

# Bernard Hoose - Proportionalism

## Section 1 – Proportionalism: Background

- Proportionalism originated among Catholic scholars in Europe and America in the 1960's.
- One influential commentator of Proportionalism was Bernard Hoose. Hoose summarised the Proportionalist position in his 1987 book: 'Proportionalism: The American Debate and its European Roots.'
- Proportionalism arose from an increasing concern among some theologians that ethics, in the Catholic tradition, was too deontologically rigid. For example, Richard McCormick (1922–2000), a Jesuit priest and moral theologian, suggested that Catholic moral theology had: '**... disowned an excessively casuistic approach to the moral life.**'
- However, Proportionalism has been condemned by the Catholic Church. For example, Pope John Paul II (1920-2005) in his encyclical 'Veritatis Splendor' (The Splendour of Truth) stated Proportionalism is wrong on the grounds that it denies that any action can in and of itself be intrinsically evil.
- Though Proportionalism was formalised in the 1960's, the Proportionalist approach is to some extent visible in the writings of St. Thomas Aquinas' (1225-1274).
- For example, Aquinas considered the question of whether it would be permissible for a starving man to break the secondary precept of stealing, in order to save his life. He concluded it was lawful.
- Therefore, Aquinas concluded, where a person is starving to death, then, it would be moral to steal from another. However, Aquinas did not accept this for every moral situation. For example, when it comes to the issue of telling a lie to save someone from death, Aquinas argues that this is not lawful!!
- Modern Proportionalists would generally argue that if it is acceptable to steal in order to save yourself from starvation, then it makes little sense to prohibit lying in order to save someone's life.
- Commenting on this, Hoose suggests that: '**What the Proportionalists have done is point out the inconsistency and invalidity of such thinking.**'

## Section 2 – Proportionalism: Overview and Hoose's Proportionalist Maxim

### Overview of Proportionalism

- Proportionalism holds that there are certain moral rules (such as those derived from Natural Law) that it can never be right to go against; unless there is a proportionate reason which would justify it.
- What this means is that moral agents should always follow the theological moral rules, as exemplified by the Catholic church, unless there was a unique moral situation where the breaking of the theological moral rule would potentially create less evil than following the theological moral rule.
- For example, the deontological secondary precept that abortion is wrong, should always be followed. This is because it breaks the primary precept of reproduction (Natural Law); unless there is a proportionate reason to abort the foetus.
- Therefore, deontological moral laws derived from Natural Law do provide firm moral guidelines which should not be ignored, unless it is absolutely clear that, in the particular unique situation, this is justified by a proportionate reason.
- The above was supported by Hoose when he stated the main Proportionalist maxim is: '**it is never right to go against a principle unless there is a proportionate reason which would justify it.**'

- In other words, where proportionate reasons exist, it would be right to ignore the rule in that situation i.e. a bad action can be done if there is a proportionate reason why it should be carried out.

#### **What is meant by Proportionate Reason**

- The proportionate reason should be based on the unique individual situation of the moral agent; including the intention, the situation and the consequences of the moral agent affected in that unique moral situation i.e. the intention, situation and consequences of a woman considering having an abortion.
- However, this situation/intention/consequences must be sufficiently unusual and of sufficient magnitude to provide a reason which would overturn what would otherwise be a firm rule based on, for example, the precepts of Natural Law.
- For example, abortion is wrong unless there is an unusual and serious teleological reason to justify the abortion, such as the pregnancy is ectopic, and the mother and foetus will die unless the foetus is aborted; thus, saving the mother.
- Therefore, in order to decide whether an act is right or wrong to go against the theological moral rule; the intention, the situation and the consequences of the moral agent has to be considered.

### **Section 3 - Proportionalism: Distinction between:**

1. An evil moral act (an immoral act) and pre-moral/ontic evil
2. A good act (an act that follows the moral rule) and a right act (an act that is not necessarily a good act, but creates the lesser of two evils)

#### **Distinction between an evil moral act (an immoral act) and pre-moral/ontic evil**

- To understand Proportionalism it is important to understand the distinction Proportionalists make between a pre-moral evil, ontic evil and an evil moral act (an immoral act).

#### **Pre-moral Evil:**

- An act that is theologically seen as intrinsically/objectively evil e.g. inflicting bodily harm, on someone, by cutting them with a knife. Pre-moral Evil therefore does not consider the intention, the situation or the consequences of the action.
- However, Proportionalists would object to the concept of pre-moral evil i.e. certain actions are intrinsically/objectively wrong.
- This is because, for example, generally inflicting bodily harm, on someone, by cutting them with a knife is an evil act BUT there will sometimes be an exception i.e. a proportionate reason why this act may not be evil.
- For example, if a surgeon, carrying out an appendicitis, cuts open up human flesh with a knife, you would not say, 'that cut was morally evil'. It instead depends on the surgeon's intention, situation or the consequences in doing the cut.

#### **Ontic Evil:**

- Ontic Evil: This is the belief that there is a lack of perfection that exists in the created order; due to 'the fall' of Adam and Eve. Therefore, we do not live in a perfect world, sin permeates everything - including natural disasters, accidental harm or damage, or even the potential negative effects of all human actions, including those whose intent was good.
- Ontic evil therefore reflects the moral ambiguity of the universe that deontological theological rules cannot reflect or adequately deal with.
- For example, the sixth commandment 'Do Not Murder' will work as a moral command in most moral situations; but because of the presence of ontic evil there will always be the occasional situation where it may be proportionate to break this commandment; such as shooting a gunman, who is attempting to break into a school and kill some of the students.

#### **Evil moral act (an immoral act)**

- Therefore, given the above a Proportionalist would not define an evil moral act solely as an act that breaks a theological deontological rule e.g. the sixth commandment of 'do not murder'.
- Instead a Proportionalist, given that there is Ontic Evil in the world, would also consider the intention (a.k.a. the Finis Operantis), the situation and the consequences (a.k.a the Finis Operis) of the moral action – before deciding whether the act was an evil moral act.
- Though some Proportionalists would argue there cannot be any acts that are intrinsically evil (an evil moral act in themselves). However, Hoose argued that Proportionalism could still state that an action was an evil moral act but only if there is NOT a proportionate reason to justify breaking a theological deontological rule e.g. the deontological rule of 'do not murder' is an evil moral act if there is not a proportionate reason for carrying it out.

### Summary

- Pre-moral evil is a physical wrong action (an action that breaks a theological deontological rule) but, due to the nature of the fallen world we live in (Ontic Evil), it is not necessarily an immoral act. This is because the situation/intention/consequences need to be considered to ascertain if the pre-moral action has a proportionate justification.
- If it does not then the action is an evil moral act.
- If it does then the action is not an evil moral act.

### **Distinction between a good act (an act that follows the moral rule) and a right act (an act that is not necessarily a good act, but creates the lesser of two evils)**

- Early Proportionalist, such as Peter Knauer, used moral terms, such as, 'evil moral act' (immoral act) in quite a generic way.
- However, as Proportionalism developed it became clear that there needed to be a distinction drawn between what was meant by a 'good act' and a 'right act'. Hoose defined a good act and right act as:
- **Good Act:** An act that follows a deontological theological moral rule e.g. following the eighth commandment: 'Do Not Steal'.
- However, Hoose does add an exception to this - the good act must be carried out with the right intention. For example, if a moral agent does not steal, but only because it would benefit them financially (intention of greed), this according to Hoose cannot be considered a good act. Hoose considered agape to be the most important intention.
- **Right Act:** an act that is not necessarily a good act but creates the lesser of two evils. What this means is that a moral agent may break a deontological theological moral rule e.g. 'Do Not Steal'. However, a consideration of the intention/situation/consequences of this unique situation reveals that the moral agent only stole to create the lesser of two evils (a proportionate reason).
- This would be considered a 'right act' because although the moral agent has not followed the theological moral rule (and thus has not carried out a 'good act') it has created the lesser of two evils. For example, a moral agent steals a gun (breaking the eighth commandment) but with the intention of stopping a potential mass killer from killing people and consequentially saving many lives. Though this cannot be considered a good act (because the theological moral rule was broken) it can be considered a right act.
- Many Proportionalists got very confused between what was meant by a 'good act' and a 'right act'. Particularly many American Proportionalists who either ignored this distinction or defined them the other way around. Famous Proportionalist Richard McCormick was particularly guilty of this. However, perhaps one of Hoose's greatest achievements in the Proportionalist debate was to clarify the meaning of these two phrases.

### Summary

- The reason for the above is that Proportionalists accept that the ideal is to follow the theological rule (the ideal 'good') but an act can still be morally 'right' (if not good) if it proportionally creates more good than evil.

## Section 4 - Proportionalism: As a hybrid of Natural Law (a deontological/teleological ethic)

### 1. A deontological/teleological ethic

- Given the above theory it is clear to see that Proportionalism is a hybrid of deontological and teleological ideas:

#### Teleological:

- Definition = right and wrong should be judged by the end outcome / ultimate purpose of our action.
- Link to Proportionalism = Though Hoose goes into a long debate about the meaning of the term teleological – he eventually concludes that Proportionalism is more of a teleological ethic than a deontological ethic; particularly in comparison to traditional Catholic Moral Theology (such as Aquinas' Natural Law). This is because one of the proportionate considerations a moral agent must consider, to justify, a bad action as a right act is the consequences of that action.
- However, Hoose does add that Proportionalism is not just a teleological ethic because it takes into account so much more. As he states: “(teleological) is even a bad choice, for, in Proportionalism we must take into account not only the consequences ... but also dignity values, expressive actions, institutional obligations, the meaning of the action etc”

#### Deontological:

- Definition = the action only should be morally judged
- Link to Proportionalism: Though it is clear that Proportionalism is not a deontological ethic it still has elements of deontology
- As Hoose stated the main Proportionalist maxim is: **‘it is never right to go against a principle unless there is a proportionate reason which would justify it’.**
- In other words, unless there is a proportionate reason, the morally good action is to follow the deontological rule.

## Section 5 - Proportionalism: Proportionality based on agape

- Many critics of Proportionalism argue that it is just a form of Situation Ethics (see your first year notes on Fletcher's Situation Ethics).
- It is certainly true that Proportionalism places a lot of emphasis on agape. When considering whether a bad action is proportionately justified, one of the major considerations is was the intention based on love or did the consequences create a loving outcome. For example, Hoose argues that: “the absence of love (agape) makes the act and the person morally bad.”
- However, Situation Ethics and Proportionalism are different because for Situation Ethics agape is the only criteria (the Boss principle) for deciding whether an action is right or wrong; whereas for Proportionalism it is only one criteria of many i.e. love alone cannot make an action right or wrong.
- Therefore, unlike Situation Ethics, in Proportionalism, as Hoose states: “an action born of love can be wrong.” This is because, in a particular situation, if a bad action was done by a moral agent for loving intentions; Situation Ethics would judge only the loving intention, whereas Proportionalism may conclude that the loving intention was not proportionally greater than the breaking of the theological moral rule.

## Section 6 - Proportionalism: Application to the theory

- As we have already seen the main Proportionalist maxim is: **‘it is never right to go against a principle unless there is a proportionate reason which would justify it’.**
- Therefore, when applying Proportionalism; the first consideration is to follow the deontological moral rule (remember Hoose also added this must be with the right intention – particularly agape).

- However, if the moral agent is faced with a situation of moral ambiguity (due to the Ontic evil in the world) they may consider that breaking a theological deontological moral rule is justified because it will create the lesser of two evils i.e. they feel there is a proportionate reason to break the theological moral rule.
  - However, how do they work out if a particular bad action is proportionality justified as a right action, in its own unique situation.
  - One way Proportionalists consider the proportionality in a particular situation is to split up all the reasons why breaking the deontological moral rule is theologically justified and all the reasons why it is not.
  - Some Proportionalists call these two parts: value and disvalue (though other names have been used).
  - **Value:** All the reasons why a bad action can be carried out, in terms of its own unique moral situation, may be justified on theological grounds – the intention is loving, the consequence will create a good, the action will help uphold other theological deontological rules etc.
  - **Disvalue:** All the reasons why the action to be carried out, in terms of its own unique moral situation, may not be justified – it breaks theological deontological rules, the intention/situation/consequences created are wrong etc.
  - The moral agent can then proportion the **value** to **disvalue** of the potential moral action to work out if a bad action can be justified as a right act i.e. if the value outweighs the disvalue then a particular act, in context of its own unique situation, would be justified by the Proportionalist as a right act. And visa-versa if the disvalue outweighs the value.
  - We will now apply the above to our two '**applications to theory**' from the syllabus:
- 1. Capital Punishment:**
- Contemporary Catholic theology is against the use of capital punishment. For example, in 2015 Pope Francis stated: "**Today the death penalty is inadmissible, no matter how serious the crime committed.**" (although historically this has not always been the stance of the Catholic church).
  - Aquinas' Natural Law can also be seen as against the death penalty because it goes against the primary precept of 'preservation of life' (however it does have to be noted this is by no means a universal view – with some arguing capital punishment supports the primary precept of 'preservation of life' or 'an ordered society' by ending a threat to life by, for example, lawfully killing a murderer).
  - Therefore, in terms of a Proportionalism, the first consideration would be to follow the theological deontological rule regarding capital punishment e.g. capital punishment is, according to Catholicism, morally bad.
  - However, ontic evil exists, therefore moral situations are not always clear and thus potentially bad actions can be justified, as right action, if it will create the lesser of two evils.
  - Therefore, some acts of capital punishment maybe justified as a right act if the moral agent thinks that there is proportional reason for doing so i.e. the intentions, situation and consequences suggest the capital punishment is justified (on theological grounds).
  - For example:
  - **Situation:** a woman has admitted murdering 30 people for no other reason than it gave her pleasure. Moreover, whilst in prison she had killed 3 more people including 2 innocent prison guards.
  - **Morality:** Catholic theology believes capital punishment is a bad act.
  - **Value:** The intention of this capital punishment is to stop the prisoner committing more murders; thus, upholding Natural Law's preservation of life and the 6<sup>th</sup> commandment of do not murder. The consequences will be that lives will be saved; potentially some of these lives saved will go on and reproduce, therefore supporting the Natural Law primary precept of reproduction etc.

- **Disvalue:** Breaking the Natural Law primary precept of 'preservation of life' by lawfully killing the prisoner, breaking the 6<sup>th</sup> commandment, maybe the executioner enjoys killing people and therefore you are satisfying his non-agape intention etc
- **Conclusion:** it could be argued, in this unique situation, that the value of carrying out the capital punishment outweighs the disvalue. Therefore, in this unique situation, the bad action of capital punishment could be justified as a right act.

## 2. Immigration

- Catholic theology has always been supportive of immigration. For example, in 2017 Pope Francis stated for Catholics: **"every stranger who knocks at our door is an opportunity for an encounter with Jesus Christ, who identifies with the welcomed and rejected strangers of every age."**
- Aquinas' Natural Law can also be seen to support immigration because it supports the primary precept of 'preservation of life' (however it does have to be noted this is by no means a universal view – with some arguing that mass immigration may break the primary precept of an 'ordered society' by breaking down a society as it is unable to cope with the mass influx of people).
- Therefore, in terms of a Proportionality, the first consideration would be to follow the theological deontological moral rule regarding immigration (to help) unless it was felt there was a proportionate reason not to do so.
- However, ontic evil exists, therefore moral situations are not always clear and thus potentially bad actions can be justified, as right action, if it will create the lesser of two evils.
- Therefore, some acts of rejecting immigration maybe justified as a right act if the moral agent thinks that there is proportional reason for doing so i.e. the intentions, situation and consequences suggest the rejection of immigration is justified (on theological grounds).
- For example:
- **Situation:** a country has to decide whether to help potential immigrants flooding in from a war torn neighbouring country. The receiving country is relatively poor.
- **Morality:** Catholic theology believes helping immigrants is a good act.
- **Value:** The intention of some of the immigrants maybe to bring the war to the new country (thus breaking the Natural Law primary precept of 'Order in Society') and opening up the potential consequences of violent deaths in the new country (breaking the 6<sup>th</sup> commandment of do not murder), the leader of the receiving country may stop the immigrants because of agape love for his own people, who are already poor and cannot afford to support a mass influx of immigrants etc.
- **Disvalue:** not helping the immigrants can be seen, in Catholic theology, as a bad act, the intention of helping the immigrant is to uphold the Natural Law primary precept of preservation of life. Moreover, it could be argued that by supporting the immigrants, one consequence will be they have a greater chance of reproducing (rather than dying of poverty, disease or famine), therefore supporting the Natural Law primary precept of reproduction. Furthermore, to support the immigrants is the most loving (agape) intention.
- **Conclusion:** in this case it would appear the disvalue outweighs the value. Therefore, there is not a proportionate reason to break the theological moral rule of helping immigrants. Therefore, if the country did not help the immigrants then they would be committing a bad action.

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