

## Refined Consequentialism: The Moral Theory of

Richard A. McCormick

**Patrick Andrew Tully**

New York: Peter Lang, 2006 (178 pages)

My initial interest in reviewing this book was based on my study of the revisionist Catholic theologian Richard McCormick, S.J.'s moral theory. As one who had offered a graduate seminary course comparing his moral thought with that of traditionalists Germain Grisez and Benedict Ashley, O.P., I was aware of the many flaws in McCormick's influential proportionalism. This book by philosopher Tully attempts to show—contrary to the opinion of McCormick and his defenders—that the late Jesuit's proportionalism is, as the author says in the Introduction, “a form of consequentialism” (3). As proportionalism's foremost standard-bearer in America, McCormick is a fitting choice for a systematic critique.

Before showing that McCormick's theory is consequentialist, Tully first describes consequentialism in chapter 1. Drawing on the work of C. D. Broad, Tully identifies two different senses of *ought*: the deontological (represented by John Paul II in *Veritatis splendor*) and the teleological (represented by Jeremy Bentham). The former moral theory can be characterized by its defense of the maxim that the morality of actions is determined primarily by their conformity to moral principles and norms, not their consequences. The notion of intrinsically evil actions is a feature of this theory because acts are said to have natures (8–12). While deontological theories do not ignore consequences, the teleological theories, of which consequentialism and utilitarianism are examples, evaluate the morality of actions based on whether they produce good or bad consequences. Intrinsic evil is denied (12–15).

Although approaches in both categories recognize the notion of duty, the teleologist seeks to identify and do that act which “maximizes good(s)” (16). Unlike the deontologist, he denies that there are certain actions that one must do or not do apart from their expected good or bad results (see also 16–25 for Tully's defense of the distinction between the two ethics). While consequentialists hold different views about “what is to be maximized and what is the proper object of moral assessment (acts, rules, attitudes, etc.),” their theories “are specified by their commitment to either the maximum realization of concrete good(s) or to the maximum diminishment of evil(s) ...” (33).

Chapter 2 describes proportionalism's basic characteristics. Notwithstanding differences among proportionalists, all would agree, claims McCormick, that “causing certain disvalues ... in our conduct does not *ipso facto* make the action morally wrong.... The action becomes morally wrong when, all things considered, there is not a proportionate reason” (quoted on 42).

Tully begins his overview of proportionalism by analyzing its approach to the principle/doctrine of double effect. Rooted in Saint Thomas Aquinas' thought (*Summa Theologiae*, II-II, Q. 64, a. 7), the principle is meant to help one decide if an act that is foreseen to have both a good and bad effect(s) (i.e., a mixed act) can be rightly chosen. Proportionalists reject the doctrine's first three conditions (that the act not be intrinsically evil; that one

cannot intend the act's evil effects; and that one cannot intend evil to achieve a good end) and base their moral theory on its fourth condition—whether there is a proportionate/commensurate reason to permit the evil effect(s) (41–45).

A 1967 essay by Peter Knauer, S.J. is seen as establishing this interpretation of the doctrine, that is, as initiating proportionalism. According to Knauer, “some acts which would have to be judged morally wrong according to the traditional prohibition against intending evil ought instead to be judged morally licit so long as the good pursued is commensurate to the evil purposefully caused” (48). Thus, Knauer dissolved the link between the prohibitions against *intending* evil and purposefully *doing* evil as a means to a good end. Knauer's basic normative standard is: “mixed acts which involve the purposeful causing of evil will be morally licit on one condition: that they aim at a commensurate good” (49; see also 50–52 on commensurate reason in terms of whether an act's good and evil aspects/effects *correspond to or contradict* each other).

Four years later Josef Fuchs, S.J. would apply this interpretation to moral norms. He, too, understands moral intention in terms of proportionate reason: “norms ought not to prohibit without exception the purposeful causing of any physical evil; instead, norms should prohibit the purposeful causing of evil which is disproportionate to the good pursued” (55). Thus moral absolutes, understood not as general “formal norms” (e.g., act justly) but as specific “material norms” (e.g., do not lie), are rejected. The moral assessment of acts cannot rest on their materiality but must also include the agent's intention (52–55).

Proportionalism is further characterized by the distinction first made by Louis Janssens in 1972 between ontic evil and moral evil. For Janssens, a morally bad act is “one that produces more ontic evil [i.e., disvalue(s)] than necessary in realizing goods” (59). Thus, material norms are nonabsolute: “They only forbid that we cause or tolerate ontic evil which exceeds the boundaries of the measure of means to the actualization of good ends” (Janssens, quoted on 60), that is, violates the requirement of *due proportion* (57–59).

Tully concludes the chapter by providing a brief overview of McCormick's version of proportionalism, one that builds on the thought of these three seminal proportionalists (60–65).

Chapter 3 focuses on McCormick's proportionalism, especially his basic normative standard of *proportionate reason* and the association/interrelatedness of goods. A value-serving act is one that is proportionate; “it promises the least evil or greatest good among an agent's choices” (77). Acts are morally wrong if they do not promise “a greater premoral good or lesser premoral evil than some alternative” (78).

In practical terms, McCormick's consequentialism becomes evident when he applies his theory to killing innocent persons (e.g., abortion, 80–84; see also 84–87): One can intend the deaths of such persons for a proportionate reason, such as “when such killing promises lesser evil or greater good than the agent's other choices” (79). Thus, key for McCormick is the consequentialist assessment of the ontic goods and bads the act promises; largely irrelevant is the traditional distinction between intending/doing evil and permitting it (80). Even McCormick's “necessity principle” does not render his consequentialism a form of nonconsequentialism (86), as is shown in his analysis of sacrificing an innocent

person in the “lynch-mob case.” The purposeful killing of an innocent person was judged wrong in this case simply because “this act was judged to promise greater ontic evil than its alternative” (90; see also 105). McCormick will apply this principle of the greatest good/least evil to every human choice (e.g. contraception, 107–13), not just to conflict situations (107, 113).

Chapter 4 demonstrates further how McCormick’s proportionalism is a consequentialist moral theory by dealing with his distinction between purposefully causing versus merely allowing ontic evil and contrasting it with the Catholic tradition’s understanding of the distinction between direct and indirect (123–38). For this tradition, one can never directly (intentionally) take innocent human life, but one can allow (permit) as a side effect the loss of life if it is unintended. McCormick rejects this understanding as “narrow physicalism” (quoted on 125). According to McCormick, intentionality “reduces to a demand to keep one’s purposeful evildoing proportionate to the good being pursued” (126). A good summary of when, according to McCormick, an agent can intentionally (in the psychological sense) cause ontic evil is found on pages 143–44.

Chapter 5 convincingly shows that despite McCormick’s norm against “acting against” a basic good (151–56) and his treatment of intrinsically evil acts (156–65), he remains committed to understanding these two elements in terms of proportionate reason; that is, they are reducible to the greatest good/least evil standard of morality. In his account of intrinsically evil acts, then, McCormick is to be understood simply as claiming that “certain kinds of choices will always be disproportionately evil due to the nature of the act and to some inescapable realities of the world in which agents find themselves, including the *ordo bonorum*” (165).

Even the theoretical refinements to his theory as well as his theological and philosophical anthropology (138–43) serve one purpose, argues Tully: “to identify correctly in an often complicated world which among an agent’s choices promises the greatest good or the least evil, with the assumption being that there lies the morally right and obligatory act” (166).

I noticed approximately eight minor typos or errors (e.g., *Veritatis splendor* was promulgated in 1993, not 1994). Also, a few items cited in the endnotes were missing from the bibliography (an essay by Fuchs and a book by Odozor). Although this book deals with very technical matters, it is clearly written and accessible to the educated reader. It accomplishes with high marks what it set out to do. It shows that while McCormick’s proportionalism may not be a crude utilitarianism, it *is* consequentialism—even if a “refined” one, in the sense that one is to “*do that among one’s choices which promises the least net-evil/greatest net-good*” (110). I highly recommend this book to scholars not only in moral theology and ethics, but also in other disciplines such as bioethics.

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