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TO WHAT EXTENT DO CIRCUMSTANCES AFFECT THE NATURE OF ACTIONS?

Abstract. The author of this article discusses the relationship between the subject matter (contents) of an action and the circumstances in which it is performed. The related problems were one of the motives behind John Paul II's encyclical *Veritatis Splendor*. He attempts to show the essence of this problem with reference to Thomas Nagel's book *The View From Nowhere*. Contemporary thinkers, however, those referred to as consequentialists or proportionalists, believe that circumstances are in fact part of the physical act itself and materially affect its understanding. Referring to that principle in *Veritatis Splendor*, John Paul II says that he is aware one must often choose between actions that are inherently evil, but he believes that this is permissible only when there are no alternatives to choose instead. One should never choose an evil action to achieve a positive effect, or do that because the proportion of positive effects is greater than that of negative ones. The author shows also a striking similarity between what John Paul II wrote about the absolute character of moral norms and the external nature of circumstances with respect to the essence of the act, its internal purpose, and what we read in *The View from Nowhere*, a book by Thomas Nagel, who considers himself an atheist. The search for objectivity in moral judgment is difficult, but not impossible, at least as far as its essence is concerned. Failure to consider the relevance of reasons to persons, and failure to make that reference, but first of all the treatment of circumstances as part of a moral action turns ethics into praxeology, or a theory of efficient action.

Keywords: John Paul II, Thomas Nagel, moral norm, consequentialists, proportionalists, circumstances, praxeology

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In this article I would like to discuss the relationship between the subject matter (contents) of an action and the circumstances in which it is performed. The related problems were one of the motives behind John Paul II's encyclical *Veritatis Splendor*. As I followed the discussion on the encyclical, I noticed that the issue was not always perceived with sufficient clarity, mostly due to the fact it is not expressly addressed in its wording. I believe, therefore, it is worthwhile taking a closer look at the problem. The thinkers to whose views the Pope refers believe that by including a description of the circumstances in the subject matter (contents) of a physical action, its understanding, and most importantly its evaluation is materially affected. I will attempt to show the essence of this problem with reference to Thomas Nagel's book *The View From Nowhere*. My goal is not only to present the standpoints of the Pope or Nagel, but also to discuss a much broader problem.

The Pope has sharply criticized the claims of some philosophers and theologians who believe no actions are good or bad in themselves, but that their evaluation depends on the circumstances. Moreover, these thinkers believe that circumstances are part of the physical act and determine its actual nature, making it good or bad. A comparison of the views held by Thomas Nagel, an atheist, with those of the Pope appears to be an interesting exercise, as they both come to similar conclusions on a matter which is very important for capturing the reasons behind such divergent judgements of particular actions. In order to understand the essence of the Pope's dispute with certain philosophers, particularly theologians, whose names are not mentioned directly, it is important to realize that in traditional moral theology, as well as in philosophical ethics, it was believed that, from the ethical point of view, what mattered the most was the intention of the acting person, which then turned into a decision to do or refrain from doing something; circumstances were secondary. They were not to be entirely disregarded, but did not substantially affect the judgment of an action. It was believed that decision turned into action. To illustrate this, let us look at two examples. When a high-school graduate decided to enrol at a university, he became a student; when he decided to get married, he was no longer a bachelor, but became a husband. A doctor deciding to administer a drug to a patient performed an action which had positive

or negative consequences. A person who decided to disclose a secret performed an action that could be referred to as betrayal, denunciation, infidelity, failure to keep a secret. If one was acting in compliance with norms discovered in their own conscience or accepted by the society at large, they created a certain moral entity, which was referred to in various ways and variously evaluated, depending on what it was concerned with. That is why the best-known definition of morality is as follows: Morality is the relationship of necessity that occurs between a decision and the system of norms or values which the decision-maker adheres to. The circumstances in which that decision was made did not materially affect the final evaluation of the action; if at all, they affected the judgment of the acting person. What mattered was that the person helped, harmed, robbed, betrayed, saved someone's life or deserted. The circumstances in which that happened affected only the more or less negative or favourable evaluation of the act. The consequences it caused were taken into consideration, but did not substantially affect that evaluation. Circumstances were external to the evaluated action; its contents was what mattered. Cowardice was cowardice; it could just be greater or lesser depending on the circumstances in which it occurred – whether on the battlefield, or during a storm.

Contemporary thinkers, however, those referred to as consequentialists or proportionalists, believe circumstances are in fact part of the physical act itself and materially affect its understanding. Indeed, their quality and the proportion of measures employed to achieve a particular goal determine not only its quality, but its nature as well. Let me discuss that view using the example provided by Cornelius van der Poel in *The Search for Human Values*.¹ He analyzes the situation of three women who remove fetuses from their wombs. He designates them, respectively, with the letters x, y and z. The first of them decides to do so because a doctor has diagnosed extra uterine pregnancy. That circumstance is part of the physical act (removing the foetus) and affects its moral meaning. It is not murder, but saving one's own life. It is also an act that is absolutely positive as far as moral judgment is concerned. Another woman, also pregnant, makes the same decision in the following

¹ C. van der Poel, *The Search for Human Values*, Newman Press, New York 1971.

circumstances: she has a serious heart condition, her husband is ill, they have four children and are poor. These circumstances, forming part of the act of removing the foetus, give it a particular character. It is not murder, but saving the family from even greater poverty or even disaster if she did not survive giving birth because of her heart condition. The evaluation of that action is ultimately positive. It may be less visible than in the first case, but it is not murder, or an act that is morally condemnable. The third woman performs the same physical act (of removing the foetus), but the circumstances are different. She has deliberately become pregnant in order to improve her sports results, and then aborted the pregnancy. That happened a lot in the former GDR. In view of these particular circumstances, her deed can be morally classified as instrumental treatment of life, which is decidedly condemnable.

The above examples show van der Poel believed that depending on the circumstances, which formed part of the physical action, its moral classification could change. They were in fact a norm to which a physical or mental act was referred. Advocates of such understanding of moral actions invoke the very well known principle of double effect, formulated already by Thomas Aquinas. The principle says that while one effect is directly intended, another often occurs as a side effect (defending someone and attacking the aggressor). Referring to that principle in *Veritatis Splendor*, John Paul II says that he is aware one must often choose between actions that are inherently evil, but he believes that this is permissible only when there are no alternatives to choose instead. One should never choose an evil action to achieve a positive effect, or do that because the proportion of positive effects is greater than that of negative ones. Moreover, the so called proportionalists do not distinguish between the internal and external purposes of our actions, and consequently claim that circumstances form part of the physical action and make it good or bad. Circumstances are no longer external to the action itself. Such standpoint can hardly be defended. Many elements of an act seem to prove that the external purpose, for example the achievement of excellent results in sports, is not the same as the internal purpose, as when one stimulates their organism to maximum performance at a particular time, which is clearly illustrated with the example of doping. The same is true about nearly any action. That is why we refer to some actions as inherently evil (abuse, paedophilia)

or inherently good (showing compassion, gratitude, offering help). The circumstances only affect the evaluation of the agent, or determine the choice of less harmful actions, e.g. breaking traffic regulations to save someone's life.

Proportionalists would probably say that in the old moral theology, homicide was distinguished from murder, and killing was admissible in self-defence. Killing someone during war was not the same as killing a neighbour; killing in a state of affect differed from premeditated murder performed in cold blood. Thus, the way an action was judged depended on the circumstances. And yet, they did not matter to the extent of affecting the quality of the subject matter (contents) of the action. The circumstances in which a particular action was performed did not affect its moral nature; they only influenced the evaluation of the agent. The fact killing someone during war was seen as better than killing a neighbour was not a judgment of the action, but of the agent; the moral evaluation of the action itself was determined by the norms which were either upheld or violated by its performance. And it did not matter whether those norms were religious or not. Killing during war was considered permissible, as it was done for the sake of a higher good – the independence of one's country, or reclaiming a territory. We can discuss the justness of a norm from today's standpoint, but that does not change the fact it once was, unlike the circumstances, the point of reference in determining whether a particular action was good or bad, or, to be more exact, in determining the moral content ascribed to a particular physical or mental action. Discussing moral actions and what differs them from conventional actions, we may want to note that it is the circumstances which endow certain purely conventional actions (like shaking hands with someone) with a moral character. Failure to shake hands is not a morally reprehensible behaviour; at the most, it shows a lack of good breeding. And yet, in particular circumstances such behaviour may become a morally reprehensible action, but not due to the circumstances alone, but because they only revealed contempt for or anger with the person concerned. By refusing to shake hands with someone we may express our contempt for them. Or: it is customary to dress in dark colours when going to a funeral. If someone attends a funeral dressed otherwise by accident, it does not matter; he will be reprimanded at the most. But if he went there wearing colourful clothes on purpose, the

act of deliberately putting on colourful clothes would become morally reprehensible, as it would result in showing disrespect to the family of the deceased. The example I have presented is a very clear-cut one; in everyday life, we deal with more complicated situations. The changing circumstances show the need to alter our understanding of the contents of an action. C.S. Lewis provides a good example here: in the past, burning witches was believed to be morally just; today we believe such practices to be condemnable. It does not mean the norms or circumstances permitting certain actions have changed. It is our understanding of the world that has changed, and the meaning of our actions along with it. Today, we simply do not believe in the existence of witches poisoning wells or kidnapping children. Consequently, we judge actions, which were morally acceptable in the past as evil and reprehensible today. We should not burn witches on one occasion and not on another, depending on the circumstances in which we have come to live, for example in the city or in the country, where their presence may seem more probable or threatening.

Having said that, I would also like to add that there is a striking similarity between what John Paul II wrote about the absolute character of moral norms and the external nature of circumstances with respect to the essence of the act, its internal purpose, and what we read in *The View from Nowhere*, a book by Thomas Nagel, who considers himself an atheist.² Their juxtaposition seems even more interesting as we note that very similar conclusions may be drawn irrespective of one's beliefs. He also talks about actions that are inherently evil, thus having an inner purpose, independent from the circumstances.

First of all, Nagel distinguishes between two types of objectivity with regard to our actions: one is "agent-relative", and the other "agent-neutral" (impartial).³ He claims it is not possible to use only deontological, or only proportionalist (consequentialist) argumentation. Usually, we must take into account both the likelihood of achieving a particular goal, and thus the expected results, and the additional argument which refers to the rights of others, considered from an impartial standpoint – saying for example that one must not do harm, murder others, etc. The

² T. Nagel. *The View from Nowhere*, Oxford University Press, New York 1986.

³ Cf. *Ibid.*, 152–153.

demands of others, or the deontological arguments which substantiate a particular behaviour, while not always entirely neutral to the agent (they are always someone's), allow us, paradoxically, to better understand the objective character of these reasons for action. They show that we must unconditionally reject the deployment of evil means to achieve good ends, even if the choice of neutral means was to bring negative effects. Deontologists distinguish between two ways of pursuing a good end. One consists in deploying means which are considered good and which may bring neutral effects. The other consists in deploying means which are considered neutral, but which bring good or evil effects. According to deontologists, there is no reason to prefer the first way and try only to deploy good means. It is sufficient to use neutral means, even if they can bring good or evil results, since the final effect depends to a large extent on circumstances, which are beyond the control of the agent anyway. For example, I do not have to decide to make savings systematically to gather a large amount of money. I may choose neutral means, for example playing the stock market. The result may be better than if I saved systematically, or worse if I buy shares, which then decline. The only thing I must not do is steal, for that is an evil means. Deontological arguments only prohibit the use of evil means, which are strictly related to evil (dishonest or harmful) intentions. They do not require that the consequences always be taken into account, and thus allow for the use of morally neutral means. The question, then, is why they connect evil means with evil intentions. It appears Nagel is right when he says that an action aimed at a particular goal is guided by that goal, while an action, which causes effects, is not guided by a goal, but by circumstances.⁴ He thus confirms that circumstances do not alter the contents of the act, but only the results that are achieved.

If I choose as a means to torture another person because I believe this will allow me to achieve a good end, namely to obtain information

⁴ „What does this mean? It means that to aim at evil (...) is to have one's action guided by evil. One must be prepared to adjust it to insure the production of evil. (...) To put it another way, if we aim at evil we make what we do in the first instance a positive rather than a negative function of it. At every point, the intentional function is simply the normative function reversed, and from the point of view of the agent, this produces an acute sense of moral dislocation". T. Nagel, op. cit., 181–182.

which may save someone's life or prevent disaster, then my actions are guided by the goal of causing pain (immediate goal) in order to coerce a person to disclose a secret (distant goal). Therefore the goal of torturing another person and my intention to force them to speak go hand in hand. The reason I would be given by the person I am torturing, prohibiting my actions because they cause pain, is, paradoxically, the same reason I have, objecting to my causing pain, and yet chosen by me because I believe that using torture and causing pain is the only way I can force that person to reveal the information I want. Thus, we both know the pain I cause and the person wants to avoid is the focus of interest for both of us; is something that should be rejected; and consequently is evil. The screaming of the victim is a sign that my actions go "against the current" of normal conduct, it is a sign that I want something, which, by definition (so to speak) should be rejected and never take place. The value of my action is inside my intention to cause pain, which has become my goal. It has a permanent reference to the goal – causing pain or surviving it. The effects caused by my actions depend on a number of circumstances, and not on me. They are external to my actions. The tortured person may give up easily and reveal the information I want, but he may also prove tough and not say anything. The information he provides may turn out to be useless, come too late, or be incorrect. The goal, however, is entirely up to me.

An ethics which takes into account only consequences which are neutral to the agent, and which looks at an action from an objective point of view – which is mostly the consequentialist ethics which judges a matter only from the external standpoint, striving at impartiality – is contraposed to deontological ethics which takes into consideration relevance to the agent. It says that what we choose should correspond to that which should be. Our choices are not choices of states of the world, but of actions. And every action has two sides. Even if its effect is a greater good, the immediate internal goal is to cause pain to someone. Therefore, we must also look at the entire action through the eyes of both the victim and the agent, and not limit ourselves to looking at the consequences as seen by the agent alone. Looking only at the consequences, we might claim the victim has no right to protest. They could be persuaded that while they die, the family will be saved from poverty,

or many people will be saved. The consequence calculus seems simple. If we do not take it into account, those who could be saved may protest, talk about glaring injustice. But if we look at it from the point of view of the victim affected by the action concerned, that is an entirely different matter. We will notice then that none of the potential victims wants to die, but only in the case of one of them my action is relevant for me as the agent, while in the case of others, someone else is the agent and potential victims may bring their claims to them, since it is not me, but them who cause their death.

From a consequentialist point of view, the person who is a potential victim on a railway track to which a runaway trolley could be diverted, to use the famous example provided by Philippa Foot, does not have any special right to demand sacrifice from the many who could be saved by sacrificing his life. From the point of view of a deontologist, the matter looks differently. Even many people do not have any special right to demand that I protect their lives by killing even one person. They may demand that from their future killers or lament their fate, but they cannot make any claims against me as the operator of the lever, because I do not intend to do them the least harm, not to mention killing them. An innocent person (potential victim) does have a right to make such demand of me, however. A deontologist allows many persons to protest against those who want to kill them, but does not allow them to demand from me to kill an innocent person in order to save them. The agent-relative reason thus reveals the same standpoint of both the victim and the person causing their death. It does not allow me to do evil. The deontological perspective requires that not only the consequences, but also, and first of all, the intentions of the agent be taken into account, since his intentions are guided by his goal.⁵ Paradoxically, a deontologist, by allowing for reference to the expectations of the agent, shows that which could not be accepted from the external point of view. A consequentialist, on the other hand, in his pursuit of impartiality, in fact becomes partial by considering only the reasons of one of the parties involved – either the persons who are the object of an action, or those who perform it. Thus, the distinction between evaluation from the internal standpoint of the victim and that of

⁵ Ibid., 221.

the agent is lost. An it is that particular distinction that is the external point of view they should both adopt, as it shows who is the proper addressee of the demands being made. The plea for sparing one's life should be directed by the victim at one person, and at another person by the others. A morality that is entirely neutral is impossible, as it is very easy then to confuse the agents of a moral action. It is too easy to hold someone responsible while in fact they were not the agent.⁶ The search for objectivity in moral judgment is difficult, but not impossible, at least as far as its essence is concerned. Failure to consider the relevance of reasons to persons, and failure to make that reference, but first of all the treatment of circumstances as part of a moral action turns ethics into praxeology, or a theory of efficient action. And we have been warned against it by Tadeusz Kotarbiński himself – the founder of Polish praxeology.

I would like to conclude with a passage from the Encyclical *Veritatis Splendor*: „In order to be able to grasp the object of an act which specifies that act morally, it is therefore necessary to place oneself in the perspective of the acting person. The object of the act of willing is in fact a freely chosen kind of behaviour. To the extent that it is in conformity with the order of reason, it is the cause of the goodness of the will; it perfects us morally, and disposes us to recognize our ultimate end in the perfect good, primordial love. By the object of a given moral act, then, one cannot mean a process or an event of the merely physical order, to be assessed on the basis of its ability to bring about a given state of affairs in the outside world. Rather, that object is the proximate end of a deliberate decision which determines the act of willing on the part of the acting person.” (VS nr 78).

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⁶ Ibid, 224.