same time?
2. Can you think of any rational grounds for deciding whether incest is morally right or wrong?
3. Extra-marital sex was not discussed in this chapter. Do you think sex belongs only in marriage, or do you think it can be exercised consistently outside of marriage?
4. Would it be morally wrong for a doctor who wants to help a woman get pregnant to take the sperm deposited in her by her husband, and with a syringe,

7.3. Some positive remarks

propel it farther into her so that it could be more likely to fertilize an ovum?

5. Is surrogate motherhood a contradiction of some aspect of sexuality? If so what?

7.3. Some positive remarks

CHAPTER 8

SELF-DETERMINATION AND RIGHTS

8.1. We are not alone That, then, is a brief sketch of the moral implications in what we are as individuals. But we are not alone; and what we do affects other people, and what others do affects us. In that sense, others are part of our reality. Sometimes the goals others have become goals in our own life, as when we deliberately choose to help others achieve their self-defined goals. Sometimes we have to adapt ourselves to others' interference in our lives, and in this way the goals we choose for ourselves are different from what they would have been if the others had not be what they are. It is time now to look at this dimension of our reality.

8.1.1. Ways people relate to others Now there are basically two ways people can relate to other people: as independent individuals confronting other independent individuals, or as *interdependent* members of a community cooperating with other interdependent members of the community. These two relationships could be called the *economic* and the *social* relationships respectively.

We will have to examine both of them, not only because both are dimensions of human life, but because economic and business theo-

8.1.1. Ways people relate to others

ries tend toward a kind of reductionism of one to another: capitalistic theories tend to say that if everything were reduced to economic relationships (i.e. if we were really left alone by society and could just act as really free individuals), the world would be a fine place; and communistic theories tend to say that if we could get rid of the economic relationship altogether and have it taken over by society, utopia would dawn.

Neither seems to work; but both sides claim that that's because neither has been tried in its pure form. The Communists say that until Capitalism is erased from the whole world, there are always individual transactions that are messing things up; and the Capitalists say that we never have had a truly free market, because ever since the beginning, the government has been meddling in one way or another.

This is certainly true. And I think the reason that it's true is that human nature is such that you can't really escape both types of human relationship—since we *are* basically self-determining beings; but we can only determine ourselves in the context of having others around us (among other things so that we can know from observation what our possibilities are for self-determination). So we depend even for our self-determination on others.

Of course, these two ways of relating imply that we behave to others in two manners: (a) as people who can interfere with our self-development or who can aid it, and whose self-development we can aid—or in ordinary terms, as “equals”; and (b) as members of a “team,” in which the concern is not the individual development of each member, but in the task the team as such has to do, toward which each member contributes as he is able.

In both cases, we want to count on or be able to predict the behavior of other people toward us. We want in the first case to be sure that they don't interfere with our self-development, and that

8.1.1. Ways people relate to others

they will help us in it when we want them to; in the second case, we want to be sure that they will do their part in the task before us, whatever it is.

But since in both cases, it can be in itself advantageous for others to do what we don't want them to, then if this behavior is to be predictable, it must be motivated—i.e. made to their advantage. But how do we do this?

Obviously, by reward and punishment. In the first case, the punishment for someone who tries to interfere with my self-development is that I will defend myself; and the reward is that if you help me, I will give you equal help in your self-development. So the economic relationship is the realm of *rights* and that of *compensation for services rendered*.

Motivation in the social relationship is that if people refuse to cooperate, they are punished by the society; and when they do cooperate, they share in the benefits of the society and have the fellow-feeling of being “together” with others in the task they are doing. So the social relationship is the realm of *laws* and *love*.

Let us, then, first examine the primary aspect of the economic relationship: that of rights.

8.2. Rights in general When you have a right to do something, this means that in a certain sense you can do it. But it doesn't necessarily mean that you have the physical power to do it. You have a right to play the oboe, even if you don't have the skill to do it.

It means that you “can” in this sense: (a) that it is not morally wrong for you to do it, and (b) that it is morally wrong for anyone to try to stop you from doing it.

● **DEFINITION:** A *right* is a moral power to do something.

8.2. Rights in general

“Moral” power is to be taken in the sense just above.

The right to own something, for instance, means (a) that it is not wrong for you to use it, even to use it up, or even keep it without using it; and (b) it is wrong for anyone else to prevent your having or using it, or to use it himself against your will.

The general basis of all rights is *personhood*.

Not to make a long discussion out of this, the basis of rights is *not* “equality;” it is *the fact that we are persons*. If it should turn out that there are persons essentially superior to ourselves, we would still have rights against them (as we do, for instance, against angels).

But what is a person? For our purposes of this discussion, let the following definition suffice:

● **DEFINITION: A *person* is a self-determining being in a situation where his self-determination can be interfered with by other persons’ self-determining acts.**

The idea here is that if I, as a person, choose to determine myself as an arm-swinger, and my swinging my arm bloodies your nose, my self-determining activity has prevented you from determining yourself as someone whose nose is intact.

But I could only consistently act this way if I were the *only* self-determining being; because I recognize that if the situation were reversed, I would be put in the position of being a self-determining being who could not determine himself because of someone else’s self-determining activity (arm-swinging in this case). But that clearly contradicts my reality as self-determining.

Therefore, if I am a person, I must respect everyone else’s

8.2. Rights in general

self-determination. In other words, a person who does not respect the rights of others contradicts his reality as a person.

Three things follow from this:

- First of all, it immediately follows that **no one has a right to do anything that violates any right of anyone else**. As soon as I violate any right of another person, I am contradicting the basis on which I claim rights against others; so I can't have a "right" to do this.
- Secondly, **only persons have rights**. Animals and the non-human (or better, non-self-determining) environment in general have no rights. We may have obligations dealing with animals and the environment, but not because they have any *rights* against us. Why? Because, since they are not self-determining, there can't be reciprocity. They can't control themselves so that they can enter into an agreement that means, "If you let me alone, I'll let you alone." When they interfere with us, they can't help it; and we certainly can't let them determine themselves if they're not self-determining to begin with.
- **Thirdly, non-existent things have no rights**. We hear much nowadays about the "rights of the children of future generations" when we are talking about polluting the environment. But the children to come are only possibilities, and there is even less of a chance for reciprocity than with animals. Suppose something happens and the children ten generations from now never get born—so there aren't any. How can they have any rights against us if there isn't any "they" to have the rights?

Now that doesn't mean that we don't have obligations based on the likelihood that others will have to use the world after we get through with it. The point is that these obligations are *not* because

8.2. Rights in general

of their *right* against us, but have some other foundation. (Actually, they are based on the inconsistency in our being able to foresee what is likely to happen and acting as if what is likely probably won't happen.)

You might think that if our obligations are the same as if these future people had rights, it doesn't make any difference what our obligation is based on. But it does. If we can't be clear about when a person can claim a right against others, then we will be in the situation now, with people claiming all sorts of bizarre rights, and no one able to dismiss them, because no one knows whether they really have them or not.

8.2.1. Claiming a right But it would seem that if rights are based on a person's self-determination, then we could claim rights to do whatever we pleased. If we are prevented from doing what we please, then our self-determination is being interfered with, and isn't that what rights are all about?

But this doesn't work. Remember that what rights are for is to enable us to act; and if it becomes morally wrong to prevent a person from doing whatever he pleases, then the result is that no one will be able to do anything.

Why is that? Consider that Johnny and Frankie want to play with the same toy at the same time. Mom tells Johnny to let Frankie play with it now, and then he can have it in half an hour, even if Frankie still wants to play with it then. But if rights mean that you can do what you please, then Mom's act is morally wrong, and she can't tell Johnny to leave the toy alone now; but by the same token, she can't tell it to Frankie either—and so neither of them can play with the toy at all, until one stops wanting to. But Mom's act enables both to play with it. Hence, Mom's interference accomplishes in practice what the right was supposed to accomplish, and insistence on the "right" to

8.2.1. Claiming a right

do what you please achieves in practice the opposite effect.

Then when *do* we have a right?

A right can be claimed only when a person can show that interference in his action makes him behave in a way contradictory to his actual reality.

That is, if you kill me, then I am a living being who has to stop living; but the thrust of life is to go on indefinitely (a position I am not going to defend here, but which is defensible, and which, as we saw, is an argument for human life's continuing after death). If you prevent me from voting and I am a citizen, then I am a citizen who can't act as a citizen; and so on.

● **DEFINITION:** The *title* to a right is the aspect of the person's reality which would be contradicted by the violation of the right.

So the title which allows me to claim a right has to be some property I *now* possess which is contradicted if I am prevented from doing something. Thus, my present life is my title to the right to go on living; my citizenship the title to vote; the title to my car is the title to my right to drive and fix and polish and do other things to this particular car; my driver's license the title to drive (some) automobile in Ohio—and so on. Some titles have documents with them, others are just aspects of ourselves.

You can't claim a right based on something that you could become but aren't at the moment. Thus, you don't have the right to a worker's pay when you're still in training.

● **NOTE WELL** ●

You do not have a right because you *think* you have a right,

however sincerely you may think so.

Be very clear on this. Rights do not depend on your knowledge of your reality (still less your belief or opinion), because they impose obligations on others. Hence, you have a right because some *actual* aspect of your reality would be violated without it, whether you (or anyone else) realizes you have that aspect or not. Thus, it is quite possible that we in fact have rights that no one has discovered yet, because no one has as yet carefully analyzed the particular aspect of human reality that gives us the title.

In spite of all that was said above, however, a person *is* a self-determining being, and so this gives him a kind of title to do what he pleases with himself.

Every person has the generic “right” to do whatever he wants with himself, unless there is a reason for preventing him from doing so.

This “reason” need not be a strict right of someone else, but some act another person wants to do that the first one’s act is interfering with; or it might be some social good. The point is that a person is not arbitrarily to be deprived of doing what he wants with himself. This “generic right,” however, is not the same as a strict right, because strictly speaking a right imposes the moral obligation of non-interference with another person; and you can interfere with someone else’s doing what he *wants* to do if you have an overriding reason for doing so. The only time when you can interfere with someone’s exercising his *right* is, as we will see, when you can use the Double Effect.

8.2.2. Kinds of rights The different sorts of titles are what define the dif-

8.2.2. Kinds of rights

ferent kinds of rights we have. We don't need to go deeply into them here; but I will name a few.

- **Human rights** have as their title the fact that we are human beings, and the various properties we have as human. Life is one. The ability to see is another—so that we have a right to see. Many of the so-called “civil rights” that were claimed in the “sixties were actually human rights which were being denied by law. Human right must be acknowledged by society; and so all human rights are (or should be) civil rights; but not all civil rights are human rights.
- **Civil rights**, of course, are the rights we have by our title of citizenship in a nation. These depend on the constitution of the nation; so that in our country, voting is a civil right for every citizen (now); but, since the right to vote is not a human right, it need not be—and in fact, was not in our country for its first century of existence.
- **Acquired rights** are those that you do something special to get, such as the right to drive a car, which is granted only after you have passed a test.
- **Contractual rights** are acquired rights that follow from a promise that some person makes to you. In general, they are “put in writing”; but since rights are actually moral matters, the document only serves to prove that the contract was made, and the right exists to have the promise fulfilled whether or not anyone signed anything. (This is also true legally, by the way. If you can prove someone promised to do something, even if it wasn't in writing, you can hold him to it.)
- **Implied rights** are rights that follow either from some other right or from some obligation we have. That is, if my exercise of a right or obligation involves some action in addition to the act I have (strictly speaking) a right to do, then I have the implied right to do the other action also; otherwise, I would not be able to do the act I had the right to do.

8.2.2. Kinds of rights

It is this implied right which is violated by the so-called “Catch-22”: E.g. “You have a right to leave the country if you can get a doctor’s certificate of health; but all the doctors are outside the country.” This actually happened to some Africans Thor Heyerdahl was trying to get to build one of his ancient-type boats.

8.2.3. Against whom the right exists If a right is the power to do something in the sense of making it morally wrong for the action to be prevented, then in one sense we have a right “against” everyone else; that is, no one can prevent us from exercising it.

But there are times when not doing something *for* a person can be the equivalent of preventing him from doing what he has a right to do. And it may be that one person’s help would be all he needs to exercise his right, and many people’s help would actually be interference. In this case, the person has a right *against* some specific other person. But how do we find out who it is?

A person has a right *against* those people who are in practice preventing or able to prevent him from exercising it.

Thus, my son, until he reached adulthood, had a right against me for support. Since I am the one who is responsible for his beginning to exist, then if I didn’t support him, I would in effect be killing him; while if you don’t support him, this does not do him any damage.

Similarly, I don’t really have any right not to have my privacy invaded by those who live in India, because they can’t in practice do it—and to impose an “obligation” on them to respect the privacy of George Blair is silly. But I do have this right against my students (except in the area of my competence as a teacher), against my co-

8.2.3. Against whom the right exists

workers, and so on—who might invade my privacy.

8.2.4. Defending a right Rights make it morally wrong for those against whom we have them to interfere with our exercise of our right. But what happens if they don't recognize our claim, or if they don't care whether they're being immoral or not? Does this mean that we can't do what we have a right to do?

If that were the case, then we could kiss rights goodbye as something meaningful. Since morality (as we saw) depends on conscience, then our right not to be interfered with would depend on whether others knew we weren't to be interfered with—and so our rights would be being trampled on all the time, and in practice we wouldn't have any.

But if you use force to defend your right, aren't you violating the violator's right to physical integrity? After all, he has a right not to have a bloody nose or not to get killed. But how else can you defend yourself if your right is being violated?

Some have got out of the dilemma by saying that the attacker forfeits his rights when he violates someone else's right. But this makes his rights (and by extension everyone's) contingent upon virtuous activity. Thus, a person would have a right to life only if he isn't violating anyone else's rights; but since we can do this unwittingly, then we would only have a right to life if by accident we didn't happen to be violating someone else's right. It also puts the defender in the—to say the least awkward—position of having to ask, “Are you doing this virtuously, or with malice aforethought?” before he can defend himself. Further, does the violator forfeit all rights (so that you can kill him if he prevents you from playing the piano when you have a right to do it), or only some; and if only some, which ones? The one corresponding to yours? Then if he prevents you from playing the piano, you can't hit him or push him, you can only keep

him from playing it.

Obviously, that position won't work in practice. We can defend a right whether it is being violated by a person who is "innocent" or "guilty."

But then how do we avoid putting ourselves in the same position as he is in—violating his right?

The answer is that our action in fact results in the violation of his right, but we do not *choose* the violation; and with the double effect, the act of defense of our right is not immoral.

The reasoning goes this way. You can perform an action *which will block* the action of the violator; and if harm comes to him, then the harm is unchosen.

Note that the "blocking" means an act such that it will stop the act of violation; it is not confined to just putting up a shield. If a person is fighting with you, it might be possible to block his punches without hitting back (if you're an expert at it); but in practice, the only effective way to stop him might be to hit him in the face and break his nose. So you can actually do damage to another person, if the rules below are fulfilled.

● NOTE WELL ●

The Double Effect in defending a right only applies when an actual act violating the right is being performed (or has been started).

You can't "block" an intention to do you harm, even if you know that the person means it. You can, however, block actual preparations for the harm, because this is an act.

● 1. The act you perform is in itself neutral. If you swing your arm and his face isn't there, then no wrong is done. If you pull the trig-

8.2.4. Defending a right

ger and the gun doesn't go off, then there's no wrong done. So the wrong is in the effect of the act you perform, not the act itself.

- 2. The act has a **good effect**; your right is protected. Note here that you have to have some reason to believe that your action *can* have this good effect in order for this rule to be fulfilled. To engage in a fistfight with Muhammad Ali in order “to protect your right” to something he was violating would be insane.

- 3. The bad *effect* does not **bring about** the good one. In this case, it is not the violation of the other's right that does the job (i.e. the damage inflicted), but the act *which* inflicts the damage has two *independent* effects: it stops his violation of your right *and* (incidentally) does him harm. Thus, if he ducks your punch but becomes frightened and runs away, your act achieved the good effect without the bad one; if you pull the trigger and the gun misses, but he “sees that you mean it” and runs away, you achieved the good without the bad. Even if you shoot him, he ordinarily would die considerably after he stopped attacking you—which shows that it isn't the death that stopped the attack. The point is that the good effect does not depend on the harm done to the violator.

- 4. You can't **want or intend** the harm that your act does. That is, you can't use this as an excuse for “getting even.” The violator has rights, even if he's violating yours; and if you “get even,” then that's precisely what you're doing: you're making yourself the same as he is: a violator of rights—and so you “deserve” just what he “deserves.” There isn't any question of “deserving” the harm, and you must not intend it.

- 5. If the harm done to the violator is foreseen to be **no greater** than the harm done to you by his violating your right, then you can take the action. If the harm done to him is greater than the harm he is doing, then the act is in effect more wrong than right, and you can't avoid intending to harm him.

8.2.4. Defending a right

Thus, you can't shoot a person for stepping on your toes; but you can shoot him if you think he might kill you.

Of course, you don't necessarily *have* to defend your right; even in the case of inalienable rights, the double effect would allow you to turn the above argument around and choose the protection of the violator instead of your own.

8.2.5. Coercion So it is possible to use force to defend a right. While we are on the subject, let us see if we can straighten out whether there is any other occasion when force can be used against another person, and in what senses a person can be said to be "forced" by another.

The obvious meaning of "force" is physical violence: that is, some act that inflicts physical damage on the victim. This physical damage will sometimes physically stop a person from performing a given act, and (as in defending a right), this is sometimes all that is intended.

Ordinarily, however, even the use of physical violence is intended to have a *moral* effect: that is, it is the *threat* of the violence, or of a repetition of the actual violence, that *is supposed to motivate* the recipient either to do what is desired or to avoid what is undesired.

Hence, what is really meant in most cases by "force" is "a threat": that is, something creating *fear of harm*.

But by extension, a person can be said to be "forced" to do something, not by the threat of actual physical violence against his person, but by depriving him of something he values. For instance, the threat to tow an illegally parked car, could be (and is, in fact) considered a way to force people not to park illegally.

But a person can also be "forced" to do something by *withholding something he wants very much or needs*. Thus, the threat to Johnny to send him to bed without supper is interpreted by Johnny to be forcing him to clean up his room; the threat to cut off the heating oil is

8.2.5. Coercion

a way of forcing a delinquent customer to pay his bill, and so on.

What all of these have in common is that they are *ways in which one person can make it likely that another person will do what that other person does not want to do*. They “make” a person “act against his will.”

Now of course, the person does not, technically speaking, act against his will (except in the one case where he is knocked out and can’t do what he intended). The idea is that the threat gives the person a reason which is so much greater than the reasons for acting in the undesired way that “he is left no choice”—no *reasonable* choice.

Obviously, this is an interference with another person’s self-determination. But, as we saw, it does not follow from the fact that a person is self-determining that he has a right never to have his self-determination interfered with; hence, it does not follow that the *only* time force can be used is in defense of a right.

There are two things to note here:

First of all, force has to give the impression that the person is *worse off* for its application, not that he is better off because of it.

It may take the *form* of withholding something the person wants; but it isn’t *force* unless the person somehow considers himself *deprived* by not having it.

That is, “making someone an offer he can’t refuse” is not a use of force as long as the person considers himself *better off* for accepting it and not, somehow, in a *deprived* condition if he refuses it. Thus, to offer a person a million dollars to jump off the Brooklyn Bridge is not forcing him to do it—it might be tempting him, but it isn’t a use of force, since if he refuses, he’s still as well off as before.

Nevertheless, offering a starving person food if he does something

8.2.5. Coercion

you want would be a use of force, because if he doesn't accept it, he is in a less-than-human condition.

The distinction is subtle, but very important.

Secondly, there is nothing in human nature that demands that force be used only in response to force—i.e. that a person never *initiate* force against another.

● **DEFINITION: *coercion* is the use of force in such a way that it violates a right of another person.**

That is, the use of force is coercion if the threat makes it unreasonable for a person to do what he has a right to do, or unreasonable not to do what he has a right to avoid doing.

Thus, if a person is told “If you vote, we're going to burn your house and beat up your wife,” then this is coercion; because any reasonable person would believe that it would be grossly disadvantageous for him to exercise his right.

Notice, however, that it is *not* necessarily coercion if a person is told that unless he shaves off his new beard, he will be fired—even if the firing would deprive him of the necessities of life; and the reason is that a man has no *right* to grow a beard; he is not dehumanized if he is clean-shaven.

In this case, you might be able to say that the person is being forced to shave; but he is not, in this definition, being coerced to do so, because no right of his is violated. Of course, we have to assume here that there is a reason for denying the person his beard (such as customer relations, or good order), or we run up against that generic right of a self-determining being to do what he pleases with himself.

8.2.5. Coercion

Note that coercion can also involve withholding from a person something necessary for his life (i.e. something he has a right to have), and is not confined to threats of harm.

Withholding necessities is one form of dehumanization, which we will discuss shortly. But let me now give a fairly controversial example.

Suppose a person is told by his doctor that unless he pays sixty thousand dollars, he will not be able to have the operation necessary to save his life. He is being coerced into paying the sixty thousand. The reason is that if he doesn't, he dies; and so the withholding of the service in this case is the same as the threat to kill the patient.

Of course, this supposes that the patient has the right against doctors to receive treatment; otherwise, he is being forced to pay, but not coerced. Without going into the matter, the right comes from the fact the profession of medicine is that of providing health care; and when a doctor enters the profession, he dedicates himself to this, and thus makes himself the one against whom the unhealthy have a claim to their right not to live dehumanized lives because they are sick.

This does not necessarily mean that doctors have to give free health care (because their service gives them a right against the patient to compensation); but the balancing of the two rights is tricky, and is one of the things that conventional economics (whether Capitalistic or Marxist) can't handle.

8.2.6. Dehumanization We spoke a little earlier of “dehumanizing” a person, and said that we would have to clarify this concept.

- **In general, dehumanization is coercion:** either forcing a person

to do what he has a human right not to do, or preventing him from doing something he has a human right to do.

But what are the human rights a person has, and how do we know them in practice?

As we said in section 2.1.1., the “nature” of something is its reality as related to or revealed in its actions. What is behind this is that a thing behaves in a certain way because it has certain definite parts organized in a definite way; without these parts and this type of organization, it couldn’t behave in the way in question. So we learn what it is to be human (“human nature”) by observing human activities, and concluding “humans are the kinds of thing that do X and Y and Z...”

The reason for knowing what the reality is from the acts is that we can’t directly observe the act that organizes the body (which is what makes the body human); but it is this act which makes the body capable of doing human acts (as opposed to those of a hummingbird).

A caution should be mentioned here, however. The behavior is a *sufficient* condition for knowing what the nature is, but not a *necessary* one. That is, if something is conversing, you know that it must be human (or at least intellectual); but if a human being is asleep and not doing “human” acts, it does not follow that he has lost his humanity. The reason for this is that a living being (with excess energy within it) can express or not express its acts spontaneously; hence, it has the nature when it is *capable* of doing so, whether it is actually doing the act or not. But clearly, if it is doing the act, it is capable of doing it.

It follows from this that

If a given human being cannot do what practically all other

8.2.6. Dehumanization

human beings can do, he is in a dehumanized condition.

For example, if someone cannot see, he is subject to the following reasoning process. “Human beings can see because they are human (why else do we have eyes?); but he cannot see; therefore, in that respect, he is less than human.” Hence, he is a human being who cannot do what human beings can do as such; and this contradiction is being in a dehumanized condition. We would say in this case that there is something “wrong” with his nature (because we would expect him, as human, to see if he wanted to); or that his nature (because of a defect in the organ itself, not in the fundamental organization of the body) is “defective.”

Note that we say that he *has* a human nature because of all the other respects in which he can act as only human beings can act; and so the defect is rather in the part which is organized than in the organizing activity (which is where his humanity actually lies). Still, *as* a human being, he can do less than human beings can do; and hence he is in that contradictory position of being a “human-being-who-is-not-quite-human.”

That is, when we say that “there’s something wrong with him,” we are saying that *his* nature doesn’t really fit with *human* nature as we know it from observing the humans around us; he is *more limited* than we (reasonably) expect human beings to be.

But since our ability to act can be restricted by *others’* forcing us not to do the things we have the natural capacity of doing, then *in practice* they are forcing us into the condition of having human natures that can’t express themselves as human—or into a self-contradictory position analogous to having a defective organ.

• **DEFINITION:** *absolute dehumanization* is forcing a person into a condition in which he cannot do what “practically all”

8.2.6. Dehumanization

people in *any* culture can do.

Since in practice we get the notion of “human nature” from observing what people *do* and arguing that “then this is what human beings *can* do by nature,” it follows that what “practically everyone” can do is what belongs to human nature to be able to do. Thus, if a person is forced into a position of not being able to see or walk, the act he can’t do would be regarded as an act belonging to a human being as such by anyone from any culture. Laming someone would be dehumanizing him, because humans in any culture are considered able to walk just because they are human.

● **DEFINITION:** *relative dehumanization* is forcing a person into a condition in which he cannot do what “practically all” humans *in his culture* can do.

But since human nature *is* derived from observation, it also follows that “practically all” in practice will mean “the people around us.” Hence, we will get a notion of “human” that is culturally dependent.

In this case, a person can be dehumanized by being prevented from doing what in some other culture would be regarded as a superfluous or even luxurious act. For instance, since in our culture “everyone” has a telephone, for a person to be so poor that he can’t afford to have one would be dehumanizing, while in India, having a telephone would perhaps be considered a luxury.

Note that this does not necessarily mean that in order to be human you have to have a telephone in our culture, because humans are self-determining, and if they don’t want one, they are not obliged to “fulfill” themselves in this way; so if a person freely chooses not to

8.2.6. Dehumanization

have a phone, we consider him eccentric, not dehumanized. The dehumanization would come in a person's being coerced into a position of *not being able* to have one if he wanted.

Some sort of qualification is necessary, however, in talking of relative dehumanization in an affluent society. A person might not be able to do what "practically everyone else" can do, and yet this might not really force him below a human existence in a reasonable sense of the term. For instance, if "practically everyone" can afford Adidas jogging shoes and videotape recorders, it still does not mean that the young lad who has to make do with K-Mart joggers and his hundred-dollar ghetto blaster is leading a humanly deprived life.

Just as there is a minimum which is dehumanization in any society, there is a level at which relative dehumanization ceases to be dehumanizing. Where this level is is not easy to define, by any means; but it has something to do with a person's being able not only to survive, but to set goals for himself and pursue them. When people can do this, even with restrictions, then they are living human lives; it is when all their attention must be devoted to staying alive and not to defining themselves in some distinctive way that they are dehumanized.

8.2.7. Inalienable rights It is possible, then, for a person to be coerced into doing something he has a right not to do. Can a person freely give up a right he has, or is it the case that, once he has a right, he always has it?

It seems obvious that at least some rights can be given up. If I have a right to do what I please with this computer I own, and I sell it to someone else, I lose the right to do anything with it. If I have a driver's license, I can let it lapse and not renew it, and so lose the right to drive.

8.2.7. Inalienable rights

- **DEFINITION:** A right is *alienable* if it can be given up.
- **DEFINITION:** A right is *absolutely inalienable* if it cannot be given up.
- **DEFINITION:** A right is *relatively inalienable* if it can be given up, but cannot be taken away by government (i.e. civil society).

Rights implied by some corresponding moral obligation are absolutely inalienable. The reason is that, since we can't get rid of the moral obligation, we can't get rid of the rights to the means to fulfill it. Thus, the right to life is absolutely inalienable, because we have an obligation as living beings not to commit suicide, and so can never choose to let anyone else kill us.

Nevertheless, there are some human rights we have that are not simply the means to fulfill the moral obligation; and these may be given up by us; but they cannot be taken away by civil society.

For instance, our nature as sexual gives us the human right to get married (because only in marriage can we exercise the sexual faculty consistently, and so if we couldn't get married, we would have a faculty which we couldn't exercise: a contradiction). Nevertheless, a person doesn't have to get married, because a faculty is a power, not a necessity, and self-determination implies that we don't have to exercise all the powers we have. Hence, a person may even (by a vow of celibacy, for instance) give up his right to get married.

Freely joined organizations can even make such a vow a condition of membership, because a person does not have to join them, and so is not coerced into not marrying.

But a person (as we will see in the next chapter) cannot avoid belonging to civil society; and so if civil society imposes celibacy on him, it is coercing him. Thus, the right to marry is relatively inal-

8.2.7. Inalienable rights

inalienable. The only way civil society could force a person not to marry would be in a situation of protecting the citizens, so that the violation of the right would not be chosen, by means of the Double Effect.

Note that all human rights are at least relatively inalienable.

The reason is that if civil society forces a person to give them up, the situation above obtains; the person would have to act as if he didn't have a right he had, because he can't not belong to civil society. This is why all human rights have to be made into civil rights.

8.3. When a human being is a person There is one question we have still to clear up before we get into the specific human rights that people have: Do human beings *acquire* personhood, or do they have it all the time that they are human? It is at least thinkable that, since persons are self-determining, then you are a person only when you can determine yourself; and so humans at the very beginning (and possibly when unconscious at the very end) of life might not be persons.

Some hold that a person doesn't exist until he has been "accepted by the community" in some way. But this would mean that a human being (of whatever age) would have no rights unless the "community" chose to grant them to him. We fought a civil war over this. And the position is in fact ridiculous, since this would mean that beings who were *in fact* self-determining (like the Black slaves) would be able to have their natures as such *contradicted* simply because other people didn't recognize or choose to recognize that they were anything but animals. Rights that are *given* by the "community" are no rights. We have rights *against* the community, if the community is violating our nature.

8.3. When a human being is a person

Others hold that a being who “cannot” determine himself is not a person and therefore does not have rights; and so they conclude that, even if fetuses are human beings, they are not persons and have no rights; and humans in “irreversible” comas are no longer persons and no longer have rights.

But the logic of this position would mean that *when we fall asleep, we would lose our personhood and our rights*, because a sleeping person is certainly not determining himself (choosing), and in fact *cannot* choose while asleep. Clearly, *this* sense of “cannot” is not what excludes someone from personhood; you would lose your right to life as soon as you fell asleep if this were the case.

But perhaps “cannot” means the sense in which a person in a coma “cannot” make choices and determine himself; a sleeping person can wake up, but a comatose human can’t. But (a) if the comatose human recovers from his coma, does this mean that he lost his personhood for a while and then got it back? If so, in what *real* sense is he different from a sleeping person? After all, this is no joke; if someone loses personhood, this gives others permission to kill him, take away what he owns, cut up his body, etc. Or (b) if a comatose human is not a person, what about a person who has just been knocked unconscious for a few minutes? Then you could make someone lose his personhood by giving him an anesthetic or knocking him on the head. For practical purposes, such people are indistinguishable from comatose human beings; so if comatose humans are not people, they aren’t either.

This has been recognized by some who hold this position, but they say that only those in “irreversible” comas lose their personhood. The trouble with that is that the only way you know that the coma is “irreversible” is that the human being dies while still in the coma; *there is no difference in itself between a “reversible” and an “irreversible” coma*. Hence, this is a distinction without a difference.

8.3. When a human being is a person

In fact, since obviously people who are asleep or who are under anesthesia are still “self-determining,” *then it must be the case that the ability to determine oneself is the fundamental ability one has because of the way the body is organized.*

That is, *a person is a self-determining kind of thing, whether he is actually determining himself or not, or whether he is in a condition to determine himself or not.* If this is not admitted, it would be difficult to see how the personhood of sleepers could be logically held.

But since the human form of organization of the body is basically a self-determining kind of organization, it follows that

A human being is a person as long as the body is organized in a human way.

All human beings are persons, then, as long as they are human beings. There may be persons that are not human (and in fact there is at least one: God); but all humans are persons.

8.4. Exercising rights Finally, let us consider the question of whether we have to exercise the rights we have. I have already given the answer to this by implication when I discussed the question of giving up a right. It would certainly seem to follow that if you can give up a right altogether, then you don’t have to exercise it when you have it.

And, of course, since a right is a *power* that belongs to us because of our *self-determination*, it is like a moral kind of “faculty,” which gives us control of ourselves; and therefore, we don’t have to exercise it if we don’t want to.

This is why “rights” are often equated with “freedoms.” They are, in fact, “freedom” in the sense of “liberty”: no one is to interfere with your doing or not doing the act in question.

8.4. Exercising rights

They are not, however, quite the same as freedoms, because, of course, *you must exercise a right that is implied by some obligation you have*. This is not because it is a right, but because of the obligation itself; it is a right because no one is to prevent your fulfilling the obligation; but it is not a “freedom,” because you have to fulfill the obligation. Thus, you must exercise your right to life, because you are forbidden to kill yourself; parents must exercise their right to educate their children; and so on. But you don’t have to exercise your civil right to vote (in the United States, at least) because it is a simple right, and not one implied by a command to vote (as exists in some countries). Thus, you also have the freedom to vote or not vote.

If you are being coerced into not exercising a right, then you may refuse to exercise it only if the Double Effect applies.

The reason for this is that if someone (as, for example, the government by an unjust law) is preventing you from doing something you have a right to do, then to go along with this force is to act as if you don’t have a right that in fact you have.

Let us apply the rules:

1) The *act* of going along with what you are being forced to do *must not be a violation of some obligation you have*.

That is, if the right you are being forced not to exercise is a right implied by an obligation, *then it would be morally wrong not to exercise the right*, because in so doing you are violating the obligation you have.

You must always resist coercion when it forces you into doing something morally wrong.

8.4. Exercising rights

Supposing that not to be the case, however, and the right that is being violated is one that you don't have to exercise, then 2) the act must have a good effect of avoiding the harm that is threatened if you exercise the right. Note that the act of going along with the violation can not only have a bad effect on *yourself*, but your action can also have an effect on *others*, because it encourages the violators to try to deprive others and discourages others from resisting the violation. 3) In general, the wrong effect of acting or giving the impression you don't have a right you have is not the means to avoiding the harm. Avoiding the act forbidden avoids the threat; the effect of your denying your right is independent of this. 4) You would also not be trying to deny that you have the right in question. And 5) going along with the coercion must not be worse than what would happen if you asserted your right. Here the additional bad effect on others must be taken into account.

Thus, for instance, if a mobster asks you to pay "protection" in order to keep your store open, with the threat that if you resist, your store will be bombed, you don't necessarily have to resist this violation of your rights. If it seems to you that going to the police will only make matters worse, then you may pay the money extorted from you, realizing that your paying will mean that the people around you will also have to pay.

If there is reasonable hope that taking action will work, it may be morally necessary to take that action, however; because otherwise you and others will continue to have your rights violated, and in the long run this will be worse than what would happen to you in breaking up the extortion ring.

Obviously not an easy question to decide. But the point is that you don't *have* to resist violations of your rights when nothing beneficial will come of it; and you may even have an *obligation* not to resist when resistance will only make matters worse.

8.4. Exercising rights

This will suffice for a consideration of rights in general. We will discuss the basic human rights in the next chapter.

Summary of Chapter 8

There are two ways people relate to each other: the economic relationship, involving rights and compensation, and the social relationship, involving cooperation and sanctions.

Rights are moral powers to do certain acts; "moral" in the sense that it is not morally wrong to do them, and it is morally wrong for anyone else to prevent one from doing them. The general basis of rights is personhood, not equality. A person is a self-determining being who can have his self-determination interfered with by another person's acts. It is inconsistent with a person to determine himself in such a way that he prevents another person from determining himself. It follows that no one has a right to do anything that violates anyone else's right, that only persons have rights, and that non-existent beings, like future generations, do not have rights. If we have obligations to these beings, they are not because the beings have rights against us.

A specific right can be claimed only when a person can show that interference contradicts his present state, not what he would like to be. The reason is that if we could not be prevented from doing what we wanted to do, then people would not be able to act at all, since their acts would inevitably be keeping others from doing what they wanted—and rights are supposed to make it possible for us to act. The title to a right is the aspect of the person's reality which is contradicted by the violation.

Different titles define the different kinds of rights. Human rights have as their title the humanity we all have; civil rights the fact that we are citizens of a given country. Acquired rights involve doing something to get them; contractual rights are acquired by means of an agreement. Implied rights are those that follow from some obligation we have. We don't have rights because we think we have them; they depend on our reality, not our "sincere beliefs."

We have a right against those persons who in practice can violate it. Defining the person against whom we have the right is most important in the case of rights to be given help in doing something.

Rights can be defended using the Double Effect, not choosing the

8.4. Exercising rights

violator's harm. The theory that the violator "forfeits his right" by his act of violation does not stand up to scrutiny. Hence, the harm to the violator (the violation of his right) must be kept from the choice; and this means that the defense can only be undertaken when some action is done toward the violation (not on a mere threat). The act and intention must be that of blocking the violation, with the damage done to the violator not being the means of protecting the right, the damage not being wanted but an unfortunate side-effect, and the damage done to the violator not greater than that he would be inflicting on the protector.

Force is very often moral force: the threat of harm rather than the harm itself; it implies that the person is worse off than now if the threat is carried out. Promise of a reward is not force. Force can sometimes be morally used if there is no violation of a right on the part of the person forced; force is coercion if it violates some right of the coerced person. Coercion can take the form of withholding something necessary from the person.

In general, coercion is dehumanization. Since human nature is discovered from observing the acts of human beings, then if a person is prevented from doing what "practically all" people (or people in a given culture) can do, he is dehumanized (absolutely or relatively).

Rights are alienable if they can be given up; they are absolutely inalienable if it is immoral to give them up, and relatively inalienable if they can be given up but cannot be taken away by government. Rights implied by the moral obligation are absolutely inalienable. All human rights are at least relatively inalienable.

A human being is a person when his body is organized in such a way that he is a self-determining kind of thing; but this means that whenever a body is organized in a human way, that body is a person, whether he can actually exercise his self determination or not. Hence, sleeping people and people in comas are persons.

You need not exercise any right you have, unless that right is a right implied by some obligation you have. If coercion forces you not to exercise a right you must exercise (because of the moral obligation), then you must resist coercion. If it forces you not to exercise some other right, you can use the Double Effect.

Exercises and questions for discussion

NOTE: These questions are to be answered on moral grounds, not legal ones. We are not interested in what the law is here.

8.4. Exercising rights

1. Do firms have an obligation not to pollute the environment? If so what is the basis of it? Are rights involved, and if so what are their titles?
2. Does giving someone extra pay for the mere fact that he has worked longer at the job constitute discrimination that violates anyone's right or not?
3. If a person is prevented from getting a job because someone else (qualified, but less qualified) is hired because he is a racial minority, does this "reverse discrimination" violate any right of the person not hired? What would be his title to such a right, if so?
4. Does a person who has already been hired for a job have a right not to be arbitrarily fired just because the employer wants to fire him, or is the contract entered into such that it implies that the employer has to have a reason for firing him? Does this have to be spelled out in the contract beforehand? If he can't be fired, what is his title to this right to keep his job? If the employer can fire him, what is his title to the right to do so?
5. On the assumption that a fetus is a human being and not a "part of the mother's body," does a woman have a right to take a job that would be hazardous to her fetus's health if she becomes pregnant, and does the company have a right not to allow women of child-bearing age to take such a job?

8.4. Exercising rights

CHAPTER 9

HUMAN RIGHTS

9.1. The right to life Our object in this chapter is to discuss the major rights we have as humans: under what conditions we have them, against whom, how we can defend them, and so on.

The most basic of our human rights, of course, is the right to life, since if we can't exercise this right, we can't exercise any other one. It is clear that each of us can *claim* a right to life, because, as we saw two chapters ago, we are morally forbidden to choose to die; and so the right to life is a right implied by this obligation not to kill oneself.

Since the right to life follows from the moral obligation, it is *absolute*.

That is, to choose to kill another person *against* the other person's will would violate the other's self-determination, and to choose to do so *because asked* by the other would be to cooperate in the other's immorality, and so make oneself also responsible for it.

● **Note** that the “absoluteness” of the obligation to respect the right to life of others has nothing to do with life's being “the supreme value” or the “greatest good.” In fact, it might not be, in a given

9.1. The right to life

person's value system; and this person's value system is as valid as anyone else's, because values have a subjective component.

In fact, to *call* life a "value" *invites* comparison with other values and "goods," and *undermines* the absoluteness of the right to life. It is not because life happens to be the "greatest good" or death the "greatest evil" that we must not choose to kill anyone, but simply that this is to arrogate to ourselves control over what by nature we do not have control over.

As we saw, *no* human being has control over the fact that he is alive; and so it is not "his life" in the sense that if he asks you to kill him, you are simply doing what he wants and not being immoral; because *it is known that* he cannot morally *want* to die. Hence, you are not "respecting" the person's "right" if you kill him when he asks you to do so.

It is therefore always immoral to choose the death of any person.

Note this carefully: it is *immoral to choose* the death. This seems to indicate that there are situations when the Double Effect would apply, and you can choose to do something that will kill another person without choosing the death. And, in fact, there are such situations.

Let us go through the five rules: 1) The act must have nothing wrong with it except the fact that it results in the death of the other person. 2) The act must have a good effect (see rule 5). 3) The good effect must not *depend on* the other person's death (see below). 4) The other's death must not be wanted; and 5) the good effect **must be the saving of at least one person's life.**

Now to comment on this; first, as to the third rule, there are two ways to find out whether the saving of the life depends on the death or not. It doesn't if, (a) supposing (by some impossible miracle) the

9.1. The right to life

death of the person you kill by your act doesn't occur, will the life still be saved? If it will, then the death didn't save the life. (b) If the death actually occurs after the life is saved, then it wasn't the death that saved the life.

So, for instance, when you shoot a person who is attacking you with a knife, and you shoot to kill, because you aren't skilled enough to be able to shoot the knife out of his hand, then it *could* happen that you would miss and he would run away, which saves your life, or even if you shoot him and he dies, he ordinarily does not die instantaneously, and your life is saved the instant his attack stops. He might die weeks later; so obviously his death did not save you.

I stress this, which I mentioned before in defending a right, because some ethicists have held that shooting someone is "direct killing" and the death cannot be kept out of the choice. The idea behind this is that the time-lag between your pulling the trigger and the bullet's entering the other person is so short that it forms part of one action in practice; and so it is a sophism to divorce the "act" of pulling the trigger from what the bullet does. This would make the *act* an act of killing, and would violate the first rule.

I might grant that the act is an act of shooting, but even shooting at a vital area does not of itself kill a person; the bullet could be deflected by a rib and not in fact penetrate a vital organ. Hence, the death *is* an effect of the act *unless the death is one of the desired outcomes*; and I submit that in self-defense it is not and need not be. And since the death might not occur at all, or might occur significantly later, even with this so-called "act of killing," it is not *in this case direct killing, because the death is not part of the choice*.

This will become important later. The ethicists who hold "direct killing" also hold that *unjust* aggressors lose their right to life (or the exercise of it), which I do not think makes sense. If (a) you lose the exercise of your right to life, then you lose the right; it makes no sense to have a power which you have no power to use. And (b) if

9.1. The right to life

you lose the right, then it isn't a right you have by nature, but a right you have because you are good; but we are living beings by nature, not because of our virtuous acts.

Now as to the fifth rule, why *only* a life, if there are things worse than death? Because, though there may be things that *you consider* worse than death, you cannot apply this set of values to another person (since values have a subjective element). Hence, in order for the act which results in a death not to be *worse* than the alternative, *the alternative must also be a death*.

In other words, you can do something which will kill someone, *but only in order to save a life*. You can't do it to save your sanity, to save twenty million dollars, to save your eyes, or for any other purpose.

Note, however, that *numbers* of deaths do not figure into which alternative is worse, unless the discrepancy is great.

The reason for this is that the right to life is *absolute*, and is NOT a "value" to be compared to other values. Hence, what we are doing is *protecting an absolute right*, not "achieving the greater good." The point is whether the others' deaths can be *kept out of the choice, so that all you intend is the protection of the saved person's life*, not whether the life is being defended against one, two, three, or ten attackers.

But of course, if saving a person's life means wiping out a whole cityfull of people, there comes a point at which those other deaths are *also* chosen. Where that point occurs is up to each person's conscience; but it would be the rare person who could, like some Rambo, gun down everyone he sees and say "All I was trying to do was to protect my kid," and mean it.

But it would be absurd on the other side to say that if two hoodlums were attacking my child, I would have to let them kill her,

9.1. The right to life

because otherwise two people would die instead of one. Lives are not quantifiable in this way.

9.1.1. Abortion Given that, and given what we said in the previous chapter that a human being is a person (with a right to life) as long as he is a human being, we can try to tackle the abortion question. From what was said, it should be obvious that

If a human embryo or fetus is a human being, then the only grounds on which a woman could have an abortion would be to save her life.

That is, *if* the human embryo or fetus is a human being, then rape, incest, defectiveness, the sanity of the mother, and all other grounds for abortion are ruled out. You can't have an abortion for these reasons any more than you could kill an infant (or a five-year-old or an adult, for that matter) for these reasons.

So the abortion question is really one of fact: Is the embryo or fetus a human *being* or not? Clearly, it is "human" in the sense that the cells have human genes, just as the cells of the heart have human genes. But the heart is not a human being; and so it does not automatically follow that the embryo or fetus is.

Let us examine the facts systematically.

- 1. The *embryo or fetus is not part of the mother's body*. The parts of a body function for the sake of the whole, which is the unit which "really" acts, as we saw. But this would mean that parts do not naturally act *against* the whole organism. Yet the embryo normally causes "morning sickness," which is severe discomfort and often inability to act; the embryo and fetus will take nutrients (such as calcium) from the mother and develop normally even at the expense of the mother; and in Rh incompatibility of blood, the mother builds up antibodies to the fetus's blood; but no organism builds up antibodies to itself.

Hence, the embryo or fetus *is a distinct organism from the mother*. It is no more part of the mother's body than a tapeworm would be. And, in fact, at the very beginning, the embryo is not even attached to the mother, and is living for a short time totally on its own.

- 2. The embryo from the beginning is a single organism, not a "mass of tissue." Some have argued that, since in the very early stages, splitting of the mass of cells produces twins, then the mass is not a unit at this stage, but is like a tissue culture of human cells, which are living, but are not living human *beings*. (It would be absurd to say that human skin kept alive is a human being because it is living human cells; it remains nothing but skin.)

The counter-argument against twinning is (a) that other organisms which are clearly units are capable of producing "twins" when parts are removed, such as cuttings of geraniums. No one would say that the geranium is a "colony" of branches simply because *after* removal, the branch can become a complete plant. Further (b) the mass is *developing* as a whole into what is very quickly *recognizable* as a unit of distinct parts; if there were not some unifying control, then how only the right number of organs of the right type got formed from these "independent" cells would make no sense.

- 3. The fetus is not an organism in a "pre-human" condition, with a different nature. A caterpillar has the same genes as the butterfly it will become; but it has totally different body parts, different metabolism, and in general different behavior. Thus, it has (though it is of the same species) a different *nature* from the butterfly, and *is not in reality* a butterfly. Hence, it is not enough to argue that, since the embryo or fetus is a distinct organism with human genes, it automatically has human nature.

But the caterpillar's organs are adapted to its life as a caterpillar, as the butterfly's are to its different life as a butterfly. Yet from the very beginning, the embryo develops organs *that make no sense* for its

9.1.1. Abortion

life in the uterus, but only are adapted for life outside. One of the very first organs to appear is the eyes, which have nothing really to see until emergence from the uterus. *All* of the organs, in fact, except the umbilical cord, are organs which are adapted to the life outside the uterus; and hence the *basic* organization of the embryo right from the beginning (the act that *builds* the organs themselves) is *the same* as the organization of the adult. Otherwise, why would it build these organs? Therefore, the human embryo or fetus right from the beginning has human nature.

Therefore, from the moment at which the ovum is reorganized at fertilization, the embryo or fetus is a human being, and is therefore a human person, and therefore has a right to life, and consequently nothing can be done to kill it except, using the Double Effect, to save the mother's life.

Some have argued that, since the fetus is *innocent*, it isn't ever an unjust aggressor, and hence abortions (which are direct killings) cannot even be performed to save the mother's life. Note that not having an abortion under these conditions means that the fetus will die along with the mother; but the argument is that these deaths are not chosen.

My reply is as above. It is not the *death* of the fetus which saves the mother's life, but the *removal*. The fact that fetuses are not necessarily dead at the moment of removal (in fact some have survived abortions) indicates that abortions are not achieved *by the death*. Secondly, if the fetus's presence in the mother is (because of weak kidneys or for any other reason) going to result in her death, the fetus *is in fact* attacking the mother's life, and is not "materially innocent," however unintentional the attack may be. The fetus is analogous to a madman running around with a knife; he isn't *guilty*, because he doesn't know what he's doing; but that doesn't mean you

9.1.1. Abortion

can't defend yourself against him.

Even in the "classic" case of the baby's head being lodged in the mother's pelvis, which will cause death if the head is not crushed and brought through, this is not actually "direct killing," though it has been called such. Babies' heads are such that some "crushing" naturally occurs on delivery (with the bones sliding over each other); and it should be obvious that, if the crushing happens not to be fatal to the baby, the mother will be saved; hence, it is not the *death* of the baby that saves the mother, but making its head smaller, which will result in its death. Further, this lodging of the head in the pelvis is also in fact an attack on the mother's life, and so the baby in this case is (however unintentionally) an aggressor.

Hence, abortions may be done to save the mother's life, but for nothing short of this.

And since the embryo or fetus is a human being and a person, then it follows that

When abortions are necessary, the method of abortion that does the least damage to *both* parties is to be employed.

Currently, the method of abortion is determined *solely* by what causes least discomfort and damage *to the mother*. But these are incredibly brutal ways of killing someone: either his skin is burned off (by saline injection—acid, in other words), or he is pulled to pieces alive.

Obviously a Caesarean section of some sort (which of course is more dangerous to the mother) or the use of some anesthetic so that pain is not felt—yes, fetuses can feel pain—is preferable to the horrors that we now see. Perhaps removal of the uterus itself would be

9.1.1. Abortion

least damaging to the fetus, who could then die in peace. And if this were the method of abortion, then women would perhaps be less quick to say, "My life is in danger! Get rid of the thing!"

Let me finish up this section on abortion with another remark. There are some feminists who are so wedded to the notion of "choice" that all the arguments in the world that the fetus is a human being won't convince them. This is all the more true because it means that if a person *has* had an abortion, she has slaughtered her own child; and this, needless to say, is something no one wants to face about herself. Given the fact that over a million and a half mothers a year do this sort of thing, this makes for formidable opposition to reason.

But beware of people who say, "I'm not pro-abortion; I'm pro-choice. I don't approve of abortions, but I don't think women should be forced back into the dangerous back-alley abortions when they were illegal."

I don't notice such people agitating to have prostitution legalized. After all, isn't the decision whether to take money to have sex a woman's choice what to do with her own body? And whose business is it but hers? And because prostitution is illegal, many women face arrest, disgrace, disease, and even beating to death.

The point, of course, is that the argument is exactly the same in both cases. Why then are the feminists not agitating to repeal the prostitution laws? The answer is rather simple, actually. Middle-class women can *picture themselves* getting accidentally pregnant and therefore "needing" an abortion, but they cannot picture themselves selling their sexual activity to others. And it is the middle-class women who are the agitators on the abortion issue. It sounds very much as if they are agitating, not really because of the principle of freedom of choice for women, but because *they are pro-abortion*. That is, anyone who says that he is "pro choice" and not pro abortion and then is in favor of anti-prostitution laws

9.1.1. Abortion

is either disingenuous or has been duped by pro-abortion rhetoric.

I put this here not just to engage in nastiness and retort against the feminists, but because they have convinced many well-intentioned men and women that the principle of individual freedom is paramount, and even overrides considerations of life and death. Don't be misled by such arguments. You don't believe in such unrestricted freedom of choice, and neither do the "pro choice" advocates. No one does.

9.1.2. The end of life Now let us look at the other end of life. You can't kill a human being; but sometimes you can save a person's life by using a vital organ like a heart from someone else—yet to take a heart out of a living human is to kill him. On the other hand, if you wait too long and take it from a corpse, the heart will have begun to decay; and it is fatal to put a decaying heart into a sick person.

Hence, it is imperative to know whether we can be morally certain a person has died, so that we can remove organs while they are still fresh from what is now a corpse.

Obviously, death occurs when the body ceases to be organized as a human unit; when the parts cease to function together so that it is the whole which acts. But when does this occur? Since this organizing activity is what the parts are doing *to each other* (and which rejects anything but parts of the body as "foreign,") then it is clear that you can't get an instrument inside the body to observe it (it would be rejected) and find out when it stopped functioning. Hence, its stopping must be *argued to*.

Since the organizing activity of the body maintains the body at an energy level which is unnaturally high for it as a system of chemicals, it follows that when the body begins to decay (mean-

9.1.2. The end of life

ing that its chemicals are seeking their lowest energy-states) **it is no longer being organized as a living unit.**

That is, *decay is a sign of death*. Decay of a single part which has been cut off from the rest of the body (as in gangrene) is not a sign of *death*, except perhaps for that part; but when the decay occurs *in the body as a whole*, then it is a corpse.

Now one of the *first* organs to decay is the brain; and since the brain is necessary for the functioning of the body as a whole, then *when the brain begins to decay, the body is not organized as a human being any longer*.

The “death” of the brain is *not a definition* of the death of the human being (as some scientists say); but it is an *indication* of the death of the whole organism, for the reasons given above.

Recent evidence seems to indicate that the brain begins to decay some ten minutes or so after it has ceased to function; therefore, the person is morally certainly dead within twenty minutes or so after a ceasing of functioning of brain activity. This is “brain death.”

With further refinements of science, this time might be narrowed. The point is that there is no evidence to indicate that there is anything but a corpse at this point. Hence, organs may now be removed and preserved for useful purposes.

9.1.3. The dying person I said three chapters ago that you could choose, if you were dying, not to postpone your own death. Can a person ever make this choice for someone else who is not conscious? The situation is a little tricky, because you are dealing with someone else’s life, and you can’t impose your values on the other person.

9.1.3. The dying person

First of all, if it is known that the person would not want his death postponed by life-preserving means, then his wishes must be respected and the means must not be used.

We saw that the choice not to postpone death is not necessarily an immoral choice. Hence, if you cooperate with this choice, you are not cooperating in something morally wrong. Even if the person, in expressing his wishes, *seems* to have wished to die, *this wish may be, and in general must be, interpreted in a morally legitimate sense*, as implying, “I’ve got to die anyway, and if I could be cured I’d take that route; but given that I’m dying, I don’t want to prolong the agony.” All that can be (and probably is) implicitly contained in “Let’s get it over quick.” It is not for you to assume that the one whose wishes you are following was being immoral; and since the choice *can* be a moral one, and since it *is* his life, then if you know he doesn’t want death postponed, you must follow his wishes.

Of course, if you know that he *does* want his death postponed, then you must also respect his wishes, and use the life-preserving mechanisms.

If the person’s will has not been expressed and cannot be known, then (a) if there is reasonable hope of recovery or of regaining the power to choose (even temporarily), these means must be taken; but (b) if nothing is to be gained but prolonged agony and expense, then the life-preserving means may be stopped.

The reason for the first proviso is that the patient is to have the choice if at all possible; and the second is based on the fact that, given no possibility for the patient himself to take control, the path doing least damage may be taken. If the patient should happen to recover and indicate that he would have wanted the life-preserving

9.1.3. The dying person

means to be *used*, your conscience would still be clear; there was no evidence of this at the time, and it was the less reasonable choice.

What a “reasonable” hope for recovery is will depend on the person’s conscience. Most people would consider an even chance or better as “reasonable”; but how far below an even chance you go before it becomes unreasonable to hope for recovery is not something that can be objectively determined.

Of course, it should go without saying that it would be morally wrong to withhold life-maintaining actions of supplying food, water, and air.

A person is not being “allowed to die” when he is starved or smothered to death, as has recently occurred in some cases of defective infants. (In the famous Baby Doe case in Indiana, the infant survived six days without food. This was no dying child.)

9.2. Economic rights In discussing who we have rights against, I mentioned that sometimes not doing something *for* a person is the equivalent of doing damage *to* him; as, for example, in the case above of Baby Doe, not giving the infant food was to starve him to death.

It follows, therefore, that, since each person has a right to life,

Each person has a human right to what is *necessary* to keep him alive.

This is a very complex issue, and belongs in a treatise of economic and business ethics; but let me make a couple of remarks here, rather than go into extended discussion.

First, if all a person can get from his work is the ability to stay alive, then this contradicts the function of work (which is serving

others so that you can use the services of others to attain your own goals); he is enslaved to others. Hence, *work implies the setting and pursuing of goals*, not merely bare necessities. Since a human being is self-determining, he has a right to be assured that he will not be allowed to starve, and can therefore do more by serving others than keep alive.

I should remark here, however, that since a person is a self-determining being, then we don't have any business forcing him to do "what is good for him" in spite of himself. In fact, we have to keep hands off even if he is positively harming himself, if he is doing so knowingly.

If a person is knowingly and freely doing damage to himself, then it is morally wrong to prevent him from doing so, unless someone *else* is also being harmed by what he is doing.

There is nothing wrong with *trying to persuade* him to stop what he is doing; but it contradicts the person's self-determining nature if others prevent him against his will from doing what he chooses to himself, even if it is harming himself.

What I am saying is that it is not your prerogative to set goals for another person; and if that other person wants to set self-contradictory goals for himself, then that is one of the implications in being free. You deny his personhood if you prevent him from doing this.

This, of course, is the grounds on which the "pro choice" people defend the right to abortion. The problem is that this applies *only* when no one else's right is involved; and whether they want to admit or not, abortion is *not* simply "doing what you choose with your own body"; there is another person who is inside that body, and who will be killed by the woman's action. But in cases where no one else is harmed, the "pro choice" position is in fact the correct one.

9.2. Economic rights

It follows, however, from this that

If a person can gain the necessities of life plus a minimal amount more by working and he refuses to work, no one has an obligation to give him life's necessities.

That is, if there are jobs available, and the person considers them too arduous or beneath his "dignity," and would rather starve than perform them, *he must be allowed to starve.*

This sounds harsh and cruel, but it is not even anti-Christian. In a little-quoted passage of St. Paul's second letter to the Thessalonians, he says this, "And while we were there, we told you that if a person did not want to work, he was not to be fed." We not only have no obligation to feed the lazy, we are denying their personhood if we allow them to get by with doing nothing.

But on the assumption that a person can't get by his own efforts the necessities of life plus at least enough so that he can have some self-determination in practice, he must be given what he needs to live a human life.

Now *against whom* does a person have this right to be given the bare necessities of life? As we will see in the next chapter, civil society exists to see to it that its members do not have their rights violated; and so

A person has the right *against civil society* for the minimum necessities of life.

But if civil society gives a person *more* than enough to keep him alive, then the person will also take this as something he has a right to by nature (which is false) and doesn't have to work for; and *this creates a disincentive to set goals and try to achieve them, and thus contradicts self-determination.*

9.2. Economic rights

Hence, it is *morally wrong* for civil society to provide more than the bare necessities of life for its citizens; the “welfare state” is a wrong kind of society, even if all citizens live in prosperity.

Parents or private organizations can morally provide for people more than what is barely necessary for survival, because this is then *recognized as a gift*, and not something a person has *a right to by nature*. But since no one has a right to more than that without which he is dehumanized, civil society has to stop at the bare necessities.

In general, a person goes beyond bare necessities, as I said, by working (i.e. serving others for compensation).

Therefore,

A person has a human right to the opportunity to work.

This does not mean that a person has a *human* right to work at *the kind of job he finds fulfilling*. Work is *essentially service to others*, and hence, one’s *own* fulfillment is not the primary function of the work as such; the *compensation* for it is supposed to be what allows the person to pursue his goals.

There is, of course, nothing *wrong* with work that is also fulfilling to the worker; the point is that it does not contradict its nature if it is not fulfilling, and even if it is drudgery, as long as payment allowing a person to set and pursue goals is given.

9.2.1. “Rights” we don’t have Here, I think, is a place to put one or two things that people *think* are human rights, but actually aren’t. They are based on the false notion that rights come from “equality,” instead of the fact that we are persons, and from the assumption that “all men are created equal,” which is patently false.

All Jefferson meant by “all men are created equal” is *that there are*

9.2.1. “Rights” we don’t have

no natural classes, such that if you are born a noble, you are by “blood” different from a commoner. But he did *not* intend to deny *individual differences in degree of ability to perform human acts*, which imply different *degrees* of humanity or “possession of human nature.” We are *not* equal; some of us can barely do any human acts, and some can do a great many; and these differences are *genetic* as well as cultural. Our genes impose *individual* limits on our humanity.

Since we are not in fact equal, we have no human right to equal treatment.

This means that *there is nothing morally wrong with one person’s being treated in a way vastly better than the other*, as long as the second person is not being treated as if he were an animal and not a human being. That is, if Jones has the necessities of life and a job that allows him to pursue some minimal goals, and Smith lives in a mansion and has two Ferraris in his garage, *there is nothing morally wrong in this situation*. Life has not treated Jones and Smith equally; but this is consistent with the fact that each of us is limited in our humanity.

This is a hard saying, I realize; but the fact is that there is nothing in human nature that will justify a claim to be treated equally with other human beings.

None of us has a right by nature to equality of opportunity.

The “equalists” sometimes get around the obvious fact that we are genetically limited by asserting that we don’t necessarily have a right to equal *results*, but to an equal *chance*. But this is also absurd. A retarded person *by nature* has not got the opportunities open to a very intelligent person; a sickly person is by nature cut off from the opportunities of a robust person; and these limitations are *genetic*,

9.2.1. “Rights” we don’t have

not social. Therefore, there is nothing in our nature which demands equality of opportunity *be provided* by anyone either.

In fact, to provide equal opportunity for everyone would be unjust. If each person received the same amount of schooling, this would be more than the retarded could handle, and would not be enough to enable the brilliant to make use of their superior talents.

Hence, we have no human right to equality of opportunity.

No one has a human right to be able to pursue whatever goals he chooses for himself.

But doesn't this follow from self-determination? No. We saw in the argument that life goes on after death that *no* human being can actually *achieve* all his goals in this life. Hence, we certainly have no human right to success (i.e. *goal-achievement*) in this life. But what about a right to "the *pursuit* of happiness"? It would be morally wrong, as I said above, to put a person in a situation where his constant concern about merely staying alive didn't give him a realistic idea that he could *set* goals for himself; and so *it is morally wrong not to be able to pursue ANY personal goal*.

But since goals are to be achieved *after death*, basically, *there is no dehumanization in preventing a persons from pursuing some specific human goal that he sets for himself*.

And in fact, this would have to be done. A person with shaking hands might want to be a surgeon; but he would be a menace to any patients he might try to operate on. A retarded person would be a menace as a doctor; and so on. Such people must be prevented from pursuing their goals. But this does them no real damage; since if they set this as a goal and they are prevented from pursuing it, they can still achieve it after they die.

The point is that you have no claim by nature to the means to

9.2.1. "Rights" we don't have

achieve specific goals you set for yourself. How could you? These goals precisely do *not* come from your nature, but from your *choice*. And you only have a human right to what would violate your *nature* if you didn't have it.

No one has a human right not to be discriminated against.

As long as *some other right* of yours is not violated, the fact that you are “discriminated against” simply means that someone else has received preferential treatment. But the only reason you could have to claim *equal* treatment would be if you were *by nature* equal to the other. And this just isn't so.

Nevertheless, if a *whole class* of people is being prevented *by society as a whole* from doing human acts *that they as a class are capable of doing*, then their humanity *is* being contradicted by discrimination.

What do I mean? If *no* Black person can become a doctor because he is Black, then there is a *conspiracy* among the people which in effect *denies that Blacks are capable of practicing medicine*. But this is false; Blacks are just as capable of practicing medicine as White people are. Hence, such a conspiracy *falsifies* the nature of Black people; and *therefore, this kind of discrimination against a class is morally wrong*.

No *individual* Black has a right to become a doctor, just as no individual White does; no *individual* Black has a right not to have a White person preferred to him, just as no individual White can complain that his nature has been violated if someone handsomer than he receives preferential treatment. But when *blacks as a whole* are kept out of human endeavors they can perform, then they are being told by the society that they are incapable of what they are in fact capable of; which is a denial of their reality.

9.2.1. “Rights” we don't have

Note that *preferential treatment of such classes in order to provide opportunity is not morally wrong*. The reason is that if you let Blacks into medical school, and exclude even more qualified Whites, then it is *not the whole class of Whites* that are excluded, but *certain individuals*. But the *individual* has no right not to be discriminated against. In other words, “reverse discrimination” is not morally wrong, unless it is against everyone in the other class (as sometimes happens in revolutions, for instance).

Obviously, such preferential treatment *must stop* as soon as there ceases to be a *denial* of opportunity based on some irrelevant characteristic such as race, because *then the irrelevant characteristic is in practice asserted as giving this class more ability than it actually has*.

The whole issue is a complex one; but this is the basic outline of the morality involved.

9.3. The right of ownership To return now to human rights we *do* have, it follows from the fact that we can’t survive unless we use the material things around us that we have a right to do so. The problem is that if I eat an apple, then you can’t eat the apple; so which of us has the right to *this* apple? And do we have rights to things we don’t use *up*, or do these “belong” to no one or everyone, or what?

First, let us consider what sorts of things we have a human right to; then we can see how things get *assigned* to those who have rights to them.

- **1. We have a human right to consumable items such as food.**

This is obvious. Since without food we would die, then the right to consume such things is a right implied by the right to life. And since the material things themselves are not self-determining and

9.3. The right of ownership

therefore have no rights, we can use whatever we please among them, including animals.

● **2. We have a human right to OWN more than we need to consume at the moment.**

● **DEFINITION: To *own* means to keep for oneself; to prevent others from having or using.**

This follows from the fact that we can foresee the future. We can recognize that when winter comes, the apples on this tree won't be there, and we will starve unless we store up things we can't use right now. Obviously, to let anyone who wanted our stored-up apples have what he wanted would contradict this, so that "storing" implies "storing exclusively for my own possible use." For us to foresee that there will later be need and not to be able to provide for the need would be to contradict this aspect of our natures.

And since we can foresee very great needs, it follows that

There is no natural limit to the amount of things that we can own.

This needs qualification, but let it stand for the moment.

● **3. We have a human right to own *non-consumable* things and to *pass on what we own to others*.**

The basis of this is that we can provide for ourselves by owning animals from which we get wool, milk, and so on without consuming the animal itself, and by farming land, which will provide crops though we don't consume the land; and so on. In many situations, it would not be possible to survive unless such stable *property* could

9.3. The right of ownership

be owned, because growing seasons are too short to allow people to live as simple hunters and gatherers when the population becomes numerous. Further, in various areas, it is impossible to live without clothing and shelter, which also must be owned if one is to be able to act on foreseeable needs.

Finally, if a person has children, then certainly at the beginning of their lives, they *depend* on the person for the necessities of life. But a person can foresee that he might die before the children grow to independence. For him not to be able to bequeath to them enough to see them through to the time when they can survive on their own would be to contradict the obligation the person has to provide for those he has brought into the world.

Therefore, we have a human right to own private property; and there is no natural limit to the amount of private property a person may own.

This again needs qualification, if one person's ownership of a great deal dehumanizes another person; but we will treat this in section 9.3.2. below.

For the moment, note that

Since the right to own private property is a human right, it is relatively inalienable, and therefore *communistic civil societies*, which deprive people of the ability to own private property, are *morally wrong* societies, and should not exist.

It is possible that, if ownership is in fact making the poor in a society starve, and if a kind of communistic redistribution of property is the *only* way to keep the rich from killing the poor, *then, using the Double Effect, such a system may be temporarily installed.* It would

9.3. The right of ownership

have to *cease* when the poor had the *necessities* of life, and could not continue toward some goal of “equalization,” because, as I have said, we are not equal. But more of that below.

In the real world, however, a *communistic* solution has been demonstrated over and over again *only to make a bad situation worse*; and therefore, while *in theory* it could be justified, I don’t think that there is any real communistic form of society which would actually be moral, even as something temporary. And unfortunately, “temporary” is another name for “permanent,” once Communism gets its grip on a people.

9.3.1. How ownership is assigned Those are the rights we have that follow from our nature as needing the things around us to enable us to live a human life. But there is nothing in nature which assigns a given thing to a given person; so how can a given person *get* ownership of something, so that he can exclude others from owning it?

Thomas Hobbes saw this problem, and said, “He can’t, except by fighting off others”; and so he envisioned the “natural state” of people as a war of everybody against everybody else; and then they gave up all their rights to a ruler, whose job was to distribute things (as he saw fit) and see to it that people didn’t just kill each other off.

For various reasons, there is a lot that is unsatisfactory with this view, which we won’t go into here. If exclusive ownership is a human right, it is insane that its natural exercise would be by clubbing others over the head.

John Locke thought we got rights of ownership by working on the object and transforming it somehow; then (because we had a right to ourselves) we had a natural right to the “fruits of our labor,” and so could own things.

But this won’t work either, for the reason (among others) that if I lend you something and you work on it, you would acquire owner-

ship of it, and it wouldn't be mine any more. Instead of assigning ownership, this method would actually make who owned what *more* difficult to discover.

The true answer, I think, is rather simple.

A person acquires ownership of what is not already owned by making a claim of ownership.

That is, if you find something (even now) and its owner can't be discovered, then you say, "Finders keepers!" or some such thing, and it's yours.

You have to *make a claim* that is recognized by the people around you as a claim of ownership, because the idea is that you are informing them that this is yours now and they are excluded from using it. This does not have to be a *statement*, but, as in such things as "squatter's rights," the *use* of something *as if* you owned it (such as building a house on land, farming it, or fencing it in); this "stakes out a claim" on that property, as long as what you are doing is recognized as making a claim.

If something is already owned, it can be acquired only by having the owner give up his right to it.

He can give it to you or sell it to you, or whatever; but he has to give up his right in such a way that you acquire ownership. In small things, this is simple transference; in important things there is a document establishing *title of ownership* (such as the title of a car, the title deed of a house); and this is usually formally transferred in such a way that the society recognizes the transfer, so that the community at large will be aware who owns what.

Hence, it is by simple claims that initial ownership is established,

9.3.1. How ownership is assigned

and by transfers of the right of ownership that things get passed on from person to person.

9.3.2. Claims against others' property All this would be rosy if everybody could lay claim to all he wanted. But in fact, by the time we are born just about everything in the world has already been claimed; and so how are we to survive?

The right of ownership, like any right, cannot be used to deprive anyone else of a right he has.

Hence, the right of ownership, if it leaves us without necessities (because we don't own anything, and so will starve and freeze), is depriving us of our right to life; and therefore, *the right to ownership is not absolute*.

A person loses his claim to the amount of property he has which is keeping others (who cannot get it for themselves) from having the necessities of life.

That is, if you and another person are stranded on an island, and you say, "I claim this whole island and everything on it," and then tell the other person that he has to serve you to get what you now own, then the function of claiming ownership (which was supposed to distribute things to humans because they need them to live) is contradicted. It is obvious that *you lose claim to as much of the island as is necessary for the other person's life*.

- **Note** that *you don't have to share equally*. You thought of making the claim first; and so you have a right to the biggest chunk. It's just that you can't *dehumanize* the other person by your claim. You have no *right* to what he *needs*.

9.3.2. Claims against others' property

In the real world in which we live, the distribution of property is in fact preventing people from having the necessities of life. Therefore, those who are affluent *do not have a right to all they own, however legitimately they may have acquired it*. Even if you worked for it, you still don't have a right to all you own if your owning it is killing someone else or making him sick from malnutrition.

But then who is it that owns what percentage of what I have that is over my own necessities? *Each* deprived person has a claim on *all* affluent people *as a whole*, not on any specific person; because it is only because *everyone* has taken the things that he can't get them.

Similarly, *each* affluent person has an obligation to *all* deprived people, because no one person has any more claim on him than anyone else.

Hence, a person cannot discharge his moral duty to the poor by *guessing* how much of a "surplus" he has and then picking out some needy person and giving that to him.

Why is that? Several reasons. First, you don't know if your guess is more or less than the amount of your property you have no *true* right to (i.e. the amount *you* are in fact depriving people of). Second, *this person* has no claim on the *whole* of your surplus; and hence, if you give it to him, (a) you are depriving all the rest of the needy of what they have a right to from you, and (b) you are doing more *for him* than he has a right to have you do, and so he has to be *grateful to you for being generous*, in spite of the fact that (1) you are simply giving up what you have no right to own, and (2) he is receiving what he has a right to receive—but not from you.

Hence, private charity of the affluent to the needy is inherently *unjust*.

9.3.2. Claims against others' property

How is the dilemma to be resolved, then?

- **Civil society**, whose function it is to see that no one's rights are violated, must (a) discover how much money is needed to keep the poor from being dehumanized (the necessities of life we talked of earlier) (b) discover who has more than enough and how much, and (c) assess the contribution of each affluent member toward the relief of necessity of the poor (using the Principle of Least Demand we will talk about in the next chapter), and (d) distribute this total to the poor according to their need.

In this way, the poor will be getting what they have a *right* to have (because of the way claims on property get made), and *from whom they have a right to receive it* (civil society, not some individual); and each affluent member will contribute *what he has no right to own in the first place* because that percentage of what he owns is killing others; and will *contribute to all who have a claim on him*.

Supposing the government to be attempting some such relief of the needy, then

An affluent person has discharged his obligation to the needy by paying his taxes, and they have no further claim on his wealth.

That is, if the poor are simply *relatively poor* in comparison to the wealthy; but they have the necessities of life and the opportunity to work to get more, then *there is nothing morally wrong with even huge disparities in wealth and income*. It is only when ownership *deprives others of necessities* that the wealthy person loses his claim to a percentage of what he owns. Otherwise, it is his.

Remember, we are not equal; and “equalizing the wealth” is not only *not* demanded by nature, it is *unjust*. Now if society is clearly not doing its job (it *is* doing it in the United States, by the way, at present—in fact, overdoing it), then *private charity by the wealthy is*

9.3.2. Claims against others' property

morally necessary. They can't let people starve while they have more than they know what to do with; and so they would have to relieve the need of the people they come in contact with. This will be somewhat unjust, but it is the best that could be done under the circumstances.

Since some *societies* are affluent and some needy, the only just way to relieve the need is for an international society to be formed, which would function as above for societies instead of individuals. Barring that, "private charity" of affluent societies toward poor ones is the best that can be done, with all its attendant injustices.

But once again, (a) the only *obligation* affluent societies have toward the poor ones is to prevent deprivation of absolute necessities, not "equalize the wealth," and (b) the "international society must be preserved from corruption, in order to be able to perform its function justly.

That is, whether this international society could ever in practice exist is an open question, especially given the disaster that the United Nations is at the moment. Given that enormous sums of money would be involved, and that many poor societies are poor because of corrupt governments, it might in practice be impossible to achieve a *just* alleviation of neediness by a kind of "taxation" by an international body—especially since it would have to be in some sense "democratic," giving corrupt governments a vote in what it does.

Hence, the "private charity" of affluent societies might be the best that can be achieved in practice.

True, the poor societies justly resent having to *thank* us for "giving" to them, especially with the strings we attach, when they know

9.3.2. Claims against others' property

that they have a *right* to some of what we own because our ownership is in fact depriving them of what they need.

There is much more to this, not just in the practical realm, but the moral one as well (E.g. you don't have to give money to some starving person when you know he's just going to spend it on booze; and societies do not have to give to other societies when they know that the money is only going to be spent on armaments and new palaces for the king. But what do you do with such people and such governments? Not easy.); but there is no space for this in an overview such as we are doing. So let this suffice for the general principles. For a slightly more extended treatment of this subject, see my book, *The Moral Dimension of Human Economic Life*.

9.4. Other rights Those two human rights (the right to life and the right to own property) are perhaps the most complex and at the moment the most controversial of rights. Let me simply name a couple of other human rights we have, and then we can pass on to a consideration of society.

If a person performs a service for another, he has a right to compensation for his service, at least to recovering what he lost in performing the service.

This is another extremely complex subject, and belongs in business ethics. Basically, it means that the person's time spent serving another is *for the other* and not for his own self-development; and therefore, he is enslaved to the other if he doesn't get back *at least* what he could have been doing in pursuing his own goals during that time. Compensation in money allows him then to purchase the services of still other people to bring him to where he would have been had he been acting in his own interest and not serving someone else.

Serving others, as I said, is the way we get from the necessities of life to pursuing personal goals; therefore, compensation has to be enough to enable us to do this, at least to some extent.

Since an unhealthy person cannot act up to his genetic potential, then being unhealthy is dehumanizing; and therefore, a person has a human right to the means to be healthy.

But since health is recovered by means of the service of health-care practitioners, this right must not deny them the right to compensation. But it can deny them the “right” to *over*compensation.

This thorny problem is one of the least treated and most burning issues of medical ethics, especially given that 12 per cent of the *gross national product* (over 300 billion dollars) goes into the medical industry, and doctors *median* income is \$80,000 a year—twice to three times any other group’s. But this, like other questions dealing with medical ethics, is beyond the scope of this overview. My views on it can be found in my book, *The Ethics of Health-Care Delivery*.

Since parents are the ones who cause their children to begin to exist, it follows that

Children have a human right *against their biological parents* for whatever is necessary to develop toward being an adult who can function in a human way: food, clothing, shelter, education, etc.

Why against their *biological* parents? Because the biological parents are the ones whose action caused the child to exist; and therefore, the biological parents are responsible for the consequences of their actions.

In cases, however, where the biological parents can’t or won’t fulfill their obligation and the children are being positively harmed,

9.4. Other rights

then *using the Double Effect* they may be placed with other adults who will take over the parents' role.

The child's *right* to be raised by *both* of his biological parents does not yield to any *interest* of either of his parents.

That is, if the parents find they "can't live together" because they're "incompatible," then they had damn well better get used to the idea of living together at least until the children are raised to adulthood. The *only* time they can separate is if *actual serious damage* is being done to one of the partners or the children (e.g. by physical beating or something of the sort) by their remaining together.

This business of children who have two or three Mommies and a couple of Daddies has got to stop.

And since children have this right against their parents, it follows that parents have the moral obligation to provide for the upbringing in all areas of life of their children.

Therefore,

Parents have the human right to bring up their children as their conscience dictates they should be brought up.

They are not to be forced to violate their conscience in bringing up their children, therefore. This includes educating the children. If they think a secular education is bad for children, *then it is morally wrong of society to make it economically difficult or impossible for parents to educate their children in a non-secular way*. Providing secular public schools is *not enough*, because it can in fact violate the conscience of parents, who are economically forced to send their children to such schools.

However, it is possible that parents can do *damage* to their children, even unwittingly and following their conscience. But since the

children *are human beings*, they have a right not to be harmed by their parents.

If the way parents are bringing up their children does clear harm to the children, then society can force the parents to act otherwise, or (if this violates the parents' consciences) can take the children away from the parents.

Thus, if parents think that giving blood transfusions is morally wrong, and if their child will die without one, he may be taken away from the parents and given the transfusion, and then given back to them. If parents think that beating children is the way to rear them, and they are inflicting real damage on the children, then they may be ordered to stop, or the children may be taken away from them.

Such things are not lightly to be done; because "good" and "bad" have a subjective element. But it is obvious that in some cases, parents are violating the humanity of their children; and this must not be allowed to happen.

But this chapter would become several volumes if we let it; so let us stop here.

Summary of Chapter 9

The most basic human right is the right to life, which is absolute, not because life is the "greatest value," but because the right follows from the moral obligation not to choose one's death. Hence, it is immoral to choose to kill another against the other's will, or even if asked by the other.

But using the Double Effect, at times an action leading to death may be chosen without choosing the other's death. In defending someone against an attack, the death of the attacker is not the means to the defense; but the attacker's death is kept out of the choice only if the action saves at least one life. The numbers of lives saved and those lost need

9.4. Other rights

not be equal, though the ones lost may not vastly outnumber those saved.

Abortions are morally wrong except to save the mother's life (and for nothing short of this); because it can be proved that the embryo or fetus is a human being. It is not part of the mother, because it acts for itself even at the expense of the mother. It is a whole organism, not a mass of cells, because its development is unified and directed. It is not in a pre-human condition, because the organs developed are those adapted to life outside the uterus, not inside. Abortions may be done to save the mother's life, because the fetus is in fact attacking the mother's life, and it is not the death, but the removal of the fetus, which saves the mother's life. But when such abortions are necessary, the method that causes least damage, and pain to both parties is to be used.

The body is dead when decay begins, because the organizing activity, which makes it human, is what prevents the chemicals from seeking their lowest energy-states. When the brain begins to decay, about ten minutes after no brain function occurs, then the body is a corpse, and waiting a few minutes longer for moral certainty, organs may then be removed for transplanting.

If it is known that a person does not want death postponed by life-preserving means, then his wishes must be respected; if he wants them used, his wishes must also be respected. If it is not known what he wants, then if there is hope of recovery, or of regaining consciousness so that he can choose, the life-preserving means must be used. If nothing is to be gained but prolonged agony and expense, they may be stopped. It is morally wrong to withhold life maintenance of food, water, and air.

Each person has a human right against civil society to what is necessary to keep him alive. However, if a person deliberately chooses to harm only himself and no one else, he cannot be prevented from doing so. Hence, if he can work and refuses to do so, he must be allowed to starve to death. When he can't, he has a right to no more than the necessities, and it is wrong for civil society to give a person more, because it takes away human self-determination. A person has a human right to the opportunity to work, because this is the way he raises himself above bare necessities and exercises self-determination.

We are not all equal, and therefore we have no human right to be treated equally. There is nothing wrong with there being vast differences in the way people are treated, as long as no one is treated as if he were less than human. None of us has a right to equality of opportunity with others, because we are not equal, and some would not be able to use the

9.4. Other rights

“equal” opportunity, and for others, it would not be enough. No one has a right to be able to pursue any goal he wishes to pursue, because no human can actually achieve his goals in this life, and it would be dangerous to allow certain people to pursue some goals. No real damage is done by preventing them, since they can achieve their goals after they die. No individual has a right not to be discriminated against, since we are not in fact equal. But if a whole class is prevented from doing what the people in that class can do, then their nature is being violated; and to correct a conspiracy against them, it is not unjust to use “reverse discrimination,” as long as it is not against the other class as a whole.

We have a human right to consumable items such as food, because without food we die. We have a human right to own more than we need, to own stable property which we don’t consume, and to pass this on to our heirs, because otherwise we would be prevented from providing for future needs, and providing for our dependents in case of our death. Since needs cannot be accurately foretold, there is no natural limit on how much a person may own. Communistic societies, which deprive people of these human rights, are morally wrong societies.

Original ownership is not established, as Hobbes thought, by fighting, or as Locke thought, by working, but simply by making a recognizable claim on what is unowned. If an item is owned, ownership is transferred by the owner’s giving up his right to another person.

But the right of ownership cannot be used to deprive others of the necessities of life; hence, each affluent person has no right to whatever percentage of his property is in fact preventing others from having what they need to live. The obligation to give this percentage to the needy cannot justly be discharged by the individual, but must be done by civil society, which discovers the need and assesses the amount each affluent person must contribute to relieving it; and thus, the affluent people have discharged their obligation to the needy when they pay taxes, if the government is in fact trying to keep the poor from lacking the necessities of life. “Equalizing” income is unjust. If the government is not doing its job, private charity by the wealthy is necessary. Since there are needy and affluent societies, there is needed an international society (if such a thing is possible in practice) to perform this function; until this occurs, private charity by the affluent societies must act as a stop-gap.

A person has a human right to compensation for services he renders to another. An unhealthy person has a human right to health care; but this

9.4. Other rights

is not to deny the health-care practitioner his compensation; but it can deny overcompensation. Children have human rights against their parents to the means to develop toward functional adulthood; and therefore parents have human rights against others and the society to be able to bring up their children according to their consciences. If parents do actual damage to their children, even following their consciences, they can be forced to stop, or the children can be taken away from them.

Exercises and questions for discussion

1. What do you do with two people who have equal rights to the same thing, but only one can exercise the right? For example, a Palestinian's grandparents were expelled from a plot of land in Israel, and the grandchild of the Israeli settler (who did nothing wrong) inherited the land from his father (who also was not the one who expelled the Palestinian's ancestor)? Who gets the land?
2. Does a person have a human right not to be "sexually harassed" on the job (i.e. made the object of sexual advances and/or remarks)? How would this differ, if at all, from a right not to be annoyed in a non-sexual way by a loudmouth colleague?
3. If your boss tells you to do something which is not illegal or immoral but has nothing to do with your job description, does he have a right to tell you to do this, and (a) must you obey, (b) must you protest, or (c) must you disobey?
4. Why can't you assist someone in committing suicide? Granted, it may be immoral for him to choose his death, but it's *his* life after all, isn't it, and who are you to condemn him to extra weeks or even years of suffering?
5. Judith Jarvis Thompson argues that even if a fetus is another person, he is still using your body for his own benefit, and your body is yours and so you have a right not to be used against your will; so you can "unplug" yourself from him. *Hint* Siamese twins are also "plugged together."
6. If we don't in fact have a right to equality of opportunity, isn't the basis of the American system (which tries to give equality of opportunity to all) morally wrong?
7. Don't doctors have a right to compensation for the amount of time they spent studying to prepare for medical careers? (*Hint*. Do Symphony musicians, who spend at least as much time preparing for their careers deserve compensation for their years of study?)

9.4. Other rights

CHAPTER 10

THE SOCIAL RELATIONSHIP

10.1. Cooperation I mentioned in the introduction to the chapter on rights in general that we have two different ways of relating to others, the economic and the social. We have talked about the negative side of the economic relationship, that of not interfering with others' rights. We are not, however, going to treat the positive side, that of compensation, service, and so on, because that would get us deep into business ethics, and you can consult my book *Ethics with Applications to Economic Life and Business* if you want to explore that area.

Let us now pass on to the social relationship. First of all, what is necessary for a society to exist?

The difference between a set of people and a society is that in a society the people cooperate for a common goal.

This "common goal" is not just a goal that each of them happens to have; it is a goal of the group as a group: that purpose for which

10.1. Cooperation

the people in the society are cooperating.

● **DEFINITION:** A person *cooperates* with others when he performs actions expected by the group, and it is irrelevant whether he personally benefits from them or not.

This needs a little explaining, since it is the key to what society is.

What the definition means is that the cooperative act, looked at in itself, advances the goal *of the group*, not of the person who is acting. If it happens to benefit the person acting (or even advance his own purposes), this is purely accidental. Thus, a member of a car pool is expected to drive everyone to work on Mondays, whether he happens to like going around to all the others' houses and picking them up or not. If he enjoys doing it, fine; if he doesn't, he is still expected to do it.

But the definition does *not* mean that the member gets nothing out of *being in the society*; it only refers to the particular *act* which the member is expected to do in his cooperation with the other members toward the goal of the society. The member of the car pool, for instance, is aware that four days out of the five he gets picked up and driven to work; and this is better than driving himself every day.

Note that the cooperative act is *expected* by the group. That is, *what* is to be done, and often the *conditions under which it is to be done* are determined by the *group and not the one who performs the action*. Thus, our member above is assigned to drive on Monday, not any other day, even if he feels more like doing it on Tuesday; and he may be told that he is not to smoke his cigar in the car, that he is to pick up the others in a certain order, being there within five minutes of a certain time, and so forth. There may, of course, be more or fewer conditions put on his actions; but the point is that, insofar as the action is one of cooperation, he is subordinating his will to the will of the group as such.

10.1. Cooperation

This relationship, then, is very different from the economic one, whose negative side (rights) we saw in the preceding chapter. There, self-determination is what is emphasized, and others are looked on as possibly interfering with it; and if there is “cooperation,” it involves (as we will see) the fact that the person who wants help gets it by giving the helper something to advance his (the helper’s) self-set goals. There is no notion that “we are doing this together,” where what is done is important, not whether it advances a person’s individual goals.

For those brought up with the economic mentality—that of “independence” and “self-reliance”—this subordination of personal goals to others’ wills and the task at hand may seem, if not positively evil, at least an aberration. To many, however, in the world and throughout history, it is precisely this way of behaving that is the “natural” one, and the economic way is the strange, almost inhuman way to act.

And in fact, cooperative behavior is necessary for human existence, and is the way we all begin life. “Feral children”—those brought up without any human contact—cannot act like human beings after a number of years of this deprivation. But children, of course, really have nothing to offer as compensation for caring for them, and so cannot enter into the economic relationship with their parents or caretakers. But without receiving care, they will die. But this implies that those who care for them must do so with an eye to the task in hand, not to how this act will further their own personal goals.

(It might be remarked here that the many instances of child mistreatment nowadays might very well be traced to an economic sort of attitude toward them on the part of parents: “Every child should be a wanted child”—with the notion of the joy that parenting is supposed to bring *to the parent*. But children, especially

10.1. Cooperation

less-than-perfect ones, are very often not a joy, and become a “joy” only if one is not interested in one’s own satisfaction or fulfillment.)

The other part of this is that children begin their lives in the “cooperative” mode of behavior, where they are expected to do things, not because they get something out of it, but because they are told to do it by their parents; it is only gradually that they learn about things like rights and independence. Being totally dependent at first, they experience their reality first as being part of a greater whole.

And the result is that people are by and large willing to cooperate with others. Few are so concerned with their own self-fulfillment that they will look to it at all times, and get no satisfaction whatever from what “the team” does and from their “contribution to the team effort.”

10.1.1. Motivating cooperation Still, human beings *are* self-determining; and it is as unnatural to regard them in the ancient Chinese mode as pure parts of a society as it is to regard them as atoms that just bump into each other.

So even though people are in general predisposed to cooperate with others, they are also self-interested; and it is hard to predict when their generous social impulses will prevail over their own personal goals and self-fulfillment.

But a society has to be able to *count on* the cooperative behavior, or it can’t exist. If the car pool could not *predict* that our member would in fact be there on Monday, then it wouldn’t be worth it to have one; each other member would be waiting until the last moment for our friend to show up; and if he didn’t, would have to drive himself to work, and probably be late.

Therefore, since the non-self-fulfilling acts must be predictable for a society to exist, a motivation must be added to insure coop-

eration.

The act in itself will not be beneficial to the one acting; but in order to make sure that it is done, then it obviously has to be *made* to his advantage. Then, if the general willingness to cooperate fails, and if the member is not motivated by the long-term advantage he has in the group if everyone cooperates, there is this added incentive to make it *now* advantageous to do the act.

● **DEFINITION:** A *sanction* is punishment threatened for doing (or avoiding) some act, with the purpose of motivating the person to perform (or avoid) it.

10.1.1.1. Characteristics of a sanction In order for a sanction to motivate behavior, it has to have three characteristics:

● It must be *sufficient*: that is, the benefit from doing the act must outweigh the benefits from not doing it.

This means that the punishment for not doing the act is greater than the disadvantage in doing it. The point is that the person is objectively better off if he does the act. This characteristic is intended to motivate “the reasonable person,” or a person who is looking to his advantage. You can’t motivate with a threat a person who doesn’t care what happens to him or who is so stupid that he doesn’t see the connection between his act and the punishment. But that’s all right; the sanction is just supposed to help people over those times when they’d be inclined to disobey, and it needs only to work “practically all” the time, not absolutely every time. A society can tolerate a certain amount of lack of obedience.

● Secondly, it must be *appropriate*: that is, the sanction must attach to the expected behavior itself, not some circumstance

10.1.1.1. Characteristics of a sanction

connected with it.

What this means is that there are no “loopholes,” where you can escape being punished by doing something other than what the group wants. For instance, to require cars to get inspection stickers and only to check whether they have them when cars are parked in front of City Hall will only motivate people not to park in front of City Hall, not to get their cars inspected.

● **Thirdly, it must be *inevitable*: that is, whenever the behavior is expected, the sanction must follow.**

Otherwise, if a person knows he won’t be punished this time, he won’t be motivated to do the act; and to the extent that he knows that a good deal of the time he won’t get caught and punished, to that extent he’ll “play the odds” and it will be to his advantage not to obey—and thus the sanction becomes insufficient.

Of course, no sanction (except that of the moral obligation) ever fulfills these characteristics perfectly; and to the extent that it doesn’t, to that extent the obligation is an imperfect one (because it is more or less advantageous to violate it).

10.1.2. Totalitarianism Sanctions that are excessive violate the right of self-determination of the individual member of society. But do individuals actually have rights against society? Or are they parts of society as cells are parts of a body, which are expendable for the good of the whole?

● **DEFINITION: *Totalitarianism* is the theory of society that says that individuals exist for the good of society, and have no rights except insofar as they fit into the society.**

Individuals would have rights against each other, but not against the society. The society could decide what is “good for” the individ-

uals and itself and force them to act accordingly; and this forcing would never be coercion, because the individual, on this theory of society, has no rights against the society.

Totalitarianism is a morally wrong theory of government, because it supposes that individuals are not self-determining.

It supposes that there is a meaning to “good for” someone which is different from that person’s freely chosen goals, and which can be imposed on him, which makes freedom nonsense (since you are “free” only to obey or be a rebel and take the consequences).

Totalitarianism is a self-contradictory theory of society.

The reasons are (a) it removes from society any sufficient motivation for an individual to choose to belong to the society (because he will be choosing, perhaps, to be put down by the society if it benefits the society to do so), while (b) society can’t function unless people choose to join and choose to cooperate.

● **DEFINITION:** *Utilitarianism* is the ethical theory that says that the moral good is the greatest happiness for the greatest number of people.

Utilitarianism is basically a kind of totalitarian ethics; but it contradicts itself also, in more or less the same way that totalitarianism does. It supposes that an individual’s rights can be violated if this brings about the greatest happiness for the greatest number; but making the greatest happiness of the greatest number the goal implies that the human beings who make up the society are in fact the goal. But if they are, then the society itself isn’t; and if it isn’t, then

10.1.2. Totalitarianism

why is the individual expendable for “the greatest number”? Then if the “good” is this greatest happiness for the greatest number, how is this supposed to motivate me if I’m not one of this lucky majority? But then that makes “the good” doing what is in practice bad for me. Then how is it good for me to do it? The theory, when you think it through, is a mess.

No, the view of society that makes sense is that individuals are essentially self-determining, but have as a secondary *but real* aspect of themselves the cooperative relation with others. *Neither* aspect can be *contradicted*; neither yields to the other.

So human beings have all their rights (not freely given up when they enter the society); but, because they are really also “in it together” with others, they give tacit permission for society to give them orders and impose sanctions when they don’t obey. The sanctions provide motivation to do those acts which are not in themselves advantageous. This is true even though, as we said at the end of the previous section, the sanctions themselves are never perfect as motivators.

10.1.2.1. Police states But this is not a real problem in society, because, as I said, people are already predisposed to cooperate, and the sanction is supposed to provide *extra* motivation to help people over those difficult times when they are tempted to seek their personal interests at the expense of what the society wants. So even if the sanctions are not perfect, they do the job well enough, given a general attitude of cooperativeness.

In fact, when the laws have to be strictly enforced, and the sanctions have to be severe and swift, this is an indication that the government is trying to force something on the people that goes *against* their willingness to cooperate; and basically what that means is that the government is trying to force the people to do something that they think they have a right not to do.

A police state, then, in which the sole motivation for obeying the laws is the sanctions on them, is a sign that the people think that the laws are violating their rights.

The people, of course, might be mistaken; but when the laws have to have severe sanctions and the police have to keep constant vigilance to ensure that all infractions are caught, then this is the time when the law itself has to be looked at. Since people will by and large tend to obey without much in the way of sanction, their stubbornness in a given case is a sign that the command is in fact unjust.

This works not only in civil society, but in smaller societies such as businesses as well. If there is foot-dragging among the workers; if they have to be told every little thing to do; if they have to be watched to make sure that negligence or even sabotage does not ruin the product; then there may very well be something in the working conditions that violates some right they have. They certainly feel this way; and it is up to management to find out if the feeling is objectively based, and if it is to correct it, and if it is not, to explain the situation to the workers in such a way that they lose their misconception.

10.1.3. Punishment and its justice Because of the first and third characteristics sanctions have, they must for practical purposes always be *punishment*. Imagine what it would take for a society to reward every instance of people parking in the desired locations; clearly, to give a sufficient one would bankrupt the society in an hour; and that is only one law out of thousands.

But does society have the right to punish people? Don't people have a right not to be harmed, and isn't punishment always the infliction of some sort of harm on the violator? After all, what punishment would it be if the person wasn't worse off for getting it?

10.1.3. Punishment and its justice

So the problem with punishment is not just the problem with capital punishment. This is the extreme; but locking up a person deprives him of liberty (which is the second of the “inalienable rights” in the Declaration of Independence, after all—and if we are self-determining, we have a human right to freedom); imposing a fine takes a person’s money away from him against his will (and so is the same as theft), and so on. Anything you do to a person to motivate him to obey will be something he has a right not to have done to him.

Once again, a version of the Double Effect solves the problem. The one who violated the expectations of society still has all his rights; but the society *chooses its protection*, not the violation of the criminal’s rights. Those rights are in fact violated, but the violation is an unchosen side-effect of society’s self-protective act.

Can society do this?

We saw, first of all, that society cannot exist unless it expects cooperative behavior. But it cannot expect cooperative behavior unless it motivates this behavior. But it cannot in practice motivate the behavior without threatening punishment. But if it threatens a punishment and cannot carry it out (and this is known by the potential offender), the threat is not a real threat, and will not motivate.

Therefore, if the society cannot carry out the threat of punishment, it cannot exist.

But since society’s existence is necessary for human existence, people can’t exist without some society. Therefore, if society can’t carry out the threat of punishment (at least sometimes), people can’t exist as human.

Hence, society has a right to carry out the threat of punishment. And therefore, it can choose to protect itself (and the human existence of its members) when it chooses to carry out the threat.

However, the violator has *already* done the damage to society by his violation. How can society’s punishing him *after the fact* pro-

10.1.3. Punishment and its justice

tect it from violation of its laws?

Punishment obviously does not protect the society from the violation that already occurred (It was the threat itself—which he ignored—that was supposed to do that). But if the violation is *not* punished, then the threat from this point on becomes meaningless—because it is now known that the threat will not be carried out.

Hence, in order to retain the threat as a meaningful threat for potential violators in the future, this violation must be punished. That is, not to punish this violation puts the threat and the existence of the laws and the society in jeopardy.

Therefore, the motivation for punishing the violator really doesn't have anything to do with "righting the wrong" he has done; it is that if the violation goes unpunished, the "sanctity of the law" (the idea that they carry punishment with them) is in danger.

With that in mind, let us apply the Double Effect.

(1) The act itself is **morally neutral**. Locking a person up, fining him, even sending an electrical current through him or hanging him is neutral *as an act*; all of these things are done in other circumstances in which there is no moral problem. It is the effect of the act on the violator that is the problem.

(2) There is a **good effect**. The law is known to be an effective law; you have proved that "you mean it," and the society can thus function.

(3) The **harm** done to the violator is **not the means** by which the good effect is achieved. If he should die of a heart attack before the sentence could be carried out, then the good effect would still be achieved.

(4) There is **no desire** to harm the violator (even for the sake of "getting even," no matter what terrible thing he has done.)

(5) The harm that comes to the violator **must not be greater** than the harm that could be predicted to come to the society and its

10.1.3. Punishment and its justice

members if the law is not enforced.

Notice that in this last point, the comparison is not between the harm *he* did and the harm that is to be done to him, but between the harm that is to be done to him and *future potential harm to the society* if the law is allowed to go unpunished.

In this sense, carrying out a sanction is not a matter of “justice” at all, in the sense “You did this, and in order to make things fair, we are going to do X to you.” My contention is that that attitude makes it impossible to justify any sort of punishment, because it puts the punisher in the same position as the violator: he is one who is violating the rights of another person. Unless, of course, you want to say that the offender has lost his rights; but then which ones? But we discussed that earlier.

This is really a version of the “deterrence” theory of punishment. The theory is misinterpreted in that it is supposed by its detractors to be punishing the violator “as an example” of what will happen to other people who might be thinking of doing the same thing; and so the harm to him is taken to be the means by which others (who may not exist) are supposed to be frightened into obeying.

But that really isn’t quite it. The idea is that *not* to do the harm that was threatened is in practice *to encourage* others to violate the law, because they then see that they will get away with the violations, and the law is meaningless as a law. So the harm is not a means toward frightening some hypothetical people; it is the only way to avoid telling people, “go ahead and do it.”

It is the threat that deters, in other words, not the actual punishment. But the threat won’t deter if people know that it’s just words and won’t be carried out. But then the society collapses.

10.1.4. Authority Obviously, if actions are to be expected of the members of a society, and this means that punishments are going to follow if the actions aren’t performed, then the

members have a right to know what these expected actions are, and what will happen to them if they don't do them.

That is, if you are in the car pool, and Jack Smith tells you "Put out that cigar," is he speaking for the group as a whole, and saying "Put out that cigar or else," or is he speaking only for himself, and saying, "I wish you would put out that cigar."? It can make a big difference, even in such an informal group as a car pool.

So in any society, there has to be some person or small group of people whom everyone recognizes as spokesmen for the society as such, so that when they tell you to do something, this is the expected behavior of the society, which will carry some sanction on it.

● **DEFINITION:** *Authority* is the position in society (the status) which possesses the right to issue commands for the society and impose sanctions.

● **DEFINITION:** *Leadership* is the trait of character a *person* has by which he can persuade others that they should do what he thinks is best.

● **DEFINITION:** A *command* is a statement that something must be done or a sanction will follow.

● **DEFINITION:** A *law* is a command that applies to many people.

So authority is the *status* in society which carries with it the title to the *right to make laws and enforce them*. In informal societies such as car pools, there isn't usually any defined position of authority in the society, but the function is performed by the leader.

Every society has either an authority or a leader, simply because it can't exist unless people know when the society is commanding them. The difficulty with societies that have only leaders is that, since the "commands" depend for their force on the persuasive powers of

10.1.4. Authority

the leader (or how much fear he can strike into others' hearts), it isn't really clear what will happen if someone defies him—nor is it clear, sometimes, who he is, if there happens to be more than one forceful personality in the group. Even in societies with authority, it is sometimes the case that leaders will influence members to defy the authority, and chaos ensues.

Obviously, it is a good thing for the person in authority to be a leader; but it is not necessary. When he issues his commands, the members know that, just because they come from this office, they are what has to be obeyed. Further, when the commands are issued by an authority, they generally spell out what the sanction will be, which makes obedience easier for the members.

10.1.5. Common goal and common good It doesn't follow that a member of a society has to do everything that the authority tells him to, as if he had lost all control over every phase of his life just because he got into a society. For instance, if an authority tells a person to do something morally wrong, the member must disobey the "command." The command actually contradicts itself, because it is supposed to be directed to human beings, but it pretends to make them act as if they weren't human—and so it is a command only in its *form*, but not in its *reality*.

The limits of authority are the society's common goal and the common good of the members. "Commands" that have nothing to do with the common goal, or which go against the common good exceed the authority of the commander, and are commands in name only.

● **DEFINITION:** The *common goal* of a society is the purpose for which the members cooperate as a group. This varies from society to society.

10.1.5. Common goal and common good

● **DEFINITION:** The *common good* is the rights of the members which were not freely given up when joining the society.

Several things to note: First, there may be more than one common goal; in fact, ordinarily there are several. When this occurs, one goal is not really a means to the others. For instance, in business, providing a service to the consumer is not really a means to making profit; it is a coordinate end.

Second, the common goal may or may not be the purpose for which a person joins a society, or even the motive for which a person forms a society. When a person forms a society, the common goal is the end for which everyone cooperates—and why the others join in with the one who forms the group enters into the definition of the common goal. Thus, a businessman may hire others and form a firm because he wants to make profit for himself; but it does not follow that the sole reason for which the workers and he are cooperating is profit for him.

Third, it is the different common goals that distinguish the different societies. Each society has common goals; but each society has its own distinctive set of common goals.

Fourth, the common good is not really something positive in itself. It is presumed that members join the society to pursue the common goal together; and this is enough of a benefit for them. The “common good” simply *prevents* the society from doing them *damage* in pursuing its common goal.

That is, the “common good” means that the society must not pursue its goal, however laudable, *at the expense* of the humanity (the rights) of the members. Of course, if the society expects members to give up some of their alienable rights, then it can pursue its goal at the expense of the rights given up; but all other rights remain intact.

10.1.5. Common goal and common good

10.2. Morality and society Being in a society changes the relation an act has to the person acting. A person who joins a society gives the society tacit permission to command him in the area dealing with the common goal—which is another way of saying that in that area, what he does will not be determined by his own choices, but by the choices of those in authority.

Thus, it is contradictory for a member of society to disobey the commands of the authority (always supposing that they do not exceed the authority).

Therefore, a member has a moral obligation to obey legitimate commands of any society he is in.

That's the general obligation. But since the commands of the society are laws, which are issued to large numbers of people to fit general situations, it is sometimes possible to disobey the law without actually doing something morally wrong.

For instance, traffic lights are always to be obeyed; but their purpose is obviously to facilitate traffic. If you happen on a red light on some occasion where you can see that no one is coming and there is no danger of obstructing traffic, then it would not be *morally* wrong for you to run the light. In that case, what you would be doing would be consistent with the reason why the law was made, and simply recognizing the fact that all the exceptions that would in extraordinary circumstances facilitate traffic flow can't be put into the law. So you're still obeying the "spirit" of the law, even though you've violated the "letter."

The catch here, of course, is that you *did* violate the law; and it has a sanction attached to it. You weren't *immoral* in doing it, but *if you get caught, you can't complain at being punished*. That is, you won't get *eternal* frustration for violating a law of society in circumstances which make it consistent with the spirit of the law to do so;

but you will receive the sanction *society* attaches to the law. You knew you were doing something that would be punished if discovered; and it is inconsistent with you to complain that now you are discovered, you are being punished.

10.2.1. Responsibility in a society Once a person joins a society, then, there are certain acts he can't morally keep from doing (because he is commanded to do them, and can't get out of obeying by the "spirit/letter" distinction above). Hence, there is a sense in which he can't be said to be in a position to prevent the act; he is just a tool the society is using.

At this point, it would be a good idea to review section 4.4. and 4.4.1. on responsibility and responsibility and guilt. You are responsible for what you can control by your choices; and you are morally responsible if you are aware of the implications of your choice and if it would not be immoral to make the choice. What I have just been saying, then, about a member in the society when he obeys its commands is that *he* isn't responsible for what he does, since morally speaking he can't prevent the act.

In a society, the member is not morally responsible for the acts he does in obeying orders, except when these orders exceed the authority of the one who issues them.

The reason for this is that morally speaking, he has to obey, and thus can't morally prevent the act. Hence, he is not morally responsible for it. And since this is true of "the normal person" also, he is not legally responsible for it either. The act "belongs," both morally and legally, to the one who issued the command.

Of course, if the command is to do something *morally wrong*, or in general if it *exceeds the authority* of the commander, then the

10.2.1. Responsibility in a society

member either must not obey, or is not obliged to obey; in which case, his act of doing what he is told is *now* his responsibility (since he could morally have chosen not to do it). Thus, Adolph Eichmann could not say that because he was under orders, he was not morally or legally responsible for the murder of the Jews he killed. He is, of course, *also* responsible for *not* doing what he is told, because, as disobeying orders, he is taking over control of what the act is.

The authority is responsible for all the acts of the members which are the result of his commands. He is also responsible for acts that the members do “on their own” which he should have prevented by making commands against them, but did not.

Thus, the authority is responsible for more than his own acts. Since *he* is the one whose choice can prevent what the members do, he is responsible for *everything they do that his choices could prevent*. That’s a lot to be responsible for; it’s no wonder that executives (authorities) are highly paid.

Note that if the authority commands some morally wrong act and the member obeys, then *both* the authority and the member are *fully responsible* for the act: the authority, because he could have prevented it by not issuing the command, and the member, because he should not have obeyed an immoral command (and so “could” morally have prevented it). So more than one person can be morally (or legally) responsible for the same act. This is called **joint responsibility**.

Of course, if the member disobeys the immoral command, the authority is *not* responsible for what he does in disobedience; but he (the authority) is morally *guilty* of whatever morally wrong acts might have been done in obedience to the command.

But, as I said earlier, a person can only really be responsible for what actually happens; because an act that didn’t happen (but could have) isn’t something that can be attributed to a person. Neverthe-

10.2.1. Responsibility in a society

less, since foreseen consequences enter a person's choice (whether they happen or not), they can make the choice moral or immoral, and thus can affect moral guilt.

If an *unwise, but not immoral*, command is issued, **it must be obeyed**, because in general the makeup of society is such that cooperative acts (the ones that have sanctions attached) are not for the benefit of the one who has to do them: and so, from his point of view, they will *all* seem unwise. Hence, not to obey them subverts the whole basis of the society.

● NOTE WELL ●

The fact that a command is stupid or counter-productive does *not* absolve you from obeying it. The only time you can morally disobey a command (excepting the letter/spirit distinction above) is if it is immoral or exceeds the commander's authority.

But the member is not totally helpless when faced with an unwise command. If the member knows that the command is unwise, then he *has an obligation to inform the authority* of that fact, so that the authority can correct its command. If the authority commands the act after being informed, then the member must still obey.

If the member refuses to inform the authority, *he then becomes jointly responsible with the authority for any unwise act done* in obedience to the unwise command—because the member could have chosen to prevent it by informing the authority. If he informs the authority and the authority still issues the command, then he is no longer responsible for it.

In society, both the authority and the member are often responsible for the acts *someone else does*; and members are sometimes not (morally or legally) responsible for the acts they themselves

10.2.1. Responsibility in a society

do.

There is, however, more. Because a member, when recognizable by others as a member of the society, *in fact* represents that society to people outside it, then his actions *become in a secondary but real sense* the society acting toward the world outside it. The society can only act in the actions of its members; and hence the actions of the members, when known to be members, are also the acts of the society.

It follows from this that actions of the members which would be innocent if the member were acting purely as an individual, can be detrimental to the society; and in this case, *the member is responsible for the harm done to the society*.

For instance, a person who belongs to a business part of whose reputation is that of being dignified (because it serves an upper-class clientele), and who dresses sloppily or who acts coarsely at parties under circumstances when he is known to be an employee of the business, is *responsible* for any bad reputation the business acquires through him.

It was for this reason that Thomas More College reacted quite severely to a “Pimp and Prostitute” party the students held off campus, because it was known that they *were* Thomas More students; and the College was flooded with phone calls the next day asking what kind of students they were teaching in this supposedly Catholic institution. The students couldn’t absolve themselves by saying that it was “none of the College’s business” what they were doing off campus, since in fact they were bringing disgrace upon the institution.

It is well to keep this in mind. In the name of “taking responsibility for my own acts,” many a person in society has *ignored* his real responsibility and pretended to be “responsible” for what in fact he has no real responsibility for.

10.2.1. Responsibility in a society

10.3. Justice We think of “justice” nowadays as related to rights; some action is “just” if it respects the rights of others. But it was not always this way. Historically, justice dealt with giving someone what he *deserved* or *earned* by his actions; thus, if a person violated a law, it was “just” to punish him; if he worked for a day, it was “just” to pay him a day’s wage, and so on. We still use the term in this way; except that we think that a person has a “right” to his wages (and there are even those who would say that the criminal has a “right” to be punished—which certainly sounds strange).

● **DEFINITION:** An action is *just* if it is suited to the reality of the person it affects.

I mentioned this in discussing the “cardinal virtues” in section 4.3.2. It is now time to go a little more deeply into this particular virtue, because it isn’t simply connected with rights.

Justice’s connection with rights is that if a person has a right, others’ actions which respect that right are just actions; and any action which does not respect the right is unjust.

But justice, as I said, goes beyond respecting rights. The criminal, as I implied above, does not have a *right*, really, to be punished. It would be silly to say he can, if he wants, be punished, and no one may morally try to stop him from this (the definition of a right). Nevertheless, he was the one who violated the law; and since he chose to violate the law, he “asked for it,” as it were (or he can be presumed, under legal responsibility, to have done so); and hence the punishment, which defends the society, is suited to the reality of the criminal. The punishment is therefore just.

On the other hand, excessive punishment is not just. If it does more than merely keep the law in force by providing a sufficient

10.3. Justice

sanction, it violates the right of the criminal without fulfilling the fifth rule of the Double Effect; and so the violation of the right is chosen, and the act becomes unjust. (It can't be "justified" by the Double Effect.)

- **DEFINITION:** *Commutative justice* is justice which suits the action to the self-determining nature of the person: his rights.
- **DEFINITION:** *Distributive justice* is justice which suits the action to the cooperative nature of a person in society.
- **DEFINITION:** *Retributive justice* is justice which suits the action of punishment to the nature of the violator of the law.

Thus, paying a person a given wage for services rendered, keeping promises, living up to contracts, and so on deal with commutative justice. Fundamentally, all economic relations are relations dealing with commutative justice; and in all of them rights are somehow involved.

But certain acts demanded by society have nothing to do with the rights of the members of society; and this follows from the nature of society itself. Society expects acts from those best suited to performing them for the common goal (whether these are self-fulfilling or not), and often does things for those who contribute least to the common goal (because they need the most help).

This is the area of distributive justice. The needy, for instance, may in some cases have nothing to contribute to civil society; yet they receive welfare benefits, because otherwise they are dehumanized. Society receives no compensation for this. Nor do those who are taxed to provide these benefits. Taxes are taken from them in proportion to their ability to pay (using the Principle of the Least Demand); and what do they get for their contribution to society? It may be, nothing. Is this just?

Yes. Why? Because it is suited to their position in society. They

are the ones most capable of performing this cooperative act; it is an act that the society has to perform for its common goal; and therefore, it is suited to their reality as members of the society to make the contribution. Hence, it is just with distributive justice (though from the point of view of commutative justice—self-development—it seems unjust).

Retributive justice takes into account the criminal and what is to be done to him to preserve the law as a true command. It will then adjust the punishment, using the Principle of the Least Demand, to something that does the least damage to him while preserving the threat as a sufficient sanction.

Thus, one person might not get the same punishment as someone else who committed the same offense; and though the punishment is not equal for the same crime, in each case it is the *minimum which preserves the law as a law*. If it takes more to do this in some cases rather than others, the ones for whom this is true are not being treated unjustly, because *no more than is necessary* is being done to them. The punishment is just, because it is suited to their reality, not because it is the same as someone else's.

● NOTE WELL ●

Beware of equating justice with “fairness” in the sense of “equality.”

That is only *one part of commutative* justice, which is only one kind of justice. Justice is “fairness” or “equality” only if (a) all human beings are “equal” and (b) this is the only relevant aspect of their reality with respect to the acts of others. But both (a) and (b) are false, as I have stressed so often.

And so, many acts which are not fair are just.

10.3. Justice

Summary of Chapter 10

Societies are different from collections of people in that the people in society cooperate for some common goal. Cooperation means performing actions that benefit and are expected by the group, and which are not in themselves beneficial for the agent. This type of acting is not unnatural, because we all received the benefit of uncompensated service when we were young, and so no human being can exist without being on the receiving end of cooperation; and therefore it is inconsistent with a human being never to cooperate with others (i.e. never to do something unless he himself benefits from the act).

But since the cooperative acts of the members have to be counted on, and they are not in themselves beneficial to the people who do them, this type of activity must be motivated by the society with a sanction: a threat of punishment attached to the act. Sanctions must be sufficient (outweigh disadvantages in obeying), appropriate (punish non-performance of precisely the act commanded), and inevitable (be applied at "practically every" infraction); otherwise, they will not motivate.

Totalitarianism, the theory that individuals are "cells" in the body which is the society (i.e. that the society is the true reality, and the individuals only parts) falsifies the nature of humans and their relation to society, and contradicts itself, since it depends on free (self-determining) cooperation. Utilitarianism, the moral theory that what is morally good (and obligatory) is the greatest good ("happiness") of the greatest number is a kind of totalitarian ethics; it also contradicts itself because it tries to motivate the individual to do what is not to his advantage, and why should he do what makes him worse off? Individuals, therefore, are primarily self-determining, but secondarily also have cooperative relations; neither is reducible to the other, and to deny either denies human nature.

Generally speaking, people will be disposed to cooperate; sanctions are really to help people over the times when they would prefer not to. But if laws must be strictly enforced because the people will not cooperate without them, this can be a sign that the people think the laws are unjust.

Punishment can actually be carried out, even though the act of violation has already occurred, using the Double Effect. The act is itself neutral; it has a bad effect on the violator. The act has a good effect of keeping the threat intact (and so preserving the society as a society) and not "sending a message" that it is all right to violate the law. The damage done to the violator is not what produces the preservation of the threat, because if by

some accident he dies or escapes, the society has still shown it was serious. The society must not want harm to the violator; it must be an unfortunate consequence of preserving the threat. The harm done to the violator must be the least necessary to preserve the threat as a real threat.

Some status in the society (some position in it) must be set up so that the members may know what statements by members are commands of the society as such (carrying sanctions) and what are just wishes of other members. Authority is the status that has the right to issue and enforce commands (statements that something must be done or a sanction will follow). Leadership is the character trait that can persuade people to do what you want. It is good for authorities to be leaders, but not necessary. You must obey the authority just because he is the authority.

The common goal of the society is the purpose for which the people cooperate; this varies from society to society. The common good is negative: the preservation of the rights of the members which were not freely given up when they entered the society. "Commands" that have nothing to do with the common goal or go against the common good exceed the authority of the commander, and are not real commands. They need not or (if they command what is morally wrong) must not be obeyed.

A member has a moral obligation to obey legitimate commands of any society he is in. Sometimes a law may be disobeyed if you are still obeying the "spirit" of the law: i. e. the intent for which the law was passed in the first place. If, however, disobeying the "letter," you get caught, you must be willing to take the punishment.

Since a person may not morally disobey a legitimate law, even if it is foolish, then he is not morally responsible for what he does in obeying it. If the command is to do something morally wrong, or if it exceeds the authority of the lawgiver, then the member is morally responsible for his "obedience." He is always morally responsible for disobeying a law, since he could have prevented the act by obeying. The authority is responsible for all the acts of the members which result from his commands, as well as for acts that members do "on their own" which he should have prevented by issuing commands, but didn't. If the authority commands something morally wrong and the member obeys, they are jointly responsible for it; i.e. both are fully responsible. If a member disobeys, the authority is not responsible for what he does. Members are responsible for stupid commands when they did not provide information to the authority indicating that the command was stupid. If they provide the information and the

10.3. Justice

authority issues the command anyway, they must obey, but are not responsible for what they do. A person in society, then, is often responsible for what other people do. Members also become responsible for bringing disgrace upon the society when they act in this way and are recognizable as members of the society.

Justice is not necessarily only connected with rights. It is the virtue of suiting one's action to the reality of the person acted on; and there are therefore three kinds of justice. Commutative justice respects the rights of others. Distributive justice respects the cooperative nature of members of a society and gives most to those who do least for the society (and need most to avoid dehumanization) and demands most (because it hurts them least) to those who receive least from the society. Retributive justice suits the punishment for a violation to the reality of the violator (making it the least possible consistent with preserving the threat). Justice, therefore, is not necessarily "fairness" in the sense of "equality."

Exercises and questions for discussion

1. What is the difference between a society and a community?
2. If you give a contribution to the Cincinnati Symphony Orchestra, you are certainly cooperating (in some sense) with the members of the Orchestra in promoting its common goal. Does that make you a member of the Orchestra? Why or why not?
3. Punishment, even capital punishment, is clearly discriminatory against Blacks, in the sense that there are proportionately many more Blacks in prison and on death row than whites. Does this mean that they are being unjustly treated? If not, what explains their overrepresentation?
4. If the person in authority is no better than I am (indeed may be demonstrably worse), why should I obey him?
5. If responsibility means having control, how can it be said that in a society I am sometimes responsible for someone else's actions, and sometimes not for my own? Don't I always and only have control over my own actions and no one else's?
6. If marijuana is no more harmful than alcohol, then the government has no right to tell me I can't smoke marijuana; and so I don't have to obey the law against smoking marijuana.

CHAPTER 11

THE NATURAL SOCIETIES

11.1. Sex and marriage There are a number of what are called “natural” societies, which are the last topics we will discuss in our investigation into the basic moral implications of human life. Actually, there are three of them, or perhaps two and a half: marriage (technically called *conjugal society*, though I won’t use the term), the family (including the children), and civil society. The first society naturally develops into the second, which therefore is a kind of extension of it.

These societies are “natural” in the sense that a person either is a member whether he wants to be or not (as a child in the family, or a person in civil society), or that the conditions of the society are not open completely to a person’s free choice, as in marriage. Certain things that might be called “marriage” actually contradict what marriage is about, and are morally wrong.

Let us begin, then, with marriage. For a more extended treatment of marriage as a society than you will find here, see my book, *Social Philosophy*. I will try to include what is necessary to make a case for the moral conclusions.

11.1. Sex and marriage

● **Preliminary note:** I am going to be referring to “the other person” as “he,” following what is still acceptable English usage. This is apt to sound as if what is being written is from the woman’s point of view; but of course this is not the case. It is the generic use of the pronoun, and refers as much to a woman as to a man. Everything that is said in this chapter, unless specifically stated, refers to *both* women and men. If the language ever comes up with a pronoun that is totally divorced from gender and is not a grammatical abomination, then this chapter will have to be rewritten. Until then, indulgence is requested.

Marriage is the society which provides the opportunity for the exercise of the sex faculties consistently.

Sex, then, implies marriage. Why is this? Sex, as I said in Chapter 7, is a multi-function act that involves pleasure, another person, and is the type of act that is reproductive. There are two basic reasons why this entails forming a society: first, since it is morally wrong to *try to prevent* there being *any* children from one’s sexual activity (since this would deny its reproductiveness), then one must be in a situation in which children who may be caused can be brought up decently toward adulthood. But children need the influence of both parents for this; single parent families can be allowed only when the Double Effect applies, because this sort of thing has a danger of damage to the child. Hence, it is contradictory for two people to have sex and say, “Well, if there are children, I (or you) will be able to care for them by my(your)self.”

Secondly, the sexual act itself tends by nature to *attach* a person by strong emotional ties to the partner. Recent experiments with “open marriages” have shown that even couples who thought they were willing to let their partners have sex with anyone else they wanted found that extremely often at least one of the partners could

not cope emotionally with this.

Hence, even if one person knows that he will not become attached to his sex partner, he cannot predict that the other will not become permanently emotionally dependent on him, because the act is of its nature apt to have this effect. Hence, to leave the other person means using the other for one's own satisfaction, and violates the personhood of the other.

Therefore, the sexual act in itself is the act of marriage of two people, and consequently it is wrong to exercise it outside a marriage.

Sex is *not* simply the “friendliest thing two people can do.” It is that, but it is more than that; it is by nature *committing*.

Marriage forms a society between two people until one of them dies.

The reason for this is threefold. First, marriage must last at least until any children reach adulthood, or it contradicts the nature of the children (and therefore the reproductive nature of sex in its consequences). Secondly, since the attachment of sex does not have any natural limit, it contradicts this aspect of its nature to terminate a marriage when a partner “falls out of love.” Thirdly, since old people have a need for companionship and—yes, sex—and since old people are not attractive any longer, the only practical way this need can be met is if marriages remain through old age.

Young people are apt not to realize this last point, which becomes very important as one becomes old. And in our youth-oriented society, we find many, many very lonely and sexually frustrated old people who only now realize the terrible effects of divorce upon them-

11.1. Sex and marriage

selves.

Separation from a marriage partner is not morally wrong when the Double Effect applies; but remarriage after separation has bad effects which make it for practical purposes always morally wrong.

If a person is beaten or otherwise abused by a marriage partner, then the bad effects of separation (on both partners and the children) may be less severe than the bad effects on all concerned with staying together. Remember, since others (especially the children) are involved, the “worst case” must be used, and one cannot impose one’s own ideas of what is bad on others: in general, it is worse to be deprived of parents than to have two parents who are quarreling constantly.

This might occur. But if remarriage after separation is allowed, then (a) this creates an *incentive* to separate when one person “falls in love” with someone else, and so undermines the stability of what is in any case a difficult relationship; (b) people tend to *enter* marriage with the idea that “if it doesn’t work, we can try with someone else,” which undermines even the initial commitment; (c) children, who have “parents” who are not their parents suffer greatly; (d) a partner who deeply loves the other (and is therefore greatly attached) might out of love be *predisposed* not to fight the other’s desire to be “free,” and thus the love in marriage works against itself when divorce is allowed.

On the other hand, if remarriage is never allowed, then this creates an incentive for the couple to work out the difficulty, because they realize that they must live together, and hence have to adapt to the realities of the situation. This in fact is what love really is. Hence, the impossibility of remarriage after separation acts to create the conditions under which in practice a rational marriage is possible.

11.1. Sex and marriage

And the practical consequences of allowing remarriage after separation is that the “extreme cases” very rapidly become watered down (because those on the borderline of the “extreme” justly resent not being allowed what others not really different can do), and so divorce and remarriage, instead of being extremely unusual, becomes almost the norm.

And we see what we now have in our society, in little more than two generations: what used to be marriage is now serial polygamy, with half the couples who get “married” divorcing.

Now then, just as marriage is one of the implications of sex, so sex is one of the implications of marriage. Since marriage is the society whose function is to enable sex to be exercised consistently, it follows that

Homosexual couples cannot marry.

Note that this does not say that they “may not” marry or are “forbidden” to marry. It is impossible for them to have a marriage. The reason is that homosexual sexual acts are morally wrong; hence their sexual activity cannot be exercised toward each other consistently inside or outside a permanent commitment.

It is not morally wrong for two homosexuals who love each other but have no intention of having sexual relations to agree to live together permanently, provided that this is not putting them in danger of having sex with each other. But this is not a marriage, strictly speaking, even though it may have many of the characteristics of marriage.

For heterosexuals to live together with no intention of ever having sex is not a marriage, and to go through a marriage ceremony with this in mind is morally wrong.

11.1. Sex and marriage

Living together “as brother and sister,” as they say, is not morally wrong, and, using the Double Effect, it would not be wrong for two people to commit themselves to each other for this kind of life (a special case of this was, presumably, Mary the mother of Jesus and Joseph, if what the Bible says is true). The Double Effect must be used, because it involves the bad effect of committing both parties to the non-exercise of sex, when opportunities for a true marriage with someone else might appear. But this living together, which has all the characteristics of marriage except sex, is not a marriage.

The reason it would be wrong to go through a marriage ceremony with this in mind would be that the marriage gives each partner the *right* to have sex with the other; and it is in general contradictory to extend this right with the intention that *the other person* never exercise it. The reason for doing something like this would have to be very serious in order to make the Double Effect apply (e.g. if it were the only way to prevent a woman’s being “given” to someone else against her will).

Since sex has a reproductive dimension, it also follows that to enter marriage with the intention of having sex but never having a child is immoral.

We saw that contraception is wrong, and having sex only at infertile times has the bad effect of denying the reproductive aspect of the whole of one’s sexuality. If one enters “marriage” with the *intention* of having no children means that one intends *all* of one’s sexual activity in the “marriage” to be non-reproductive, which contradicts one of its aspects. Hence, sex would not be used consistently in this kind of relationship, and it is therefore not a marriage.

This does not mean, of course, that a couple has to intend to have “lots and lots” of children; in general, as we saw, a couple has to *limit* the number of children they cause to begin to exist to the number that can be decently brought up by them. This may be no

more than one child. It is only a contradiction when the intention is to have no children at all.

Of course, this does not mean that an older couple cannot marry, even though they realize that no children can result from their sexual activity. They do not *intend* not to have any children, and their activity is such that it is the kind of activity that is reproductive; it is just that they realize that children are not, by nature, possible for them. Hence, they have not chosen to make their sexual activity less than what it is; it is less than what it would have been if they were younger; but it now is what it is, without children. Hence, this is still a consistent use of sexuality, and is a true marriage—though not a complete as a marriage that results in children.

And a couple who marry and find that one or the other is infertile have a marriage. They do not intend childlessness; it is just that their sexuality can't have children; and so they act consistently with what it is. They do not have to adopt a child for their marriage to be a true one, though of course there is nothing wrong with adopting a child, and this can for various reasons be a very good act.

11.2. Marriage and love That is a sketch of the relation between sex and marriage. Now what is the relation between marriage and love? It isn't what you think it is.

Marriage is the only society which presupposes that the members have actual love for each other.

First, let us define what actual love is.

● **DEFINITION:** *Love* is the choice whose goal is someone else's goal.

That is, it is the choice to do what is good for someone other

11.2. Marriage and love

than oneself. But since “good” is subjective, this has some rather startling implications.

Love is the acceptance of the *other person's* notion of “good” and acting accordingly, rather than the imposition of one’s own idea of what is “good” on the other person.

To do what *you think* is “good for” another person is not an act of love, especially if this *contradicts* what the other person thinks is good for him. Then you are imposing your subjective ideals on the other person and *refusing* to recognize his self-determination (which involves choosing for himself his own ideals). This is the opposite of love, even though it is what many people think love is all about.

Love is a *willingness to be used* by another person.

That is, it is a willingness to let the *other person's* will and ideals determine the direction of one’s *own* choices. It gives up self-determination and allows control to be exercised by the other person. Thus, love is *not* fulfilling for the self; self-fulfillment is precisely *irrelevant* where love is involved.

● NOTE WELL ●

It is *not love* to do what is *morally wrong or damaging to oneself* because one’s beloved wants this. It is *immoral* to choose what is wrong out of such misguided “love.”

The reason is that it is a violation of the *beloved's* nature for him to want his lover to do what is wrong or for him to want the beloved to violate his own nature. Hence, to choose this would be to choose the *violation* of the beloved’s nature, which is clearly contradictory to love.

So love is a willingness to be *used* by one's beloved, but it cannot be a willingness to be *abused* by him.

Now then, the reason why marriage presupposes love is that sex without love implies a contradiction. Since the sex drive is so strong and the emotions involved so violent, the strength of the emotions, if left to themselves, would tend to make one use the other person for the sake of one's own gratification, and would therefore violate the respect one owes to the self-determination of the other.

That is, as I said in chapter 7, the emotions of sex are in themselves selfish, not other-directed. And so not to make a *deliberate choice* to restrict one's own gratification and recognize the needs and desires of the partner is to violate the partner's nature.

Sex becomes an act of love when one adjusts one's activity to the desires of one's partner and the realities of the act itself.

That is, when one *foregoes* one's own satisfaction for the sake of the other's, then the act becomes an act of love. If one does not do this, then the act tends to violate the nature of the partner; and thus, sex presupposes love to be engaged in in a *human* way.

Since sex needs love in order to be consistent, then marriage presupposes actual love of the couple for each other.

Fortunately, there is an aspect of the sexual drive that disposes one toward loving the other person. The sexual drive tends to make a person notice what is good and attractive about the other person *as a person* and tends to blind one to the other's less noble qualities. Thus, one tends to think of a person one is in love with as a paragon, and to feel quite humble in relation to him.

Thus, even though the satisfaction of the emotions connected

11.2. Marriage and love

with the act of sex tends to be selfish, the sex drive looked at as a whole tends toward a predisposition in favor of respect for the other person as a person, or toward actual love. Even if this were not so, love would be presupposed in marriage, however.

Therefore, polygamous marriages are morally wrong.

That is, marriages of many wives to one husband (polygyny) or many husbands to one wife (polyandria), subordinate the personhood of the people on the multiple side to the personhood of the single partner. It would be a sophism for a man with two wives, for instance, to say that he is “sacrificing his own notion of what is good to theirs.” To which one’s? Each of his wives will have her own ideals; and the man cannot adopt both; hence, one will be “the favorite,” and the other will not have the respect she deserves.

It also follows that it is immoral to get married for the sake of one’s own fulfillment.

It is also folly to do so. Marriage is *not* for one’s *own* gain, but for the sake of the *other* person. It must be the other’s fulfillment that is *more* important than one’s own; and marriage is not a kind of “fifty-fifty” thing where the intention is “I’ll help you if you help me.” The reason is that if this is the attitude, then it becomes a kind of economic-type relationship, and the love aspect of it is lost. Each person keeps *his own* notion of what is good and simply yields to the other insofar as there is reciprocity.

But in an intimate relationship that lasts for years, this clash of notions of “good” that are retained eventually is recognized as a fundamental incompatibility of values, which makes it impossible to continue living together.

Hence, there must be the willingness to give up one’s values and adjust them to the reality of the partner, or the marriage will tend to

contradict itself.

This does not mean that one cannot predict happiness from marriage; it is just that one's own happiness must not be the goal for which one chooses to marry.

The reason why it is possible (and likely, if the marriage is entered consistently with its reality by both partners) that one will be happy being married is this:

One's motive is the happiness of the other person. But in a good marriage, the other person loves one; therefore, the other person becomes happy by one's own fulfillment. Hence, in a good marriage a person acts to fulfill himself, *not* for his own sake, but *because this is the best way to make his partner happy*.

One also acts for one's partner's fulfillment, of course, and does not stand in his way. Hence, there is happiness at seeing the other person fulfill himself as well as the satisfaction of fulfilling oneself for the satisfaction of the other person.

The best of both worlds, in other words.

Note that this particular multi-layered happiness comes *only if one's intention is giving up seeking one's happiness for its own sake*. If this is not done, the goal-seeking of each partner *interferes* with that of the other, and they must *defer* to the other, respecting the other's *rights*. In a true marriage, rights do not really enter into the motivation, because one is interested in *subordinating oneself to the goals* of the other person, not simply being careful not to violate the other's nature. Even if the marriage is less than ideal, the attitude of love makes being "used" unimportant to one; and many difficult times are got through this way.

Since marriage presupposes actual love, then there is no author-

11.2. Marriage and love

ity in marriage.

It used to be held that in “conjugal society” (marriage), the man “by nature” had the authority, because the man was stronger and more aggressive. But authority has nothing to do with physical strength or aggressiveness. Authority, remember, is basically *the right to command and punish*, and since commanding means telling another what the other must do, the characteristic which would give a person “natural” authority would be *wisdom*, not strength.

But neither sex has by nature more wisdom than the other, because “degrees” of wisdom depend on how much information one can be conscious of at one time (so that one can understand more or less complex relationships); but this limitation of brain-capacity is not sexually dependent. Hence, neither sex has anything by nature which would give it authority over the other.

Further, if marriage presupposes actual love, authority is not *needed*, because authority exists to motivate non-fulfilling behavior on the part of those who are basically self-interested. But in marriage, the partners are interested in the other person primarily, and will therefore tend to want to do what the other wants, and do not need to be threatened to do so.

Hence, it is morally wrong for one partner to presume to give orders to the other and impose sanctions for disobedience.

This, of course, does not mean that there is not leadership in a marriage. But which of the partners is the leader depends on which has the greater wisdom and ability to persuade, not on maleness or femaleness. And, in fact, throughout history women have been the actual leaders in many if not most marriages, whatever their legal position.

Of course, the notion that men had authority over their wives led

11.2. Marriage and love

to many abuses of the personhood of women, even by men acting in good faith. It is time for the theory behind this to be revealed for the sophism it is.

11.3. The family Since marriage involves sex, and sex tends to produce children, marriage naturally tends to evolve into the family. To begin, keep in mind the following warning:

- Beware the fallacy that “every child should be a wanted child.” It sounds plausible; but it is quite possibly that attitude that has been responsible for the increase in battered children. The reason is that when a couple “wants” a child, they are thinking of how “fulfilling” having a child would be; and children are rarely fulfilling to the parents—they tend to be the opposite. Parents, then, “wanting” children, are unprepared for the fact that children force many many restrictions on parents’ own goal-seeking; and they tend to resent the demands and the nuisance children are, once the newness has worn off. And then they take it out on the kids.

The common goal of the family is to provide the opportunity for the children to grow up into adults who can utilize as far as possible their self-determination.

The children’s development, then, is the common goal of the family as a society; and the parents have the obligation of adjusting their lives to this goal; and if it means giving up or postponing careers, then this is the way things are.

It is morally wrong for parents to seek their own self-development at the expense of the development of the children.

11.3. The family

That is, if there is a choice between parents' advancement where the children have less of a chance to develop or the children's greater development at the expense of missed opportunities for the parents in their careers, then the parents' development is the one that is to yield.

The reason, of course, is that the parents have caused the children to begin to exist, and therefore have to take the consequences of their action. The children did not ask to be born; it is the parents' action which produced them; and therefore, the parents have no right to expect the children to be subordinate to their own development.

This does *not* mean that parents may not make their children do things; because children have to be taught that they have obligations and must make contributions to societies they are in, without necessarily receiving any compensation for their service. *But this sort of thing may be done because it prepares the children for adult life, not because children are handy labor-saving devices for parents.*

(Any parent knows anyway that it is twice as much work to make the kids do something as it is to do it yourself.)

Parents have authority over their children, and may (and in general must) command them and punish them when they disobey.

The reason is that children think abstractly and are not concretely aware of the consequences of their acts (or believe that by wishing the consequences not to occur, they will not). Hence, they cannot for a long time make—or be expected to make—rational choices. Parents, then, have the obligation of *forcing* them to do what is concretely rational, based on the parents' knowledge of consequences, so that the children will not unwittingly do themselves damage.

Parents have *joint* authority over their children.

That is, *each* parent, who was *fully* responsible for their being a child (since each one could have prevented the act that caused it), therefore has *full* authority over the child. The authority is not divided half-and-half, nor is it vested in one or the other parent and “delegated” to the other one. A command from one parent is *just as much to be obeyed* as a command from the other. This follows, of course, from the fact that neither partner in the marriage has authority over the other one.

And what follows from this is that

It is morally wrong for one parent to countermand a command of the other, unless he clearly sees that the command would be damaging to the child if obeyed. A command by either parent must stand and be supported by the other parent, even if he does not agree with it.

Not to do this is to act as if you have the authority and your partner either doesn't have it or has it on sufferance from you, both of which are false.

Even if one parent commands something that violates a right of the child (does him damage), the releasing of the child from obedience has to be done in such a way that the child does not get the impression that he can disobey when he feels like disobeying or must come running to the other parent to see if it is all right to obey.

Parental commands should not seem arbitrary to the child, but it must also be clear that the reason the child has to obey is the authority of the parent, not the cogency of the reasons.

11.3. The family

The reason for this is that the child must learn the difference between commands and good advice. If commands are given in such a way that the attempt is to *persuade* the child by the reasons for the action, then this reduces the commands to the level of advice, and prevents the child from learning that what gives *commands* their force is not their wisdom but the sanctioning power of the authority.

At the same time, since commands in society have to be consistent with the common goal and the common good of the society, then the child is to be given reasons for the command to show that the command itself should be reasonable, even though the motivating force is not solely the reasonableness of the command.

Parents must punish children for violations of their commands.

If they don't actually carry out the sanctions, the commands lose their force as commands, and once again degenerate into advice; thus preventing the child from learning the hard lesson that in society one must do what is not "reasonable" in the sense of "personally advantageous," and that not to do so is to incur penalty from the society.

Parental authority diminishes as the child grows up and eventually ceases when the child gets into a position to be able to choose his own life.

A child turns into an *adult* when society in general passes from *helping him develop himself* to *expecting him to contribute to the society*. Thus, the self-development of an adult is his own business, and is irrelevant to the society. Instead of *helping* an adult develop himself, the society simply *does not hinder* self-development. But the adult also becomes a *full member* of the society, and thus the society now expects cooperative acts from him.

When this occurs varies from culture to culture and person to

person. In some cultures, this happens right at puberty (usually signaled by some sort of ceremony). In our culture, when a person finishes going full-time to school (and is in a position to work full-time), then he is an adult. Even people in their twenties, therefore, who are going for Doctorates and are working part-time are not yet fully adults in our culture (though they are close enough as makes no difference). But undergraduates in college are still children, because society has no expectations of non-self-fulfilling conduct from them; and therefore, parents still have some authority over them.

Obviously, when adulthood occurs is not something that is fixed by nature, but depends on social expectations, and so may legitimately vary from culture to culture.

The family ceases to exist as a society when the last child becomes an adult.

This does not mean that there is not a loving relationship among the members of what used to be the family, nor does it mean that adult children must leave home. What it means is that (a) parents *no longer have a moral obligation* to subordinate their own self-development to that of their children, *but simply not to hinder their self-development*; and (b) that children *no longer have a moral obligation to obey* their parents, but only the obligation to *respect* them (as causes of their beginning to exist).

When an adult child lives at home, then, his *reality* is that of a boarder, though, of course, he is still loved by his parents. They may set rules for what is to be done in their house; but this is not because they have any authority over him as parents, but because the house is theirs and he is their guest. If he doesn't like the rules, he is free to move out; in which case, the parents cannot morally try to control his life.

11.3. The family

But getting our child to adulthood brings us to the third “natural” society.

11.4. Civil society This last of the “natural” societies, or societies that one belongs to by demands of nature rather than for purposes of pursuing specific goals, is called “civil society” or sometimes “the state,” and is the society whose authority is called “government.”

● **DEFINITION:** *Civil society* is the society whose common goal is the common good of the members.

That is, civil society is the society whose function it is (whose common goal is) to see to it that *no right of any member is trampled on* (the common good)—or in other words, that each member has a chance to lead at least a minimally human life.

11.4.1. Its necessity Whenever there is a large number of people together, it is to be expected that the activities of some will violate the rights of others (even with good will, since some people will not necessarily have enough sophistication to recognize that others have the rights they in fact have).

It is also to be expected that there will be those who will not be able to defend themselves by their own resources.

From this it follows that

In all but the smallest aggregations of people, it is impossible for people to lead a human existence unless they cooperate for the common good. Therefore, there must exist a society which has this function; and by definition this is civil society.

Hence, civil society is necessary for human existence.

11.4.1. Its necessity

Secondly,

it is immoral for a person to refuse to belong to civil society

The reason is that this is a refusal to cooperate to see that the people's rights are not violated; and since a person expects that others are not to violate his rights (and this can't be done without cooperation), he contradicts himself if he excludes himself from the cooperative venture which has this function.

So civil society is a society which people can't morally avoid belonging to, as I said in the preceding chapter.

And of course, it follows from this that a person is bound by the laws of the civil society he belongs to, and is subject to its authority.

It used to be held that the *family* was the unit of civil society, which was therefore a system of cooperating families. This may have been true in the days of the "extended family," where more than one marriage with children lived together as a kind of minor civil society united by "blood" under the authority of the patriarch (or matriarch, depending on the culture). But it is no longer true in our culture, and it wasn't fully true there.

● **DEFINITION:** The *citizen* is the member of civil society. He is *any adult* who was born in the society, or who has been *received by law* as a member (the "naturalized" citizen).

Children in a society have a kind of "citizenship" in that the society has the *obligation to prevent violations of their human rights*, but they are not citizens in the sense that the society can make demands on them for cooperative activity. What is done with children must have *their own development as its primary purpose*. Hence, they are not full members of the society until they reach adulthood.

11.4.1. Its necessity

The point here is that the member of civil society is not the family (so that society commands the families, and they transmit the commands to the individual), but the *individual adult*, whether he is a member of a family or not.

We will see something of civil society's relation to the family later.

● **DEFINITION:** *Government is the authority of civil society.*

11.4.2. The Principle of Subsidiarity But if the function of civil society is the preservation of the members' rights, then since human beings as people have the generic right to do what they please, it follows that for the government to do too much for its citizens would be for it to prevent the citizens from determining themselves; and this would be to violate their right.

Therefore, the welfare state is a morally wrong state, even if the people in it live in prosperity.

The society has exceeded its authority in giving the people more than they need to be minimally human, because it discourages their taking control over their lives, and thus dehumanizes them.

We saw this earlier.

● **DEFINITION:** *The Principle of Subsidiarity is the principle on which civil society is to function: In supplying the human needs of the citizens, it must not do more than what in practice the citizens cannot do for themselves (either alone or by forming voluntary groups).*

That is, if the citizens can supply a need by themselves—in practice—then the government is to keep hands off. The problem, of course, comes in what you mean by “in practice.” People *can* get across the Ohio river in small boats and ferries, or could band to-

gether to build bridges; but in practice, this would be so difficult and expensive that it would create hardship to leave it to individuals. Hence, the government can build bridges. But for the government to guarantee an income, say, of the equivalent of fifteen thousand 1990 dollars to every citizen would not only be to do something that practically everyone could do for himself, it would create a disincentive to take low-paying jobs (which can lead to higher-paying ones) and would discourage self-development.

In general, the government's function is to step in when it sees that a citizen or group of citizens is actually having his rights violated (either negative ones or by not being allowed—for any reason—to get what he needs to live a human life), and then to take steps to see to it that the right is upheld.

It should try to do this with as little interference with the freedom of other citizens (including paying taxes) as possible.

11.4.3. Principle of Least Demand Since civil society is a society, then it can pass laws (in this case, for the common good). This means that it can make demands on some citizens for the preservation of the rights of others.

Thus, civil society can restrict by law the freedom of some citizens when their exercise of their freedom deprives some other citizens of some right they have. It can prevent, for instance, people from making pornographic films using children, even if the children are paid.

Civil society can also tax the relatively affluent citizens in order to have money to function and to supply money to those who cannot in practice supply their own needs.

In protecting the citizens against violations of their rights, whether by giving what is needed to avoid dehumanization or by

11.4.3. Principle of Least Demand

restricting activities that harm citizens, the Principle of Least Demand must be followed.

●government's action in protecting citizens' rights must be the one that makes the least demand on the least number of citizens.

That is, even if a certain type of action could be more efficient in correcting an injustice, if that action makes greater demands on the citizenry than necessary, it is not to be taken. The reason is that civil society must leave the citizens as free as is compatible with their cooperation in the common good; otherwise, it goes against the basic self-determination of the persons in society, and is thus self-contradictory.

Civil society, then, is to be “just” rather than “compassionate.” If citizens are *dehumanized*, the government must do something about the matter; but if they are simply *less well off* than other citizens, or even not as well off as they might be or could be with governmental help, the government must keep hands off.

11.4.4. Note on “Christian civil society” Since many of the people reading this book will probably be Christian, it is perhaps worth raising the question (if civil society is to be just *rather than* compassionate) of to what extent civil society can base itself on the Christian principles of turning the other cheek, doing more than what is commanded, and so on. Can civil society be Christian, in fact?

It seems strange to say this, but No, it must not be Christian, *in the sense that* it is generous and accepting of injustices and so on.

It is all right for an individual (using the Double Effect) to allow others to treat him unjustly and to violate his rights—to offer the other cheek when slapped, to give his shirt to a person who forces him to give his coat, and so on—choosing the benefit to the violator

11.4.4. Note on “Christian civil society”

rather than the harm to himself. It is also perfectly all right for an individual to do for others more than he strictly has to do, and even to do so much that he himself is deprived, if the Double Effect can justify this (as it often can).

But *civil society* cannot act this way. The reason is that people do not freely choose to be in civil society, and so if, for example, the government decides that it would be “more Christian” not to defend the citizens against an attack, choosing the benefit of the attacking society and merely permitting the violation of the rights of the citizens, *the government would be contradicting the very function of civil society, which is the protection of the rights of the citizens.*

Again, if the government does more than what is *the minimum necessary to avoid (relative) dehumanization* of the less-well-off citizens, then it can only do this by *making demands* on the richer ones. But since the richer cannot avoid being in the society, they are not free to refuse the demands, which puts them in the contradictory position of being forced to do for others more than they have to do for others. Thus, the rights of the rich would be violated by the government’s generosity—and it can’t use the Double Effect to justify this, because by the supposition, it isn’t protecting a *right* of the poor, but just doing what is a good thing to do to the poor.

This is not to say that there can’t be freely-joined organizations *within* civil society whose function is to perform generous acts and act, in general in a Christian way as a group. Various churches and religious orders, in fact, usually exist in societies and have that function. The point is that, just by the nature of civil society, these generous activities cannot be taken over by civil society itself without its contradicting itself.

11.4.5. Defense of society: war Since citizens cannot lead human lives unless civil society functions, then civil society has as

11.4.5. Defense of society: war

much right to function as human beings have to live. It follows from this that

Using the Double Effect, civil society *must* defend itself and its citizens when attacked.

This is not merely a *right* the society has, *but a moral obligation of the government*. The reason is that, as we saw in the preceding section, the government's very existence has as its purpose the defense of the rights of the citizens; and hence if it is attacked and refuses to defend itself, it is allowing the citizens' rights to be trampled on. It cannot allow itself to be overthrown, because the preservation of the citizens' rights depend on its functioning.

Civil society defends itself against its members by passing laws with sufficient sanctions to deter overthrow of the society. We saw this earlier in sections 10.1.3. and 10.1.3.1. What now concerns us, then, is the defense of aggression by *other societies*.

The *first* way to defend itself against aggression, and the way which *must* be used first is *to be strong enough to discourage aggression*.

That is, the society must present a posture to potentially hostile societies that makes it clear that if the other society decides to attack, it is not likely to succeed, and that the cost to the attacking society would outweigh the gain from the attack.

The reason this must be done first is that *if it succeeds, no lives are lost on either side*. That is, war is *prevented* by this posture; and the citizens must be defended short of war if at all possible.

Does this mean that things like nuclear stockpiles and the ability to destroy the world ten times over are justifiable? Yes. Even though such weapons *may not morally be used* (as we will see shortly, they

may be *stockpiled as if to be used* if this is likely to prevent a war, using the Double Effect.

The reasoning goes this way: 1) The act of having the weapons is not of itself wrong; wrongness would be involved in using them. Nor is the act of having them *as if* to use them wrong, because by having them *no information is conveyed to potential attackers as to whether they will be used to repel an attack*.

That is, potential attackers will see that the defending side *can* destroy the whole attacking nation, and therefore *might* do so, even if it is morally wrong to do so. The attacker cannot *count on* the morality of the defending government, and therefore *does not know* whether the weapons will be used or not. Hence, having the weapons as if to use them (even though one has no actual intention of using them) is *not a lie*, since no information is conveyed.

2) The act has a good effect: it is likely to prevent a war by an attacker who is stronger in other ways. There are numerous bad effects: the possibility that the weapons will be used; the possibility that the attacker will get itself into a superior position in the “arms race” and attack before the defending nation can build up a deterrent; the money that is diverted from other uses to build up the deterrent. 3) None of these bad effects is a means to the good effect. 4) None of the bad effects is a motive; the motive is solely to deter attack. 5) The sum of the bad effects is not greater than what would happen if the stockpiling were not done.

This fifth point, of course, is also in dispute. On the assumption that *not* having the stockpile of weapons would *encourage* a reasonable attacker to attack, then it is fulfilled.

These are the grounds on which stockpiling weapons of mass destruction *can* be justified. Whether these conditions are met in the situation of the United States vs. the Soviet Union is not a matter of morality, but of factuality. The point here is that it is *not inherently*

11.4.5. Defense of society: war

evil to have such weapons, and whether it is right or wrong in a specific case depends on the specific facts of that case, not the general principle of the “horror of nuclear war” or the “evil of nuclear weapons.”

If deterrence does not work, and if an attack has either happened or is in active preparation, the nation may defend itself by commanding some of its citizens to take action defending their country.

In defending itself, the only legitimate action must be that which blocks the attack by the attacking nation.

That is, attacking enemy people may be killed and property of the attacking country may be destroyed *only when* the death and destruction can be kept out of the choice.

Destroying whole cities and demoralizing the nation, as we saw in defending ourselves against Germany and Japan, can be a very efficient way to end the war. *But the end does not justify the means*, and destroying whole cities is not in any stretch of the imagination *blocking an attack* by those citizens, who for the most part are doing what they would be doing whether there was a war or not. Hence, *their death* is the *means* to the “breaking of the will” of the attacking country, and so must be chosen.

In general *the enemy army* is a legitimate target for defensive action, because an army makes no sense except in the context of war—and so it may be presumed to be “the other nation as aggressive or attacking.” Similarly, the manufacture of munitions and weapons of war is a warlike activity, and can therefore be destroyed as an act of blocking aggression without choosing the death and destruction. If some few civilians happen to be in the area of a munitions factory to be bombed, in general their deaths need not be *chosen* in

defending one's country, any more than a person who is defending himself against an attack chooses the harm that comes to a bystander who happens to be watching the fight.

But destruction of activities that make sense in time of peace (such as food production, which *can* be used to feed the army, but is obviously something that goes on anyway, war or not) would involve *not only* the defense, *but also* the harm to the enemy nation, and so would enter the choice.

Hence, weapons of mass destruction cannot be used in defense of one's country.

There is nothing especially forbidden about using *nuclear* weapons, as long as they are not weapons of *mass destruction*, and can be used against military targets as described above. In fact, the so-called "neutron bomb" which was a shell not a bomb, and whose function was to destroy the attacking army while doing no damage to property is *a morally more acceptable weapon in itself* than conventional weapons. The *only* thing it has against it (supposing it would work) is the possibility of escalation, once it is used, into the use of weapons of mass destruction. This fear, it seems to me, was based more on panic at the word "nuclear" than on fact.

There is more to the subject, of course; but let this be enough for defense of a society.

11.4.6. Civil society and the family I said earlier that the member of civil society is the individual citizen, not the family; but of course, it is still true that *one of the major concerns* of civil society is *the protection of the family*, since the citizens are parents in families not by choice so much as by nature, and therefore have the *implied rights* to have the family's existence *not be hindered* by what others

11.4.6. Civil society and the family

do.

Civil society and the people in it *must not take the attitude that one “freely chooses” to get married, in a sense analogous to freely choosing to buy a car or join a club.*

The reasons for this are first, that marriage (and the resulting family) is the *only* way that sex can be consistently engaged in, and, while one may (using the Double Effect) remain a virgin, *to exercise one’s sexual faculties is a relatively inalienable right*, not a “free choice.” It is a need of nature. Secondly, one does not get married for the sake of *one’s own* fulfillment (as one buys a car or joins a club), and hence it is *unjust* to treat this choice as if it were at all like choices that involve personal goals and values.

Thus to make it *economically disadvantageous to get married or to have children* is to coerce people economically into not getting married, or into not having any children. The first coercion would be unjust, the second immoral.

I say this, because “equal pay for equal work,” when enacted into law *does precisely this*. It *penalizes* those who have economic *responsibility* for more than themselves by *lowering* their income to the level of those who have the same job description but whose income supports no one but themselves. Thus, an income which allows a single person to take a trip to Europe every year may not even meet the *necessities* of a family of four.

“So what?” you say. “It was your choice to get married.” *This is precisely the attitude that is morally wrong.*

There is an extended discussion on the contradictions involved in “equal pay for equal work” in my book *Ethics with Applications to Economic Life and Business*, which I refer you to. I put it here because that concept tends to be destructive of the family, something that civil society must not allow.

11.4.6. Civil society and the family

But this raises another host of thorny issues, which must be left to an extended treatise on the morality of society (which is another of the things that I have no book on as such, though much of it can be found not only in the book just mentioned, but in my *Social Philosophy*). Hence, let us terminate this inadequate overview at this point.

Summary of Chapter 11

Marriage is the society which provides the opportunity for the consistent exercise of the sex faculties. A society is needed because the reproductive aspect of sex tends to attach people to each other. The society lasts until one of the partners dies, because of the children, the attachment, and the need older people have of sex and companionship. Separation may be allowed using the Double Effect, but the consequences of remarriage with someone else after separation are too serious for it to be allowed in practice: it creates an incentive for divorce, it weakens the commitment from the beginning, children tend to be harmed by it, it tends to make love work against itself, and the exceptional cases become the rule in a short time.

Homosexuals cannot marry, because their use of sex is not consistent anyway. To live together without sex is not a marriage, and to go through a ceremony of marriage intending not to have sex is morally wrong, since it yields a right to another, but supposes the other is not going to exercise it. To enter marriage intending to have sex but never children is immoral. In cases, however, where there is infertility, there is a marriage, and there is no contradiction.

Love is the choice whose goal is someone else's good, which means accepting the other person's notion of "good" rather than one's own; love is willingness to be used, but it is not love to violate one's own nature for the beloved, because this contradicts the beloved's nature. The emotional aspect of sex is in itself selfish, and tends toward exploitation of the other partner unless it is made into an act of love by adjusting one's activity to the desires of the partner and the realities of the act. Since sex needs love for consistent exercise, marriage presupposed actual love of each partner for the other. This excludes polygamous marriages, and it means that one's own fulfillment must not be the motive for marrying. This does not

11.4.6. Civil society and the family

prevent happiness in marriage, however. Since marriage presupposes love, there is no authority in a marriage, because neither partner is by nature wiser than the other, and authority is not needed. There is leadership, however; but this depends on which partner is in fact more persuasive.

Since sex is reproductive, marriage evolves naturally into the family, whose common goal is to provide the opportunity for the children to grow up into adults who can utilize as far as possible their self-determination. It is morally wrong for parents to seek their own self-development at the expense of the children. Parents jointly have authority over their children and must command them and punish disobedience, or the children will not understand what authority is. Neither parent may countermand a command of the other, unless the command does damage to the child. Parental authority diminishes as the child grows, and ceases altogether when he becomes an adult, or a person society expects acts from, as opposed to helping in his self-development. The family ceases to exist as a society when the last child becomes an adult, though the members may have loving relationships and live together.

Civil society is the society whose common goal is the common goal (the rights) of the members. It must exist, because even people of good will can inadvertently violate others' rights; and so people must cooperate to prevent this. Therefore, it is immoral to refuse to belong to civil society. The citizen is the member of civil society: this is any adult who was born in the country or any "naturalized" person. Government is the authority of civil society.

Civil society must leave its members self-determining as much as possible; therefore, the welfare state is morally wrong. The Principle of Subsidiarity states that government is not to supply needs that the citizens can either supply themselves or can supply by forming smaller groups. When making demands of citizens in performing its function, civil society must use the Principle of Least Demand, that is, choose the course of action that makes the smallest demands on the smallest number of citizens, not necessarily the most efficient way to get the job done.

Civil society must not do more than the minimum to avoid dehumanization, and therefore cannot be "Christian" in the sense of permitting overthrow or injustice against itself (the citizens) or doing more than it has to. In either case, it violates the rights of the citizens and therefore contradicts its reason for existence.

Since civil society's functioning is necessary for human existence, civil

11.4.6. Civil society and the family

society (and government) can defend itself against aggression from without as well as (by laws) aggression from within. The first way to do this is to be strong enough to deter aggression; and it this can only be done by stockpiling weapons of mass destruction, then this is legitimate, using the Principle of Double Effect. If deterrence fails, the nation may command some of its citizens to go to war to defend it. But the only legitimate actions in war are those which block attacks from the enemy; enemy deaths, suffering, and the destruction of enemy property must not be chosen. Therefore, weapons of mass destruction must not be used.

One of civil society's major concerns is to protect the family, since people enter into it by a relatively inalienable right of nature. Hence, acts that hinder marrying and having children are morally wrong; it is wrong to equate the choice to get married with choices that are in pursuit of one's own goals. Specifically, equal pay for equal work in effect penalizes those who have more people to support than themselves, and tends toward destruction of the family.

Exercises and questions for discussion

1. If the sex act is itself the act of marriage, doesn't this mean that people nowadays are practicing polygamy? What does this sort of thing do to children?
2. Isn't it natural for people to be promiscuous? If so, isn't it contrary to nature to commit yourself to one partner for life? Therefore, isn't marriage the way the book describes it morally wrong?
3. If (a) you can't count on getting something out of marriage (since it's based on love, not "fulfillment") and you can't get out of marriage once you make the commitment, then why get married? (This, you recall, was St. Peter's question when Jesus said that divorce was forbidden.)
4. If marriage is "total giving" and "complete openness," does this mean (a) that a spouse should be willing to take abuse from the other, or (b) that a spouse cannot keep anything about himself private without the spouse's knowing about it?
5. If there is no authority in marriage, then who should make the decisions for the couple?
6. Is a progressive income tax justified by the Principle of Least Demand, if there are expenses that the government has to meet?

11.4.6. Civil society and the family