FORUM

PROPORTIONALISM: METHOD OR MENACE?

A panel on the thorny question of "proportionalism" in moral theology was held June 14; more than half the convention attended. Participants were Richard A. McCormick, S.J., and Jean Porter, both of the University of Notre Dame, James Walter of Loyola University of Chicago, and Philip Foubert of the Medical School of the University of Nebraska at Omaha. The panel was chaired by William C. Spohn, S.J., of the Jesuit School of Theology at Berkeley. Each panelist gave his or her understanding of this approach to moral theology and then assessed its strengths and weaknesses.

1. *Richard A. McCormick. S.J.* The name "proportionalism" was coined by those who opposed this approach; the "ism" term conveys the deceptive impression of an ideologically unified movement. In fact, it is not a method but a way of examining received moral norms according to a conflict model of reality. Every moral choice occurs in a context where competing values and disvalues must be weighed critically. "Proportionalists" hold that causing certain disvalues in conduct does not ipso facto make the action morally wrong. Traditional moral theology appealed to "proportionate reason" in excusations from positive law and affirmative obligations (e.g., the duty to procreate) and the nonimputation of effects in applying the principle of double effect. A fitting, morally important reason justified specific evil effects or "disvalues" in these instances.

Opponents of this approach claim that it cannot weigh the competing values and disvalues in a choice because they are "incommensurable," that is, lack a common standard of comparison. McCormick pointed out that reasoning according to the principle of double effect would have been impossible if such values were truly incommensurable. Other critics indict this approach for employing a quantitative weighing of values such as occurs in some forms of utilitarianism; however, even a cursory reading of the literature would show that this charge is mistaken.

2. *James Walter.* Proportionalism is a method for (a) resolving conflicts of values, (b) determining objectively what is morally right or wrong about an action (as distinguished from judging the goodness or badness of the agent), and (c) grounding concrete behavioral norms and exceptions to them. Concerning the term "proportionate reason," there is no common agreement on "proportionate." It can mean either the proper relation of means to end or the relation between the end and further consequences. "Reason" means the value which the agent seeks in the act. Values and disvalues derive their moral character from the corresponding moral virtues and vices. "Premoral" refers to conditional values, ones that are not absolute. They are "pre" because this category of values/disvalues exists independent of our willing; they are termed "moral" because they are always rel-

evant to our decision making but not decisive. Rather, the prudential judgment concerning the proportionate character of the act as a whole, a judgment that weighs values and disvalues, is morally determinative.

More work needs to be done on the criteria for determining when a proportionate reason exists and discussing rational hierarchies of values. We do rank certain goods above others, but on what grounds? Up until now the proponents of "proportionalism" have not developed a sufficient moral anthropology, unlike their critics Germain Grisez and John Finnis whose theory of "basic goods" holds that one can never act against certain primary human goods (making any toleration of action against them always immoral).

3. *Jean Porter.* The debate has become politicized on both sides to the detriment of clarity. Proportionalism is neither a menace nor a method. Although there are grounds for agreeing with the approach's practical program in bringing flexibility to magisterial teaching and casuistry, significant theoretical problems remain. This revisionist movement began in the writings of Peter Knauer, S.J., as a way to move beyond double-effect thinking. The first criterion of that principle (some acts are intrinsically evil and can never be legitimate means to moral ends) was denied and the other criteria were assumed under the rubric of proportionality.

The criteria, however, for weighing values and disvalues remain sketchy, often appear to be ad hoc to particular issues, and have not been detailed in any systematic explanation. The relevant literature contains at least six different candidates for the standard of commensuration. "Proportionalism" gradually became a general label for justifying some harm in pursuit of moral ends. A false irenicism among proponents of this approach has prevented critical development of the terms. There are other ways of doing ethics, other starting points from reason, virtue or character, and other ways of reasoning morally that have not been explored in moral theology. Nevertheless, we could not have come to the present state of development in moral theology without the work of "proportionalists."

4. *Philip Foubert.* Proportionalism is a family of approaches based on the traditional "three fonts of morality" (that is, the judgment is based on the act in itself, the agent's intention, and relevant circumstances). It emphasizes that they must be taken as a relational totality for sound moral judgment. Its proponents are attempting to reform Roman Catholic moral theology from within the tradition, which in recent decades had focused almost exclusively on the act considered in itself. Nevertheless, the focus remains on the moral act even though interpersonal and social considerations are included. It is not clear how individual moral agents can balance the wide range of factors that proportionate reason seems to demand.

Two pivotal questions remain: First, does proportionalism as a style of moral analysis advance the *theological* integrity of moral theology? The Vatican Council's mandate to make moral theology more biblical, christocentric and historically centered gave legitimacy to the movements to revise the discipline. However, it remains unclear how theological convictions work in practical reflection; most proportionalist writings give them scant attention. Secondly, can values ever be "premoral"? Feelings and emotions have an intentionality, a direction, even in the prediscursive state of moral knowing. Even at this early stage they tend in directions that are morally fruitful or not, and are shaped by the stories and images supplied by the agent's community.

Questions and statements from the floor followed and brought several points to the surface: Proportionalism is more likely the "brilliant sunset" of the old moral theology than the sunrise of a new method. It is more a critique of the neoscholastic premise that there are acts that are intrinsically evil. Most acts designated intrinsically evil were sexual, although some forms of killing were absolutely proscribed also. Often today the charge of being a "proportionalist" means only that the theologian does not agree with the magisterium that certain sexual acts should be prohibited absolutely. In the *Ratzinger Report* the Cardinal did not have a problem with the incommensurability of moral goods but objected that "proportionalists" had made a system out of it.

Another speaker wondered whether the protest against the term "proportionalism" was a recent occurrence. He was assured by McCormick that it was not. The speaker conceded that the movement was not a species of utilitarianism or pure subjectivism but questioned whether this method was not a revision of doctrine that conflicted with the teachings of the Roman magisterium. Was it not pastorally dangerous to treat the intentions and circumstances on a level with the objective morality of the act?

Discussion ensued on the amount of attention that moral theologians pay to the official magisterium. Any discussion about different approaches from contemporary moral philosophy is skewed by nervousness about external pressures and political costs. Younger moral theologians who were trained in universities rather than seminaries have a different relation to the tradition. One commentator thought that they had more concern with accountability to the academy than to the church. Another responded that the dramatic change of Catholic practice concerning the sacrament of reconciliation means that moral theology is no longer a discipline for clerics who speak with juridical authority. Moral theologians trained in university contexts reflect these changes and offer new insights to the discipline.

Several issues remain for further consideration. Is the conflict model of moral decision making adequate? Should moral theology attend to the fundamental orientation to value of the agent, or to the way the Christian story bears on morality, or to the ways in which the believing community sets the context for the search for meaning?

These concerns raise a broader issue that supports the opinion that "proportionalism" does not constitute a full method for moral theology: can the moral rightness/wrongness of an act be analyzed in abstraction from the goodness/badness of the agent? How can the relational totality of act-intention-circumstances prescind from the level of moral maturity and virtue of the agent or of the communities that form the person? If every emotion and preference has an initial intentionality towards or away from human flourishing, it would seem that the term "premoral" is too restrictive a term for values and disvalues. Prior to full moral judgment, values and disvalues may be "prediscursive," "predecisional," or "predeterminative" but they would not be "premoral."

The final word belongs to the theologian whose writings since the Council refined and legitimated this approach. Richard McCormick closed the panel's discussion with the fervent wish that it would be the final discussion on the topic of "proportionalism."

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