

Making Moral Decisions: Tools of the Trade

It is almost axiomatic that when we approach the most important decisions in our lives it is not clear what we ought to do. However, in the Catholic moral tradition there are certain **approaches, principles and processes** that can help in making difficult moral choices.

The Catholic moral tradition teaches that we must follow the dictates of our conscience. But what is conscience? Conscience is not some built-in “voice” or “feeling”. Conscience is a *judgment* we make in any given circumstance about what we ought to do or ought not do. Therefore, our first moral obligation is to take up the task of forming a correct conscience, so that we are able to make the best possible moral judgments. These “tools of the trade” are designed to help us in this task so that we might reach the highest degree of certainty possible given the circumstances and the time available.

Within the Catholic tradition there are three dimensions of conscience: 1) the basic, innate principle of human morality: “to do good and avoid evil”, 2) the process of discovering or identifying those human activities that are good and those that are evil, 3) the specific judgment of what constitutes the good that ought to be done and the evil to be avoided in this particular situation.

Easy solutions to moral dilemmas are the exception rather than the rule. Life is complicated and our understanding is limited. And because human life is so complex, absolute certainty in moral judgment typically eludes us. We can only set ourselves to the task of doing the best we can.

Note: *None of these approaches, principles or processes can guarantee certainty in approaching difficult moral issues.* They are presented here as the intellectual “tools of the trade” of moral theologians within the Catholic tradition as they try, in a systematic way, to approach the difficult task of *the formation of conscience*. While these proposals (and there are certainly others) may give some guidance in our difficult moral decisions, in the final analysis it is we alone who must make the final judgment with all the inevitable uncertainties and risks.

The following approaches, principles and processes apply to the second and third dimensions mentioned above.

Approaches

1) The Legal Approach - (deontological -Gk. *deon* “duty”) -- In this approach morality is primarily understood as a duty or obedience to the law of God. This approach begins with the question: “What does God’s law require?” or “What is my duty?” This is a process which attempts to apply general moral principles or divine moral law, (the Ten Commandments), to the particular situation or asks what those in authority (secular, church, divine) teach or demand. The legal approach also stresses that some actions as right or wrong in themselves regardless of the intention of the person or the particular

circumstances. For example, it is always right to tell the truth and always wrong to kill the innocent.

One strength of this approach is that it preserves stability in the moral life. It also supports community and respects human experience by giving a prominent place to commonly shared norms, laws or duties as its point of reference. It also provides a quick reference in times of crisis when time may be short.

The weakness of the legal approach is that it does not adequately attend to the complexity of circumstances or the intention of the person acting which can change the moral reality of an action. Life in all its complexities cannot be adequately captured in abstract norms or laws. For example, the command “Thou shalt not kill” is modified in the circumstance of confronting an unjust aggressor and the intention of self-defense on the part of the person attacked.

It also presents God primarily as a lawgiver rather than a creator who desires that we have life to its fullness. In this approach morality is seen as a negative constraining force on human freedom, rather than a positive moral impulse to promote the fullness of human living.

2) A Focus on Consequences - (teleological method) -- This approach focuses on the consequences of human acts and whether they serve the goals or ends of human life. If the consequences are good, the act is good.

There are various forms of this approach: 1) One (acceptable) form judges actions to be good if they lead to the ultimate fulfillment of human life -- union with God (St. Thomas). 2) An extreme (unacceptable) form recognizes only one absolute moral principle - love. Love is defined here as the greatest amount of good consequences for the largest number of people. All other moral norms are contingent and only valid if they serve love in any particular situation (Joseph Fletcher *Situation Ethics*). All is permitted, there are no acts evil in themselves. All we need is love in our hearts. But as we know from experience, even with our hearts full of love we can do serious harm out of ignorance. 3) A more moderate (acceptable) form tries to judge the morality of an act in cases where values conflict (care of the dying) by considering many elements: general moral norms, circumstances, consequences, conflicting positive values, unavoidable evils and the intention of the person involved.

The strength of focusing on consequences is that this is the commonsense way we approach life. If Y is a good and doing X will get us Y, then X is also good and “the thing to do.” For example, if our health is a good and eating healthy food will promote our health, then eating healthy food is a good moral act.

However, consequences are not the only consideration. We cannot use just any means to a good end - the end does not simply justify the means. If having a warm coat on a winter day is a good, it does not follow that I may steal to purchase it. Murder, greed, adultery and torture are not permitted even if some future good might result. Furthermore, if future

consequences are the only criteria for judging what I do in the present, how certain are we that any particular set of consequences will indeed occur in the future or that these consequences will in fact be good.

3) Holistic Approach - (relational-responsibility method) -- This approach integrates the strengths of the legal and consequences approach while looking at human acts within a total context of the relationships established by our daily interaction with God, self, others, and the world. It focuses on our current everyday life situation in all its complexities.

This approach attempts to “get a feel” for the whole situation. It is more an art than a science. It respects moral norms (thou shalt not kill), but understands that an attack by an unjust aggressor may provide an exception. It looks at consequences, but reminds us that we can never fully judge the true future consequences of our actions and that there are other important variables in the moral equation, e.g., the moral status of means employed to attain the consequences.

The major strength of this approach is that it leads us to engage in a process of analyzing our moral life within the context of the “here and now” of our unique life situation. It recognizes the complexities of life and all the complex relationships involved in our daily lives. It recognizes that the moral life is not simply obeying a set of rules, it is a life which includes rules, but rules cannot cover every situation. It speaks to us as Jesus did, telling us to love our neighbor as ourselves and then sets us free to work out the details.

The weakness of this approach is that because it tries to look at all the variables - civil laws, Scripture, teaching authority of the Church, general norms, circumstances, consequences - and all the complex relationships involved, it often fails to reduce our uncertainties to a manageable size. It is difficult to use, especially in moments of crisis when time can be a major factor, e.g., the birth of a deformed child who needs immediate attention. .

4) The Natural Law Approach - For over 700 years the Catholic moral tradition has developed and employed the concept of the natural law. The natural law approach assumes that an examination of human nature, using reason alone, can yield moral norms. The assumption is that we human beings can engage in a rational process whereby we can discover what constitutes our natures and what are some of the necessary moral norms that will enable our natures to grow and flower. For example, reflecting on human society it is clear that stealing from one another must be forbidden if society is going to function well and we human beings are going to live in peace.

Pamela Hall, a contemporary writer in the tradition of St. Thomas, gives an outline of the basis and the process of a natural law approach which she believes can provide a common ground for moral discourse:

Our discovery of the natural law occurs by way of reflection upon our natures and then by discovery of the necessary means for achieving or constituting the good of our natures. These means include the formation

of rules to help secure and constitute the good for us. We both give the law to ourselves and discover it.

This discovery, I stress, takes place within a life, within the narrative context of experiences that engage a person's intellect and will in the making of concrete choices. In attention to what makes up one's experience and in the making of choices, both good and bad, a human being augments understanding of his or her own nature and of what most promotes the flourishing of that nature. This process of inquiry is, then, one of practical reasoning, practical reasoning which must be carried on individually and communally. (*Narrative of the Natural Law*, Pamela M. Hall p. 37)

Hall's indication that the natural law approach includes "discovery" and that it takes place in a "narrative context" implies that this approach is not an appeal to a defined body of eternal truths. First, as our knowledge of what it means to be human develops (discovery) our notions of natural law can also develop. For example, if in the future, we discover that in the first 14 days of human development we do not have an individual, personal human life, our definition of abortion may change. Second, as our individual and collective human history develop (narrative context) the application of the moral norms of the natural law may change. For example, if the old dictum that children should obey their parents in all things that are not sinful applies, as our individual history progresses and we "come of age", we are no longer bound to obey our parents in "all things that are not sinful". We are still children of our parents, but our relationship has changed and we must take responsibility of our own moral lives if we are to mature as human beings.

In his encyclical letter *Veritas Splendor*, Pope John Paul II also speaks of a universal law of nature which is discoverable by human reason.

Summary - *In considering the above approaches to morality, it is evident that no single approach is adequate.* Each has strengths and weaknesses. It is also painfully evident that in many circumstances there exists no single, infallible way to come to certain moral knowledge. However, when combined with the following *principles* and *processes* they can provide some basis or direction as we try to make our own final judgment about "what we ought to do in this particular situation".

Principles

There are certain principles that help in the formation of conscience. We shall consider some of the more important ones.

The Three-Font Principle - Traditional Catholic moral theology has used three principles for determining the morality of a human act: intention, the act-itself, and circumstances.

Take this example: The U.S. has declared war in response to aggression. A patriotic

young man joins the Air Force to help defend his country and is commanded to bomb a munitions factory in enemy territory. May he do so?

a) *Intention* - The intention of the person acting is an internal or personal dimension. It is also called the “end” or the purpose of the act -- “I want to defend my country”. The intention gives personal meaning to an act.

b) *The Act-Itself* - This is called the “means”. It is an external part of any act -- “dropping bombs”

c) *The Circumstances* - War and the target being an enemy munitions factory.

The circumstances determine whether the means (dropping bombs) are properly proportionate to the end (defense of country). In this example, the circumstances of a valid declaration of war and dropping bombs on a munitions factory which will restrict the enemy’s ability to wage war and give a proper proportion or relationship between the end and the means. Thus the act-itself is judged to be morally good or at least not evil.

On the other hand, dropping bombs (the act-itself), on a civilian hospital, even in times of war (circumstances) has no “proper proportionality” to the defense of country (end) or any other conceivable end and thus would be judged as *objectively* immoral. Also, if the intention is changed to a “simple desire to kill” rather than “defense of country”, no matter what the circumstances, then the act would become *subjectively* immoral.

By a careful analysis of the relationship between intention, act and circumstances, the objective and subjective morality of human acts can often become clear.

The Sanctity of Life - This principle holds that all life, from conception to death is a gift from God and is therefore holy. Sanctity of life does not depend on age, abilities, goodness or badness. Human life has value simply because it comes to be through the creative will of God. Therefore, no one has the right to directly take innocent human life. Even in the case of the unjust aggressor, all other means must be exhausted to defend oneself before the life of the aggressor can be taken. Also the death penalty is not appropriate when other non-lethal means of punishing and containing criminals is available to society.

Stewardship - Stewardship is a foundational principle of all morality. It provides a most valuable vision of all creation. In this vision, all that exists is given to us as a gift. Since self, others, and the material world come from God and are given to us, we are called to be stewards of all creation. We are called to be co-creators with God in the ongoing process of creation. Therefore, we are to love self, others and the world in response to the creative love of God that has brought everything into existence. We are not the absolute “owners” of anything, even ourselves, much less our property and the goods we have acquired. Justice demands that all be able to share in the fruits of creation through the establishment of a just society. We are called to do all in our power to make creation flourish.

The Principle of Totality - This principle applies in cases of medical ethics. Because any part of the human body exists for the good of the whole, diseased parts can be removed for the good of the whole person. Also organ donations are judged to be moral if they do not cause grave harm to the donor's bodily life. However, harmful experimental medicine cannot be practiced on some human beings for the "good of mankind", because direct harm to a part of the body would not be in the interest of the whole person.

The Principle of Double Effect - This principle is involved in a situation where a good act may involve two consequences - one good the other bad. Under certain conditions the good can be intended and the unintended bad tolerated. It is formulated in this way:

When from a licit act there immediately follow two effects, one good and the other bad, and the good outweighs the bad, it is licit to intend the good and permit the evil. So both the intention and the act itself must be good; further, the evil effect cannot cause the good effect and the good effect must outweigh the bad effect.

For example, in the case of a cancerous womb which includes a fetus, the cancerous organ can be removed even though it results in the unintended death of the fetus. Applying this case to the definition: The licit act is the operation to remove the cancerous womb. Two effects follow, i.e., the removal of the cancerous organ (good) and the death of the fetus (bad). In this case the good - saving the life of the mother - outweighs the bad - the death of both mother and fetus. Therefore, the good is intended and the evil permitted. The death of the fetus is not (and cannot be) the cause of the elimination of the cancerous organ, only an effect of the surgery..

Choosing the Lesser Evil - In cases where any choice in a given situation will cause some evil, the lesser evil can be chosen. For example, when attempts are made to translate moral law into civil law, due to diverse moral views in the body politic, it may not be prudent to pass a law to restrict certain evils if, by passing such a law, a greater evil would result. The drinking of alcohol can be tolerated, even though evil may result, because greater evil - crime, disregard for the law, civil unrest - will result with the passage of a prohibition law. Prudence dictates choosing the lesser evil.

Probabilism - This is a system for the formation of conscience popular in the 18th and 19th century. It maintains that a doubtful law does not bind. Probabilism respects human freedom and acknowledges the ambiguity inherent in most moral decisions. Therefore, a person may choose an opinion about the morality of an action (birth control?) which favors freedom from obligation, if it is solidly probable, even if the opinion favoring obligation or the law is more probable. The rule of thumb here was that if five or six truly reputable authors hold an opinion, this is a sign of its intrinsic probability.

Probability has been rightly criticized because it seeks a good conscience on legalistic principles. The real search for knowledge about right and wrong is actually based on the fact that those things which are morally wrong, irrespective of our considered judgments

about them, are objectively destructive to human life. The formation of conscience is not a legal game simply involving blame for a bad conscience and praise for a good conscience. Morality is based on reality (natural law). It asks the question: What indeed is destructive or constructive relative to human life? Morality is a matter of life and death.

Summary - While these principles are helpful, they are not always easy to apply. They do provide some guidance in certain specific circumstances. However, no approach considered individually nor all taken together provide certainty. Fortunately they are not set in stone. They have developed and will continue to develop over the years. For example, in the past, organ donations were considered immoral under the Principle of Totality because in the past medial procedures were not as effective and the prospects of the donation helping the recipient was often doubtful, doubtful enough to outweigh the seriousness of the donation process for the donor.

Another example, the Principle of Double Effect has been rightly criticized and is being reexamined in Catholic circles and could see modifications in the future. In the meantime the principle does highlight the variables involved in the process that must be considered - intention, nature of the act and the proportional relationship between the good and bad effects that result from the moral decision under consideration.

Processes

While there are some obvious steps or processes included in the three “approaches” discussed above, there is another seldom discussed process suggested by Michael R. Panicola in the December 1999 issue of *Theological Studies*, entitled: “Discernment in the Neonatal Context”. The context of the article is limited to the problems of the newborn and the title itself may sound a little bit theoretical or the stuff of ivory tower moral theology, but the *process of discernment* is actually quite practical and can be used in a wide variety of situations requiring difficult moral choices.

Admittedly, discernment is not an everyday word. Discernment in a Christian moral context is something like having a “conversation with God”. The point of discernment is that as we endeavor to make decisions that reflect the “will of God”, there is more involved than just our power to reason or checking the rules. This does not mean that moral norms are ignored. Discernment always unfolds within the context of moral norms.

However, there is always a gap between general moral norms and the personal decisions that need to be made in a particular life situation. For example, the absolute moral norm to help the poor comes from the mouth of Jesus. But among all the things that would be helpful to a poor person - housing, food, money, providing employment, referral to social agencies - which would be the best and which one is available to me in my particular circumstances? The answer requires discernment. In making moral decisions we need to utilize all the information available to us and a whole network of human capacities, which include our faith, emotions, intuition and imagination.

Note: We spoke here of the “will of God”. This term can be misunderstood to mean that there exists some fixed divine “plan” that we must discover and conform to or else suffer the consequences. The “will of God” is a biblical term which includes the notions of the “word of God” and the “love of God”. God addresses us in His word - in Jesus- and transforms us with His love - revealed by Jesus. He also respects our freedom. The “will of God” is that we might become fully human. Therefore, we should understand “God’s will” as giving a general orientation to our lives (the Ten Commandments, the Sermon on the Mount), while leaving most of the specifics to us.

Let us now look at the process of discernment as outlined by Panicola. The situation concerns a severely deformed infant in immediate need of a major surgical operation which may or may not preserve the life of the infant.

In his article, Panicola says that before initiating the process of Christian discernment in the neonatal context, the object of the process must be identified. What is the goal of the process? What do we want to have happen? In defining the object of the discernment process in the neonatal context, Panicola suggests that the “best-interests standard” should play a major role. In this context, the best interest standard asserts: Medical treatment must be provided to a critically ill newborn unless: 1) death is imminent, 2) treatment is medically contraindicated, or 3) continued existence would represent a fate worse than death.

Thus, through engaging in a process of discernment, as outlined below, the parents and the medical personnel can determine with relative confidence whether any of the exceptions listed above apply (number 3 is the most difficult) and whether they are making decisions that are in their baby’s “best interests.”

Within the process of discernment in the neonatal context, Panicola suggests three components: personal reflection, contextual analysis and critical evaluation.

1) Personal Reflection -- Parents must look into themselves and come in contact with their basic beliefs, values and motives. By prayerfully searching their hearts they come to have a “feel” about the situation and what decision would truly be in the best interests of their baby.

2) Contextual Analysis -- Personal reflection is necessary, but it is not enough. They also need to identify the relevant moral issues involved and consult the sources of moral wisdom available - Scripture, Church, community, moral experts, laws. They need to ask questions about diagnosis, prognosis, treatment and non-treatment, time available, alternatives etc.. They need the best medical advice available.

3) Critical Evaluation - Parents must refer to the results of step 1 and, if necessary, sift out any rationalizations and/or prejudices. Have we indeed had a “conversation with God” or only with ourselves? Parents and their physicians must then measure their possible choices for the newborn against the information obtained in step 2. This information provides an objective counterbalance to results of personal reflection in step

1. Conflicts between the parents and the medical personnel need to be addressed and solved. Even legal recourse can be a last-resort option if conflicts cannot be solved.

The actual decision reached in this case is obviously important, but it is the process that is our concern. No “absolutely right judgment” is possible in this or other complex cases, but as moral human beings who seek to “do good and avoid evil” and form their consciences in the best way possible, the process of discernment provides a valuable tool in making difficult moral decisions.

Summary - While the process may look simple, the issues are always going to be complex. Moral theology can suggest some helpful approaches, principles and processes, however, the final decision is a lonely one and often must be made without a comfortable degree of certainty. But when we do all we can to form a correct conscience, there is sure knowledge that we are indeed doing the “will of God”. Nothing more is asked. In the end, the “will of God” is that we follow our conscience.