

1998

## On the Practical Meaning of Secularism

John M. Finnis

Notre Dame Law School, john.m.finnis.1@nd.edu

Follow this and additional works at: [https://scholarship.law.nd.edu/law\\_faculty\\_scholarship](https://scholarship.law.nd.edu/law_faculty_scholarship)



Part of the [Natural Law Commons](#), and the [Religion Law Commons](#)

---

### Recommended Citation

John M. Finnis, *On the Practical Meaning of Secularism*, 73 Notre Dame L. Rev. 491 (1997-1998).

Available at: [https://scholarship.law.nd.edu/law\\_faculty\\_scholarship/203](https://scholarship.law.nd.edu/law_faculty_scholarship/203)

This Article is brought to you for free and open access by the Publications at NDLScholarship. It has been accepted for inclusion in Journal Articles by an authorized administrator of NDLScholarship. For more information, please contact [lawdr@nd.edu](mailto:lawdr@nd.edu).

## ARTICLE

---

### ON THE PRACTICAL MEANING OF SECULARISM

*John Finnis\**

#### I

“Secular” is a word minted by Latin Christians.<sup>1</sup> Translating the New Testament, Jerome used it for Greek words signifying the affairs of this world, sometimes neutrally the world of time rather than eternity,<sup>2</sup> and the daily life of any human society,<sup>3</sup> sometimes pejoratively as matters which distract us from realities and dispositions of lasting worth.<sup>4</sup> Aquinas uses it regularly, and often quite without negative connotations: he will say, for example, that in matters which concern the good of the political community (*bonum civile*), Christians should generally obey the directives of the secular rather than the ecclesiastical authorities.<sup>5</sup>

Aquinas is pointing out a distinction of competences which exemplifies a social process of differentiation that goes much wider. Modern historians and sociologists have often called this wider social process “secularization.” Fields of life in which human enterprises and conditions were once scarcely within human control—bodily health, or the sowing of crops—become more or less subject to natural-scientific understanding and technological control, and attempts to manage them instead by prayer (as in Mary Baker Eddy’s *Christian Science*) are laid aside as misdirected. This secularization commonly

---

\* Biolchini Professor of Law, Notre Dame Law School. This article was originally delivered as a lecture to a conference, “Secularism and the Common Good,” April 15, 1997, at Notre Dame Law School.

1 In classical Latin the word *saecularis* never acquired the range of meanings of *saeculum*, which does extend to “the world” in most of our senses of the word.

2 See 2 *Timothy* 1:9; *Titus* 1:2.

3 See 1 *Corinthians* 6:3–4.

4 See 2 *Timothy* 2:4; *Titus* 2:12

5 See II SCRIPTUM SUPER LIBROS SENTENTIARUM [SENT.] d. 44 exp. textus ad 4: “*magis obediendum potestati saeculari quam spirituali.*”

accompanies, therefore, the processes of urbanization and industrialization, which in turn promote the specialization of competence and the organizational autonomy that are required in directing complex communities and their politics. That theocracy is a recipe for mismanagement becomes clear even for people not governed by the firmly differentiating directive, "Render to Caesar the things of Caesar . . . ."

Neither the differentiating of the secular from the sacred, nor the social processes of secularization, entail the mind-set or cluster of ideologies we call "secularism." Like any significant reality, this mind-set is not tied to any one word or to the accidents of semantics. Without benefit of "secular" or cognate terms, Plato has provided us with a profound analysis of secularism. In his great last work, *Laws*, he sketches a cluster of dispositions which shape up around one or another of three propositions: there is no God; no God has any concern with human affairs; or any such divine concern with the human is easily appeased by a superficial piety and requires no demanding reform of human vice.<sup>6</sup> The corresponding character types described by Plato are well recognisable in more recent times. And the three propositions—no God; God absent; and God soft-spirited<sup>7</sup>—match closely modern secularism's characteristic forms: atheism; a deistic assumption that human history knows no divine intervention,<sup>8</sup> no revelation of God's intentions for us; and a "liberal" religiosity which presumes upon divine benevolence, and has no time for warnings of the alienation from God inherent in immorality and potentially final (as Plato too warns in his prophetic meditation on wrongdoing's retribution, the *Republic's* myth of Er.<sup>9</sup>)

Though Plato's strongest indignation is reserved for the position ascribing to God a soft-spirited fatuity contemptible in men and women, his most vigorous argumentation confronts the first and second positions, which deny mind's sway in the cosmos. Atheistic materialism's claim that all is ultimately sheer chance and brute inexplicable necessity truncates the investigative quest of science and philosophy for intelligibility and explanation wherever it can be found. And deis-

---

6 See PLATO, *LAWS* X 885b, 888c, 901d, 902e-903a, 908b-d, 909a-b. Plato usually speaks of "gods" or "the gods," but when getting to the heart of the matter he switches to talk of God or "the god." *Id.* at 902e, 903d, 910b.

7 See *id.* at X 901e, 903a; see also PLATO, *REPUBLIC* 365d-e.

8 ["T]his very axiom, miracles do not happen, comes near the heart of that elusive shift in the European mind which we seek" in investigating the secularization of the European mind in the nineteenth century. OWEN CHADWICK, *THE SECULARIZATION OF THE EUROPEAN MIND IN THE NINETEENTH CENTURY* 17 (1975).

9 See *REPUBLIC* X 614b-621d; see also *LAWS* 903d; PLATO, *GORGAS* 523a-527e.

tic denial of all-governing divine providence underestimates the all-creative, all-sustaining, and all-penetrating power of the maker's practical intellect.

But Plato judges that the practical significance of the three positions is in each case essentially the same: the withering away of reverence for God, of a steady, uncringing, inspiriting fear of the Lord.<sup>10</sup> We can readily see that secularism, in this practical inner manifestation or resultant, is part of the makeup even of a God-fearing believer, just insofar as one is sinning. In that sense, as Maritain could consider the Church a reality which occupies a part of the believer's spirit, so one can think of secularism as a kind of deficiency detectable to a greater or lesser degree in every human soul except the authentic saints'. All of us, with our friends and colleagues, seem to live in some sense as secularists; we have motives of sympathy and affection, as well as reasons of principle, to turn sharply aside from Plato when he plans fierce penal repression of secularists by the Guardians of the Laws.<sup>11</sup>

The secularism I consider in this Article is a public reality, the secularism which shapes public debate, deliberation, dispositions, and action, and dominates our education and culture. I shall be considering the ideas, not the people; and people are often less consistent, and better, than their theories. There is no profit in estimating whether secularism's dominance now is greater than in Plato's Athens or lesser than in Stalin's Leningrad. There is certainly a rich field for historical investigation of the particular and often peculiar forms taken by western secularism under the influence of the faith it supplants. But I shall not try to resume or repeat the illuminating investigations carried forward by De Lubac, Voegelin,<sup>12</sup> Fabro, MacIntyre, Chadwick, and many others. Still less do I join in the game of declaring this a post-modern, or post-baroque, or post-Christian, or historically-minded and post-classicist<sup>13</sup> era, period, age or epoch. Instead I want to explore secularism's practical significance, as it can be illuminated by understanding practical reason itself. We try to carry forward that understanding when we reflect on the basic reasons for action,

10 See LAWS XII 967d: "*bebaiôs theosebês*." Plato does not speak of the Lord; but the divine "mover of the pieces" (*petteutes*) has a similar dignity. *Id.* at 903d.

11 See *id.* at X 907d-910d.

12 See ERIC VOEGELIN, *FROM ENLIGHTENMENT TO REVOLUTION* (John H. Hallowell ed., 1975).

13 On the ambiguities and misconceptions in the "classicist v. historically-minded" distinction adopted by Bernard Lonergan SJ (and thence many Catholic theologians) from the secularist historian Carl Becker's lectures at Yale Law School in 1931-32, see JOHN FINNIS, "HISTORICAL CONSCIOUSNESS" AND THEOLOGICAL FOUNDATIONS 1-33 (1992).

the first principles (as Aquinas calls them) of natural law, on the choices, intentions, and commitments they guide and shape, and on the personal dignity of a being who can respond either integrally and reasonably or arbitrarily and deviantly to their intelligibility and directiveness.

## II

What do I mean by "directiveness"? Well, if one inquires into one's own and other people's achievements, and into the range of one's opportunities, the question "Why? For what reason?" will, if resolutely pressed, disclose a set of primary reasons for action. Like other reasons, these have a propositional form. The propositions pick out, and direct one towards, basic human goods, as opportunities-to-be-pursued, worthwhile to attain and maintain by one's acting, and giving point to everything one does. Thus, for example, the basic human good of knowledge is a reason for action and correspondingly the content or subject-matter of a primary principle whose directiveness can be articulated in the form, "Knowledge of truth is a good to be pursued." And similarly for the other basic human goods, such as life, marriage, friendship and peace with others, skill in work or play, and practical reasonableness. This directiveness of these first practical principles—the intelligibility of these primary goods precisely as *to-be-pursued*—is original; the goods are understood as good each for its own sake and in their own right, not as mere means to some further good.

Still, each of the basic goods is an aspect of human fulfilment or flourishing, and each is a good whoever the human persons in whom it is or can be instantiated. So reason further grasps the notion of an integral human fulfilment, i.e. the fulfilment of every human person and community in all the basic goods. This notion does not signify a new basic good or reason for action, and does not point to a goal attainable by human planning and cooperation. But it does express the object (or subject-matter) of the combined directiveness of all the basic human goods taken together. The good of practical reasonableness, which Aristotle called *phronesis* and Aquinas *prudencia* (with its object the "good of practical reasonableness" [*bonum rationis*]), directs us to accept the integral directiveness of all the first practical principles, and not to allow emotions and sub-rational feelings to fetter or deflect it. And this integral directiveness of the first principles of practical reason can be articulated in a primary or master *moral* principle: all one's willing should be compatible with integral human fulfilment (the fulfilment of all human persons in all communities)—a highly

abstract formulation of the more well-known statement that one should love and respect one's neighbor as oneself. High-level moral principles such as the Golden Rule or the principle forbidding intentional infliction of harms are, then, specifications (themselves in many cases further specifiable) of that primary or master moral principle; they identify forms of willing incompatible with a steady and undeflected will for integral human fulfillment. So the directiveness of the first principles is both rationally motivating (*contra* Hume and Kant), and morally restraining (as well as spurring on).

Thus one *finds oneself* being directed, as a matter of intelligence and reason. In this sense, the first practical principles, though not innate prior to all experience, have the status of *givens*—“given to” and grasped in our understanding. Both in their directiveness and their “self-evidence” as knowable without deduction from higher premises, these principles have a kind of necessity. But as the propositional content of the acts of insight by which one comes to understand these opportunities and reasons for action (and of one's consequent habitual knowledge), the first practical principles—and likewise the master moral principle (with its specifications in less abstract moral principles)—are like all the other realities within our experience. For those acts of insight (understanding) are the actuation of a potentiality, and contingent on something which explains that change from potentiality to act(uality). So, like every reality which we can think of as *what* it is without knowing *that* it is, the practical principles have an actuality which calls for explanation, and that explanation can only be a reality whose *what-it-is* includes *that it is*, and so is without shadow of mere potentiality or of change from possibility to act(uality).<sup>14</sup>

And since the first practical principles not only *are* but are *directive*, and their directiveness cannot be explained by anything sub-human or by any human originating, it is also reasonable to conclude that the ultimate explanation or first cause which accounts for their being also accounts, of itself, for their directiveness. This inference is not to be confused with the contention of Kant's posthumous papers, or of John Henry Newman, that the commanding voice of, or in, one's conscience requires one to conclude to a transcendent commander. Kant and Newman were heirs to a long tradition of voluntarist misunderstanding of directiveness and “ought” as ultimately a matter of commands or imperatives. In truth, first practical principles direct us to intelligent acts of will intending human flourishing. So we must

---

14 See GERMAIN GRISEZ, *BEYOND THE NEW THEISM: A PHILOSOPHY OF RELIGION* 36–91 (1975); JOHN FINNIS, *NATURAL LAW & NATURAL RIGHTS* 378–88 (1980); JOHN FINNIS, *AQUINAS* ch. X (1998).

take the first cause of their directiveness to be a non-human intelligence and will—we can only say, *person*—directing us thus towards our own goods, towards human fulfilment.

An argument to the existence of God from the data of practical reason converges, of course, with the more familiar arguments from other realities in which change and contingency are more evident. The conclusion on which all converge with a rational necessity<sup>15</sup> is that everything within our experience, including every form of intelligibility which (like the first practical principles) is prior to human willing, has as its ultimate explanation the still active action of divine creation. Here I should recall the warning of St. Thomas, taken up with full seriousness in Germain Grisez's restatement of the philosophy of God. We can have no understanding of *what* a being is in which *what* it is includes *that* it is. So "we cannot know what God is, but only what God is not"<sup>16</sup> "and how other things are related to God."<sup>17</sup> Whatever we say about God must be taken with a drastic shift of meaning leaving nothing but what must be predicated of God to explain the very existence and character of the realities within our experience. But clearly we must predicate of God this act(ion) of Creation as the projection of immense structures and patterns of intelligibility, structures and patterns whose intelligibility still far outreaches natural and mathematical sciences dedicated to disclosing it. We must take divine creation to be somehow an act which carries out an intention. And it is an act which cannot have been necessitated. Being free from every trace of potentiality, lack, imperfection, or need, the Creator must be of a perfection that cannot conceivably be enhanced. So the creating of a universe—this or any other—could not be required, by any reason whatever. So the intention to create and sustain our universe must be somehow the adoption of a proposal by truly unnecessitated, free choice. Plato's *Laws* insists, and sketches a demonstration, that mind is the primary explanation of the cosmos. This argument is resumed in Aquinas' "fifth way," and in the vindication of God's existence in John Haldane's recent dialectic with J.J.C. Smart<sup>18</sup>—a resumption deepened by Christian philosophy's clarity about Creation: the primary explanation of the cosmos involves both

---

15 This is a matter not of logical necessity, but of requirements of rationality in seeking explanatory knowledge ("rationality norms"). See GRIZEZ, *NEW THEISM*, *supra* note 14, at 132–36, 168–72; FINNIS, *HISTORICAL CONSCIOUSNESS*, *supra* note 13, at 17–23.

16 THOMAS AQUINAS, *SUMMA THEOLOGIAE* [ST] I q. 3 prol.; see also THOMAS AQUINAS, *SUMMA CONTRA GENTILES* [ScG] I c. 14 nn. 2–3 [117–8].

17 ScG I c. 30 n. 4 [278].

18 See J.J.C. SMART & JOHN HALDANE, *ATHEISM & THEISM* (1996).

intellect and will, a reason not merely contemplative but fully practical.

In reflecting on divine Creation we can go further in understanding the givenness of our practical reason's first principles. They outline for us the aspects of human flourishing, as object(ive)s of intelligent action. And, as Aquinas never tires of reminding us, it is by understanding objects of action that we understand action, and only by understanding a being's action can we understand its capacities, and only by understanding its capacities can we understand its nature. So our practical understanding of the basic goods, the primary objects of all intelligent action, is an indispensable source of our understanding of human nature. But in turn that nature—by which we have the *capacities* we have, and can *do* what we can do, for the *forms of flourishing* available by our activities—is obviously a sheer given. It is an outcome—via what processes of evolution matters not at all for a reflection on these fundamentals—the outcome of God's free choice to create. Integral human fulfilment, indeed any human fulfilment however fragmentary, will be the outcome of that same free choice, accompanying and sustaining our own unnecessitated free choices.

These valid inferences are available even to urbanized people in a fully differentiated, technologically organized way of life. Those who live closer to the givens of nature, say farming or fishing, can more immediately apprehend the conditions of and limits upon our capabilities, the radical and constant dependence of successful human work on the collaboration of nature, that is, of the divine providence which today, as completely as at the Big Bang, both originates and shapes our materials, our efforts, and their combined productiveness. A further basic human good is most readily within their understanding and interest, the good of harmony with the transcendent source of every other human good, and every form of fruitfulness. As harmony of minds and wills with the transcendent mind and will, this collaboration is nothing less than a community, not the less real for being between utterly unequal persons. This sense of community is the heart of what is often called "natural religion."

Human understanding of that natural community of divine and human beings was transformed by Jewish and Christian faith, which displays and denounces the illusoriness of the "strange gods"—those products of an awareness of mind's omnipresence in nature, but an awareness dominated by imagination, and an imagination marked by the forms of habitual immorality mirrored in the sexual and other laxities of the gods and left unchallenged by idols capable neither of saving nor condemning. The created world, as grasped by human understanding, science, and technique, is now radically de-divinized, for



God—the only divinity to be affirmed by a truth-seeking reason—is utterly transcendent, both to our understanding and to every reality within range of our experience, even though divine action must by its unnecessitated causality be somehow utterly intimate to every this-worldly structure and event. The *saeculum*, this contingent world and its time, is differentiated from its sole origin's eternal act of uncontenting being. We can no longer make room, as Plato still did in speech, for the pagan gods, and we cannot envisage a this-worldly community with ancestors or other spirits of material bodies; New Age outpourings cannot now be more than make-believe.

Moreover, the natural community of humankind with God, and the productive divine collaboration which natural religion prays for, are extended and deepened in the revelation completed in Christ. For this revelation is not merely a communication about the nature of things, but also and primarily the offering, and on our side the accepting, in faith, of a covenant. Perhaps the philosophy of law has something to contribute at this point. Of course, the covenant offered by the true God is radically different from a bargain, and transfigures our ideas and institutions of promise and contract. Still, the climate of secularist indifference to anything like a covenant between God and humankind has left us all struggling to explain and vindicate Contract as a valid category irreducible to Tort, Restitution, or Welfare Law. And we can, I think, make progress by revisiting Aquinas' insight that promising, like praying and legislating, is fundamentally an act of practical *reason*. Take legislating: this is essentially an act of reason, projecting an intelligible and reasonable order of future conduct and consequent benefits, yet also for the most part a sheer *determinatio* whereby one amongst two or more "equally"<sup>19</sup> reasonable options (proposals) is adopted by creative choice (will) for the sake of common good (nor least friendship and justice). So too the making of a promise by offer and acceptance is more fundamentally an act of reason than of will.<sup>20</sup> The offer on which valid contracts are characteristically founded projects an intelligible order of relationships between the parties in respect of some course of conduct by each of them for the sake of intelligible benefits for each; the corresponding acceptance by which such contracts are brought into being as sets of mutual obligations is, like the offer, an assent—a saying Yes—to that order of relationships and to the course of conduct which is the precise subject-matter of that order, and Yes to the proposal that as from

---

19 Properly speaking, "incommensurably" rather than "equally." See JOSEPH RAZ, *THE MORALITY OF FREEDOM*, ch. 13, *esp.* pp. 325–26 (1986).

20 ST II–II q. 88 a. 1c.

this moment all the parties be able (entitled) to count the whole future relationship (and especially the future conduct, the obligations, of any other party) as part of their present stock of benefits, their "own," their "right(s)."

That affirming Yes is not in vain, unless we are to say that persons simply lack the ability to confer on each other the present benefit of such rights to future beneficial conduct. The Yes indeed affirms *that* it is not in vain. So, if it is not to be mere impotent folly—or else a lie, sundering both the harmony of outer with inner self and the harmony, the trust, between speaker and hearer(s)—the assent of offer and acceptance must bring into being, create, the relationships, including the rights, the obligations of fidelity and commitment, which it projects and affirms. Still, the intention to undertake such obligations, and the communicated promise, presuppose the basic reasons for action, the basic human goods at stake (including friendship and/or justice) and the requirements of fairness (the Golden Rule). Whenever one knows that one's expression of intention will arouse another's hopes, one has some responsibility in fairness or friendship—quite independently of the practice of promising—not to disappoint those hopes. In making a promise one focuses attention on one's consciousness of responsibility not to disappoint the other, and one thereby greatly increases the extent to which friendship or justice is at stake, and so also intentionally increases one's responsibility (obligation) to the other person.<sup>21</sup>

God's promises, even more radically than ours, engage their maker's truthfulness, for the whole time of the promise's fulfilment lies open to God's view, so that his "I will" excludes any change of mind in future circumstances. The duplicity in any affirming or asserting at odds with the virtue of *veritas* is such an evil that the divine perfection must exclude it. Now in God's covenants, old and new, the benefits promised by God are identified as dependent upon our own adherence to the relationship and the conduct it demands of us—essentially, as the new covenant (perfecting the old) makes clear, the demands already inherent in the natural law, together with willingness to participate in the Lord's own saving acts as they extend through history in the life of his *ecclesia*.<sup>22</sup> Plato's special disgust at the third impious proposition, that God can be bought off, would surely extend

---

21 GERMAIN GRISEZ, *THE WAY OF THE LORD JESUS VOL. 2, LIVING A CHRISTIAN LIFE* 412 (1993); see also FINNIS, *NATURAL LAW*, *supra* note 14, at 298–308.

22 On the old and new covenants, see LOUIS BOUYER, *THE CHURCH OF GOD: BODY OF CHRIST AND TEMPLE OF THE SPIRIT* (1982); GERMAIN GRISEZ, *THE WAY OF THE LORD JESUS VOL. 1, CHRISTIAN MORAL PRINCIPLES* 507–16 (1983).

to the assumption widespread among Christians today, that the Lord's warnings about final judgment are wholly or largely bluff.

Secularised Christian views about this seem, in fact, to oscillate between variants of Plato's second and third forms of impiety. Either the benefits God has promised and the loss he has warned against are undeliverable, are outside the reach of his power and providence, or God is supposed to be quite complaisant and unconcerned about moral integrity in communicating his covenant's conditions. Its promises will be delivered whether we keep our side or instead do exactly what we please. Thus the covenant relationship is treated as, on God's side, manipulation by empty warnings; von Balthasar, in his rough polemics about hell, misdescribes these as "threats" and treats them as bluffs.<sup>23</sup> His thought remains trapped in the false alternatives presented by the pervasive voluntarist misunderstanding of law, promises, practical reason and thus of the relation between Creator and created persons. Von Balthasar joins the secularist's understandable flight from the voluntarists' God, who chooses to inflict the pains of hell on those who disobey the divine commands; but, being still in the grip of that voluntarist legalism so widespread among Christians in recent centuries, he develops an argument which, like the assumptions of secularised Christians, fails to understand God as having real concern for what truly benefits us, and fails to understand the divine law's wisdom and goodness as directing us how to save ourselves from injuring ourselves and one another by choices incompatible with openness to integral human fulfilment.<sup>24</sup>

On our side, the secularist emptying out of the covenant has more than one kind of practical implication. On the one hand, it can result in a generalising of the manipulation found in every act of wrongdoing, even independently of revelation and covenant. For, as natural religion is more or less aware, in doing wrong one takes the goods provided by divine providence and exploits them without regard to the integral directiveness of the principles of practical reasonableness, principles which (as we have seen) point even natural religion towards an acknowledgement of that providence.<sup>25</sup> This exploitativeness can be generalised and radicalised in a kind of secularised Christian thought: "Let's eat, drink, and be merry—do just what we feel like—for tomorrow we live forever!" But the emptying

---

23 See HANS URS VON BALTHASAR, DARE WE HOPE "THAT ALL MEN BE SAVED"? WITH A SHORT TREATISE ON HELL (1988).

24 See the analysis and critique of Balthasar's position on hell in GERMAIN GRISEZ, THE WAY OF THE LORD JESUS VOL. 3, DIFFICULT MORAL QUESTIONS 21–28 (1997).

25 See Germain Grisez, Joseph Boyle, & John Finnis, *Practical Principles, Moral Truth, and Ultimate Ends*, 32 AM. J. JURIS. 99, 141–47 (1987).

out of the covenant's conditions can have results less radical and consistent. Practical reasonableness, the natural law written on the heart, was brightly illuminated by the revelation that there is a Kingdom of God which transfigures the natural ideal of integral human fulfilment and has terms of citizenship extending and deepening natural love of neighbour as oneself. That illumination invites our will's response, and does not fade away, leaving the will relaxed and content, as soon as revelation is rejected or radically misapprehended in secularising "enlightenment." So there emerges an earnestly secular Christianity which is not readily distinguishable from secular humanism; for in each the hope of heaven has disappeared *from practical life* as completely as fear of hell.

And this practical elimination of a transcendent hope should be no surprise. If X will happen, or not happen, regardless of anything one does, one cannot *intend* X. So, if one assumes that either everyone reaches heaven regardless, or heaven is mere myth, we know not which, then one cannot *intend* heaven. Hope, not as dream unconnected with practical deliberation and choice, but as standing intention of shaping one's choices and actions in the hope of being made fit for the integral human fulfilment—the life of heaven—on offer in the covenant, becomes *impossible*.<sup>26</sup> So it is practical reason's own logic that makes inevitable the shift from "Christianity" without fear of hell (and so with certitude of heaven) to Christianity without hope of heaven (and so with some this-worldly hope)—the shift to secularism so widespread among so-called liberal Christians (and Jews), especially perhaps those who happen to be theologians or ecclesiastical bureaucrats.

Since public reason in the United States is shaped within a culture of subscription to the religions of the new or the old covenants, this religiose secularism has far-reaching practical consequences for your common good.

### III

I have sketched some reasons (there are others) why the recognition that practical reason is grounded in God clarifies the goodness of the basic human goods, the freedom of free choice, and the reality of intention (irreducible to desire or foresight), and enhances, accordingly, the directiveness of the first practical principles, the coherence and inherent force of moral principles, and the perfecting of interpersonal collaboration in the making and fulfilment of promises.

---

<sup>26</sup> See the very important analysis of the proper integration of hope and fear in Christian life in GRIEZ, *CHRISTIAN LIFE*, *supra* note 21, at 91–94.

Before turning to secularism's practical implications, I should indicate why that recognition also clarifies and enhances the equal dignity of all human persons.

To think of the freedom and practical intelligence involved in the creation and providential sustaining of everything out of nothing is to think of the reality of spirit—a reality to us most comprehensible and yet most incomprehensible. And, it is by thinking about one's own intelligent and free *acting* that one most directly and securely grasps<sup>27</sup> something which secularism has lost its grip upon. In its understanding of the human person, secularism (in the functionally atheistic form that was Plato's first target and today is dominant in university culture) oscillates between dualism and materialism. Dualism and materialism, each in its own way, deny the unity of the person (I, the bodily self) who lives, wants, chooses, tries, understands, senses, feels, moves, and is moved, as animated body, rational animal. They are each inconsistent with the data they seek to explain and with the thinker's own performance in choosing to seek and put forward explanations.<sup>28</sup> The only explanation consistent with our ability to choose, to seek, to find, and to communicate explanations is one which, like the accounts of human soul by Aristotle and Aquinas, identifies a *form* and lifelong *act(uality)* by which the matter of my bodily makeup is constituted the unified and active subject (me myself). As one experiences in making and carrying out a choice such as giving this lecture and so uttering this sentence audibly now, the *one* factor unifying and activating one's living individual reality is a factor at once animal (sentient and self-locomotive) and intellectual (understanding, self-understanding, and, even in the conduct of thinking, self-determining by judging and choosing).<sup>29</sup> Though the manifold activations of these

---

27 Prior to all accounts of it, this intelligible presence of my many-faceted acting self to myself is a datum of understanding; one and the same I—this human being—who am understanding and choosing and carrying out my choice and sensing, etc., is a reality I already truly understand, albeit not yet fully (explanatorily, with elaboration). See AQUINAS, ST I q. 76 a. 1c; q. 87 a. 4c; q. 86 a. 1 ad 3; III SENT. d. 23 q. 1 a. 2 ad 3; FINNIS, AQUINAS, *supra* note 14, at 176–79.

28 See DAVID BRAINE, *THE HUMAN PERSON: ANIMAL AND SPIRIT* (1994). For Aquinas' argument from the self-refutation of those who held that there is but one intellect, see THOMAS AQUINAS, *DE UNITATE INTELLECTUS* III 62, 79 (see R. McINERNEY, *AQUINAS AGAINST THE AVERROISTS: ON THERE BEING ONLY ONE INTELLECT* 80–1, 94–5 (1995)).

29 Thus: "the principle by which we understand is intellect . . . so this must be united to one's body as form, not indeed in such a way that the capacity of understanding is the act of some organ, but because it is a power of one's soul, which is the act of a physical and organic body." AQUINAS, *INTELLECTUS* III, *supra* note 27, at 80 (McINERNEY, *supra* note 28, at 96–7). On soul as the primary "act" of a living, physically

bodily and rational powers depend upon one's physical maturity and health, the reality and powers of the soul are given to each of us complete (as wholly undeveloped, radical capacities) at the outset of his or her existence as such.<sup>30</sup> And here we have the root of our dignity as human beings, not as a "status" to be conferred or withdrawn, but a reality to be acknowledged in every member of our species. This is indeed a truth already implicit in one's understanding of basic reasons for choice and action. For these reasons each direct us to goods good for me *and anyone like me*—anyone who shares my nature, any human being.

*Dignity* connotes both superiority (*e.g.* in power, excellence, status) and intrinsic, non-dependent worth.<sup>31</sup> The radical capacity and act(uality) which each human being has by virtue of his or her individual rational soul makes each of us superior in the straightforward sense that we thereby have and instantiate every level of being—physical solidity and dynamisms, chemical and biological complexity and self-directedness, *and more*: the capacity to understand all these other realities, to reason about them and about reasoning itself, to replicate and transform other beings on all those levels of reality, and with self-mastery's freedom to choose these activities as part of choosing how to live. As for inherent worth, its paradigm is our living, knowing, playing, and loving, and the good we grasp in our friend's (and thus in every human person's) very being.

In short: materialist secularism's denials or determined agnosticism about *soul* and *species* radically misrepresent our experience as choosers—an experience internal and private, but shared in kind, common to us all, and in that sense in the public domain of philosophical reflection and discussion. This materialism likewise renders unintelligible the public and private judgment that "by nature all human beings are equal," and that there are *human* rights and requirements of justice which do not discriminate between male and female, intelligent and dull, race and race, young and old, healthy and infirm. All around us we find talk of human rights. But this can't hide the hollowness and fragility of rights to equal treatment, or opportunities, or concern and respect, on the assumptions of material-

---

organized body, *see, e.g.*, AQUINAS, ScG II c. 61 n. 2 [1397]; ST I q. 76 a. 4 ad 1; THOMAS AQUINAS, COMM. IN DE ANIMA I.1 n. 15 [227–9].

30 The intellectual (and sensory and vegetative) soul by the creation of which I came into existence—existence as already a person—is not itself a person but only a "part" (uniquely, the organizing part and indeed the very form and act) of me. AQUINAS, ST I q. 29 a. 1 ad 5; q. 75 a. 4 ad 2.

31 "'Dignity' signifies something's goodness for its own sake (*propter seipsum*).'" III SENT. at d. 35 q. 1 a. 4 sol. 1c.

ism, assumptions which are secularism's philosophically most popular basis—or is it consequence?

We see this loss of grip on human equality's basis in the will to treat the unborn—whose reality and nature is known to us better than ever before—as utterly without constitutional rights, and disposable at whim, simply because they are physically located within or even partially within their mother's womb. In the work of secularist philosophers like Peter Singer, what in the Supreme Court's judgments about abortion is shameless evasion becomes instead a firmly asserted thesis: there are non-human animals who rank higher in status, dignity, and entitlement than newborn and other very young human children. And the widespread shift of thought and sentiment towards euthanasia proceeds in part on the assumption—characteristically secularist in its unstable amalgam of materialism and dualism—that with irretrievable loss of consciousness the life of the person is not only deprived of all worth but actually has come to an end.

#### IV

Philosophy's search for explanations yields the inference that our universe, including our practical understanding, its principles, and that inherent responsiveness to understood goods which we call will, all have as first cause a creative practical intellect and will. God's self-disclosure in the historical revelation completed in Christ teaches us to understand our practical reason and will—and indeed our whole life, by which rational soul as fundamental act(uality) of the body animates every aspect of our bodiliness—as an image of God's reason, will, and life (an existence unrefracted, however, by body's susceptibility to being acted upon and changed by division or augmentation). And our freedom includes, like God's, the capacity to envisage and bring into being a new order of inter-personal relationships, by covenants that bind. The world as understood in secularism is not open to these realities, or at least (in the case of secularised religiosity) takes them too lightly to matter.

John Haldane has raised what he rightly calls “the interesting question to what extent those who deny the reality of causation are moved to do so by a concern to block” a certain type of proof of the existence of God.<sup>32</sup> Without pursuing that hypothesis about motivation (“concern”) as a cause of theoretical positions, I want simply to take note of certain practical positions—including positions within the theory or philosophy or indeed the theology of morally significant

---

32 SMART & HALDANE, *supra* note 18, at 136.

action—positions which seem to be consequences, indeed natural consequences, of secularism's denials or oversights of God's existence, or providence, or holiness (purity, steadfastness, and seriousness).

As I have suggested, the first principles of practical understanding, picking out and directing us towards intelligible and intrinsic basic human goods, point towards their explanatory cause in a divine mind which envisages and makes possible integral human fulfilment, involving constitutively the cooperation of human free choices. Correspondingly, the denial of any divine mind, or at least of any efficacious divine concern with human fulfilment, is characteristically accompanied and supported, or at least protected, by a denial that basic human motivations are a matter of understanding, reason, and truth at all. At bottom are just the passions, of which practical reason is the busy and ingenious slave concerned with clever and effective means for attaining what we emotionally, sub-rationally want. In more recent philosophy, this Humeian thesis, focused upon the account of motivation, is transposed into the emotivist account of moral discourse as, not judgment which can be right or mistaken, but simply an expression or projection of similarly sub-rational desires and aversions (including perhaps the desire to get other people to do what you want). These emotivist theses are scarcely plausible as accounts of psychology or of our discourse. But in their polite, school-teachers' form, taken for granted by almost every freshman, they provide the more or less concealed foundations of the claim or assumption that practical reason is a matter of value-judgments, and value-judgments—at least, basic value judgments—are just “a matter of opinion,” subjective, not matters of truth on which one could, consequently, be in error. The professorial counterpart to this received wisdom of the schoolteachers is the self-refuting neo-Nietzschean patter that everything is interpretation and perspective or viewpoint.

The thought that basic value judgments have no truth scarcely coheres with, say, the Constitution's proclamation and defence of fundamental human rights. So the polite form taken in this context by secularism's unreadiness to acknowledge basic human goods as *true* is the demand for a kind of constitutional neutrality about them. Counsel for the ACLU opened the oral argument in *Planned Parenthood v. Casey*<sup>33</sup> by defining the issue as: “Whether our Constitution endows Government with the power to force a woman to continue or to end a



pregnancy against her will . . .”<sup>34</sup> And the Court’s judgment repeatedly appealed to the same implicit assumption of neutrality: *since* it is obvious that she has a right *not* to terminate the life within her and *not* to be forced to end a pregnancy against her will, she must equally have the right to terminate that life within, a right not to be prevented from aborting it. To support this value-neutral autonomy right, the Court points to a line of cases beginning in 1923 with *Meyer v. Nebraska*<sup>35</sup> and running through *Pierce v. Society of Sisters*<sup>36</sup> in 1925, *Skinner v. Oklahoma*<sup>37</sup> in 1942, and the dissenting judgment of Justice Harlan in *Poe v. Ullman*<sup>38</sup> in 1961, before reaching *Griswold v. Connecticut*<sup>39</sup> in 1965 and *Eisenstadt v. Baird*<sup>40</sup> in 1972. But if one reads these cases in sequence, it is instantly obvious that the decisions before 1972 utterly reject the conception that politics, government, and law must preserve neutrality about such basic human goods as education in good and useful knowledge (goods celebrated in the cases from the 1920s), or marriage (honoured in its procreativity in *Skinner* and in its domesticity and friendship in Harlan’s dissent in *Poe* and even in *Griswold*). The break comes with the judgment of the radically secularised Justice Brennan in *Eisenstadt v. Baird*, which assumes a double neutrality of values and corresponding symmetry of normative judgments: what is true of sexual relations that express, actualise, and support a mutual commitment making possible a good environment for children must equally, and obviously, be true of even the most casual act of lust; and what is true of the decision to try to beget and bear a child must be true of the decision to prevent the begetting of a child (or, as Brennan’s clerks well understood he meant,<sup>41</sup> to abort the bearing of a child once begotten). There is just the single neutral category: “the decision [of the individual, whether married or single,] . . . whether to bear or beget a child.”<sup>42</sup> The key word is “whether.” What matters, according to this new, unprecedented, unargued doctrine of the Court is the ability to decide whether *or not* . . . to do—or instead to destroy, damage, or impede—something the earlier, pre-secularist cases confidently identified as of basic human value.

---

34 NEW YORK TIMES, April 23, 1992, at B10. For the origins of the argument, see *Griswold v. Connecticut*, 381 U.S. 479, 486 (1965) (Goldberg J., concurring).

35 262 U.S. 390 (1923).

36 268 U.S. 510 (1925).

37 316 U.S. 535 (1942).

38 367 U.S. 497 (1961).

39 381 U.S. 479 (1965).

40 405 U.S. 438 (1972).

41 See DAVID J. GARROW, *LIBERTY & SEXUALITY* 542 (1994).

42 *Eisenstadt*, 405 U.S. at 453 (Brennan, J., for the Court).

The “Philosophers’ Brief” to the Supreme Court in the “assisted suicide” cases (*Washington v. Glucksberg*<sup>43</sup> and *Vacco v. Quill*<sup>44</sup>) takes up the key sentence from *Eisenstadt* and deploys a similar argument from the symmetry and obligatory neutrality between good and evil: since patients and their doctors must be allowed to try to preserve life to the end, so they must be allowed to terminate life, at least degraded life, at their choosing.<sup>45</sup> Since you must be able to choose life, you must be permitted to choose death. It is as if the Supreme Court in *Meyer v. Nebraska* or *Pierce v. Society of Sisters* had said: since parents have the right to choose non-State education, they must have the right to choose for their children *no* education at all.

Of course, a group of philosophers such as these brief-writers, John Rawls, Ronald Dworkin, Thomas Nagel and the others, will deny that they are advancing an emotivist, subjectivist, perspectivalist, or any other meta-ethical scepticism. They will say that their claim about neutrality is purely about political rights and the proper competence of the state’s rulers, and the value or dignity of individual autonomy. And so, on its face, it is. But the weakness of all the arguments which these philosophers have put forward to justify their claim about individual rights and state competence is good reason to conclude that their position’s real foundation is the concern to be “let alone” to *do what one really feels like*.

Rawls, for instance, argued that people behind a Veil of Ignorance—ignorance as to (among other things) intrinsic, non-instrumental human goods—would choose the liberal state-neutralist principle. But, even on its own terms, the argument depended on assuming that people are far more risk averse than even self-interested “prudence” requires. And no reason was given for the crucial Rawlsian assumption that principles which would not be chosen behind a Veil of Ignorance are unjust principles in the real world of intrinsic, “thick” but intelligible human goods.<sup>46</sup> And it was on the same undefended assumption that the later Rawls proposed that we should “endorse”—splendid equivocation between “accept as true” and “opt

43 117 S.Ct. 2258 (1997).

44 117 S.Ct. 2293 (1997).

45 Just as it would be intolerable for government to dictate that doctors never be permitted to try to keep someone alive as long as possible, when that is what the patient wishes, so it is intolerable for government to dictate that doctors may never, under any circumstances, help someone to die who believes that further life means only degradation.

Ronald Dworkin et al., *Assisted Suicide: The Philosophers’ Brief*, N.Y. REV. BOOKS, March 27, 1997, at 44 n.1 [*Philosophers’ Brief*].

46 See John Finnis, *Legal Enforcement of “Duties to Oneself”: Kant v. Neo-Kantians*, 87 COLUM. L. REV. 433, 434–37 (1987).

for"!—the “principle” that no argument about either good and bad or right and wrong should be advanced in public discourse about basic matters if the argument’s acceptability depends upon its being *true, all things considered*, (say, philosophically considered).<sup>47</sup> Naturally, he could give no reason why those who think there are truths about human goods and rights should judge his “principle of legitimacy” true. But he did offer an illustration of its reach: the “principle” yields the conclusion, he said, that no one can have any acceptable reason to argue against the legal right of women to abort their unborn children during at least the first three months of life; better still, it enables us to reach this conclusion without even considering the arguments of those who contend that these unborn children instantiate the good of human life, that is, do really have human lives and human rights.<sup>48</sup>

The grounds which Ronald Dworkin has offered for state neutrality about basic values are equally weak. If the state were not neutral about the intrinsic goodness or badness of ways of life, it would deny *equality* (of respect). When this first argument was refuted by showing that equality of respect requires rather than forbids the state to promote good and discourage bad forms of life, Dworkin shifted to a new one. Such discrimination between good and bad ways of life requires people to accept a view they cannot accept without abandoning their self-respect. But this was just as unsound: for restrictions, prohibitions, or taxes on the basis of such a discrimination do not require those who disagree to accept a view about the good, and do allow them to keep their self-respect. As Bentham made his boast, one can combine obedience, even prompt obedience, with free censure (inner or outer) of laws one judges misguided and unjust.<sup>49</sup>

Then there was a series of arguments dependent on ignoring the law-makers’ reasons for action and categorising the law as a mere “ap-

---

47 See JOHN RAWLS, *POLITICAL LIBERALISM* 225 (1993) (“[T]he guidelines of inquiry of public reason, as well its principle of legitimacy, have the same basis as the substantive principles of justice.”). For illuminating critiques of Rawls’s “principle,” see, e.g., JOSEPH RAZ, *ETHICS IN THE PUBLIC DOMAIN* 60–81 (1994).

48 Rawls, *supra* note 47, at 243 n.32. For comment, see Robert P. George, *Public Reason and Political Conflict: Abortion and Homosexuality*, 106 *YALE L.J.* 2475, 2486–95 (1997), which also refutes a similar argumentation by Judith Jarvis Thomson. The similar principle of legitimacy advanced by Thomas Nagel, *Moral Conflict and Political Legitimacy*, 16 *PHIL. & PUB. AFF.* 215, 221 (1987), is vulnerable to the same critique.

49 On this series of Dworkinian arguments and their refutation, see Finnis, *supra* note 46, at 437–38.

peal to the majority's preferences."<sup>50</sup> The game is to state those preferences from an external viewpoint, as if the individuals who happen to make up a majority were each concerned only with "following or imposing majority opinion" rather than with the goods and evils, rights and wrongs which, according to such an individual's opinion, are at stake. And the neutralist liberal's game is won by proceeding asymmetrically, juxtaposing the "majority opinion/will/preference" (content and rationale unstated) with the *content* of the threatened right or value. So, in the Philosophers' covertly euthanasiast Brief, the reasons or motives of the patient seeking assistance in suicide are stated from the internal viewpoint of one "who believes that further life means only degradation," while the reasons for the law against assisting suicide (and mercy-killing) are stated from an external viewpoint—"just because that is what some majority thinks proper."<sup>51</sup> In *Romer v. Evans*,<sup>52</sup> the Colorado Amendment 2 case, the presumption that the law-making "majority" acts not on reasons but only on sub-rational preferences, emotions, prejudices, and a will to power was erected into the very "principle" of decision. Systematically, the majority's judgments and decisions are denied the dignity which, by the accolade of "autonomy," is accorded to the choices of individuals whose opportunity to do what they please would be hampered by the majority's law.

The Philosophers' Brief repeats like a mantra the "mystery" passage(s) from *Casey*:

[M]atters, involving the most intimate and personal choices a person may make in a lifetime, choices central to personal dignity and autonomy, are central to the liberty protected by the Fourteenth Amendment. At the heart of liberty is the right to define one's own concept of existence, of meaning, of the universe, and of the mystery of human life . . . [b]eliefs [which] define the attributes of personhood.<sup>53</sup>

Now one might wonder whether in that passage and the Philosophers' Brief, *autonomy* is accorded an objectivity which emotivist, Humeian, or Nietzschean meta-ethics deny to all other values. And perhaps, in the thoughts of some who appeal to it, autonomy does have that status. After all, secularism as we know it inhabits the room

50 See the analysis of Dworkin's equivocations on this theme in John Finnis, *A Bill of Rights for Britain? The Moral of Contemporary Jurisprudence*, in 71 *PROC. OF THE BRIT. ACAD.* 303, 309-11 (1985).

51 *Philosophers' Brief*, *supra* note 45, at 44.

52 517 U.S. 620 (1996).

53 *Planned Parenthood v. Casey*, 505 U.S. 833, 851 (1992).

not only “swept” free but also “furnished”<sup>54</sup> by Jewish and Christian faith—swept free of worldly divinities but furnished with a knowledge of good and evil, of freely adopted intentions, of the dignity of persons invited to be co-operators with the universe’s very source of being, meaning, and value. In this room one finds not only the autonomy, the self-will of those whose desires are protected by *Eisenstadt* or *Casey* or *Evans*, and the Nietzschean will to power now recovering from the odium it attracted fifty-five to sixty years ago, but also the earnest, utterly dissimilar autonomy of a Kant, who understood that autonomy has no dignity unless it is freedom from the rule of the passions. But Kant also judged that the secularism he mistakenly associates with pure reason must give way to practical reason’s “inevitable postulate” of God as most holy, source of all moral directiveness, and omnipotent providential source of a final “balance” between happiness and moral worth.<sup>55</sup> So Kant’s conception of autonomy—especially when cleared of his own crude empiricist/hedonist psychology, his expulsion of human free choice to the noumenal unknown, and his neglect of basic human goods and substantive practical principles—opens a road down which secularism declines to go. Rather than turn down that way to divine existence, providence, and intention for humankind—truths available to theoretical as well as practical reason—secularism will embrace the unprincipled freedom to do what you will which Kant rightly regarded as sub-human and irrational.

## V

Just as secularism obscures the truth of the basic human goods, reasons for action, first practical principles, differentiated from sub-rational inclinations and passions, so also is it marked by a pervasive misunderstanding of *intention*. Creation, covenant, and the acts of salvation are supreme manifestations of intention, that is, of purpose. Reflection on the divine perfections makes it clear that the moral and non-moral evils in the created world, including human defections from the covenant, are not intended but rather foreseen and permitted since their prevention would entail the loss of great goods. Nor did Jesus intend or choose his death on the cross; it was not a suicide’s terminating his life as a means to our salvation or anything else, but instead the free (and salvific) acceptance of that side-effect of his fidelity to his mission of teaching and healing. Secularism characteristi-

---

54 See *Matthew* 12:44; *Luke* 11:25.

55 IMMANUEL KANT, *RELIGION WITHIN THE LIMITS OF REASON ALONE*, 4–7 (Theodore M. Greene & Hoyt H. Hudson trans., 1960) (1792) (preface to first edition).

cally collapses that distinction. In the heyday of the Victorian construction of a new radically secular ethics, the atheist utilitarian Henry Sidgwick said with characteristic directness: "For purposes of exact moral or juristic discussion, it is best to include under the term 'intention' all the consequences of an act that are foreseen as certain or probable."<sup>56</sup>

Despite its very poor fit with reality, law, and professional ethics, this artefact—intention collapsed into foresight and causation—is powerfully attractive to the secularised. The Ninth Circuit's opinion in *Compassion in Dying*<sup>57</sup> was wholly reliant on it. The opinion derided the American Medical Association's distinction between giving analgesics with intent to suppress pain and giving them with intent to kill. It declared that doctors who respect a patient's decision to forgo life-sustaining treatment *intend* to hasten their patient's death, that the laws authorising people to refuse treatment are simply laws for authorising suicide, and even that laws for preventing suicide have "an aim" of prolonging a dying person's suffering. The Second Circuit opinion in *Quill v. Vacco*<sup>58</sup> followed the same route. In reality, of course, the New York legislature, in declaring the lawfulness of refusing medical treatment, did not intend to promote or protect any patient's intention to hasten or determine the time of death but intended rather to protect the intention to be free from unwanted burdens and interventions on the patient's body, even if the patient's death is a foreseeable consequence. True, the legislature foresaw that one consequence of its enactment would be that some people would use, that is, abuse, this right by exercising it *with intent to hasten death*. But as a legislative declaration made clear,<sup>59</sup> that was no part of the legislature's intent—no more than we intend the guilty to escape when we grant due process of law, or intend lawyers to conspire to lie when we grant an attorney-client privilege. When we grant or acknowledge a constitutionally protected *liberty to testify*, we foresee that some or even most defendants will exploit their right by lying for the purpose of deceiving the jury. Our foresight does not make that deception our aim or a part of the constitutionally protected liberty right—as if that great liberty could be accurately understood as "*the right to lie*," and as if counsel, after hearing a client's unambiguous confession

---

56 HENRY SIDGWICK, *THE METHOD OF ETHICS* 202 (7th ed. 1907) (1874).

57 *Compassion in Dying v. Washington*, 79 F.3d 790 (9th Cir. 1996), *rev'd sub. nom.* *Washington v. Glucksberg*, 117 S. Ct. 2258 (1997).

58 80 F.3d 716 (2d Cir. 1996), *rev'd sub. nom.* *Vacco v. Quill*, 117 S. Ct. 2293 (1997).

59 *Quill*, 80 F.3d at 734 n. 7.

of guilt, would nevertheless have the constitutional right to put that client on the stand precisely in order to lie.

This loss of grip on the reality of intention can be found in other contexts of great significance for our culture, for instance amongst Catholic theologians. The astonishingly rapid and far-reaching penetration of secularism amongst these moralists took the form, primarily, of adopting the quasi-utilitarian ethic of proportionalism: acts have their moral character from their end, that is, from a state of affairs which can be caused by human action, and which makes actions right when it is judged to promise the greater proportion of overall net premoral good or the lesser proportion of overall net premoral negative value. With equally astonishing completeness and casualness, leading theologians in this group—Schueller, Fuchs, Peschke, and others—began asserting both that the moral norms they were rejecting are about what is “directly” rather than “indirectly” *caused*, and that what one causes as a side-effect is a *means* to the consequences one seeks to achieve by one’s action. Intention virtually disappeared from their discourse. In the tradition they were seeking to overthrow, “directly willed” means “intended as an end or chosen or intended as a means,” “indirect” has a corresponding meaning by negation of such intention, and what is willed as a means is intended. But all this seems to have become simply unintelligible to these theologians.<sup>60</sup> They stand before it as uncomprehending (so it would appear) as Ronald Dworkin reading Justice Scalia’s judgment in *Cruzan*,<sup>61</sup> noting Scalia’s denial that the distinction between inaction and positive action is morally decisive, and concluding that Scalia thinks a patient who refuses life-saving amputation must be treated as a suicide.<sup>62</sup>

## VI

Utilitarianism (consequentialism, proportionalism) is the peculiar symbol of secularism in reaction against but still illuminated (as I have already suggested) by the after-glow of Christian faith. It is an “ism,” an ideal, aspiring to much more than the “eat, drink, and be merry,” or the opportunistic *libido dominandi*, which are the untutored outcome of much unbelief. There is nothing new about Machiavelian politics or about the thought that it is better for one innocent to

---

60 See JOHN FINNIS, *MORAL ABSOLUTES* 74–77 (1991). For a recent example of such incomprehension, see Jean Porter, “Direct” and “Indirect” in *Grisez’s Moral Theory*, 57 *THEOLOGICAL STUD.* 611–32 (1996), especially 621–27.

61 *Cruzan v. Director, Mo. Dep’t of Health*, 497 U.S. 261 (1990).

62 See John Finnis, *The “Value of Human Life” and “The Right to Death”*: Some Reflections on *Cruzan* and Ronald Dworkin, 17 *S. ILL. U. L.J.* 559, 565 (1993).

be killed “lest the people perish.” But there is something new in ethics, these past 200 years, and it is utilitarianism or, more generally, consequentialism (or, more narrowly, religious proportionalism).

Consequentialism is radically incompatible with belief in divine providence. For consequentialism’s supreme or indeed single practical principle is to pursue states of affairs embodying greater overall net good. But the doctrine of divine providence is that God permits what is bad only to draw from it good and more good. So the principle taken *with* the doctrine yields the practical norm: Try anything! Do whatever you like! (For whether your project succeeds or fails, the result will providentially have promoted overall long-run net good.) But consequentialism is proposed as an ethics. So it does not tell us to do whatever we feel like. So, to avoid the *reductio ad absurdum*, it must suppress or ignore belief in divine providence.

Indeed, when one reflects on the phenomenon of consequentialism, one comes, I think, to see it as, wittingly or otherwise, an attempt to replace divine with human providence, not in retail (as with the differentiation of secular from sacred that comes with all particular technical competences, as in agriculture, sewerage, or medicine) but wholesale, across the board. Though proposed as an ethics, its conception of deliberation does not belong to what Aristotle and Aquinas identified as ethical or moral practical reasoning, in which various irreducibly basic goods, each an aspect of the flourishing of human persons, are pursued in the unbounded horizon of “human existence as a whole.” Instead, consequentialism adopts the form of technical reasoning, in which we seek the means which will effectively achieve an attainable goal, and can measure every action against alternatives for their respective cost-benefit efficiency.

Haunted by the inherent problems of incommensurability among the basic goods, by the future’s unforeseeability, and by risk’s incommensurability with value, consequentialism needs to make rational commensuration and aggregation seem possible in the real, open horizon of morally significant choice. Firstly, then, it characteristically tries to eliminate the multiplicity of substantive basic human goods, and deal instead in a single maximand such as pleasure, or alternatively the absence of pain, or alternatively “preferences” of any and every kind, or money value, or whatever. But this commensuration alone is not enough; the aggregation requires a bottom line, and so the real, unbounded horizon of human existence is characteristically blocked off, in consequentialist deliberation, by the adoption—necessarily arbitrary, on consequentialism’s own assumptions—of some delimited horizon: my country’s survival and prosperity during the lifetime of me and my children, or something of that sort.



Nor should we be surprised to find consequentialism also blocking off awareness of the reality of free choice—for two reasons. First, free choice is always between alternative, incompatible proposals each of which offers something attractive to practical reason. But if consequentialist aggregation could be done, it would identify one proposal as promising *all* the benefits of the others *plus* some more (including more certain) benefits; and then there would remain no possibility of rationally *choosing* any of the proposals that offer less (including less certain) benefits. One would simply assent to the proposal promising maximum net good, and spontaneously begin putting into effect. So consequentialism is incoherent with its own undertaking to guide deliberation towards morally significant *choice*.

Second, if there is to be any computation of overall net good, and at least the appearance of aggregability, consequentialism will have to ignore the implications of free choice for moral character. For the shaping of character by free choices is an inherent, intransitive side-effect, so to speak, of the spiritual aspect of the making of free choices. Such choices not only initiate their own transitive effects—their execution—but also *last*, endure, subsist and persist in the soul, the character, of the chooser until such time, if ever, as they are reversed by a new and incompatible choice; for example, to repent of them and to resolve not to make them again. And this perduring of choices in character—perhaps the most valuable theme of Karol Wojtyła's own philosophical work—is a consequence of choices which is clearly incommensurable in significance, value, or disvalue with those choices' transitive consequences, that is their consequences outside the acting person's will and character. So it is no accident that the founders of utilitarianism were determinists.

And secularists. For secularism of one kind, the whole consequentialist method or cluster of ethical methods is attractive because it promises to dissolve all moral norms which exclude cheating and killing, and obstruct me in doing what I want. For secularism of another kind, consequentialism is attractive because it seems to be implied by concern for "overall" human or sentient good. For secularised religious people, proportionalism offers both these attractions.

The attractiveness of consequentialism was of course immensely enhanced by its cultural context: it is in essence an extrapolation, certainly unwarranted and sometimes apparently hubristic, from the successes and the genuine utility of technologies. Quasi-technical economics, game theory, and the like, each suggest a reductive model for all practical thinking. So that extrapolated, reductivist model is found in many parts of our culture. We find, for example, that the

*Model Penal Code* and some of the Restatements of the law were consciously modelled in some respects on utilitarian suppositions about action and value. And then, in quite another context, we find a scarcely secularist Christian philosopher like Maritain asserting that Christians have a “temporal mission” quickened by a “terrestrial hope” which must “have as its comprehensive aim the ideal of building a better or a new Christian civilization.”<sup>63</sup>

Does anyone’s temporal vocation require a “comprehensive aim”? It seems to me a mistake to suppose that practical thought is impotent unless guided by such far-reaching envisagings of vast future states of affairs capable of being built up by efficient human effort. The envisaging or imagining of such states of affairs is not a prerequisite for our being oriented and motivated by concern for the common good of our communities (family, neighbourhood, cultural, political), a complex good involving respect for rights and, as I have suggested against “neutral liberalism,” a substantive conception or range of conceptions of individual and communal flourishing. As it seeks to save itself from collapsing into nihilism, secularist thought—burdened as it is (as I have tried to show) with all its misunderstandings of human good and human action—will always be tempted (as this century has amply shown) by the envisaging of vast “goals” or “comprehensive aims,” and by the passionate experience of technical efforts to achieve them: Ten-year Plans, wars for carving out a Thousand-year Empire’s living space, and such like. These and all other such this-worldly hopes seem to correspond, obscurely and deviantly, to the hope for the only really possible and worthwhile “comprehensive goal,” the Kingdom which we are called upon to “Seek first.”<sup>64</sup>

If we are right to accept it as true that providence includes divine revelation and God’s extra-ordinary personal action in history, we are authorised to hope that that Kingdom will include—as Vatican II puts it in a fresh articulation of the givens of Scripture and Tradition—all the good fruits of human efforts made in obedience to the norms of truth and justice, love and peace,<sup>65</sup> even when such obedience had no comprehensive secular goal, and seemed to end in failure, perhaps

---

63 JACQUES MARITAIN, *ON THE PHILOSOPHY OF HISTORY* 122 (1959). He goes on: At each new age in human history (as is, to my mind, our own age with respect to the Middle Ages and the Baroque Age), it is normal that Christians hope for a new Christendom, and depict for themselves, in order to guide their effort, a concrete historical ideal appropriate to the particular climate of the age in question.

*Id.* at 123.

64 *Matthew* 6:33.

65 Vatican II, *Gaudium et Spes* sec. 39.

even thorough-going failure, to achieve what one had hoped to do in this life.