

## CHAPTER 1

# ETHICS AND SPIRITUALITY IN RELIGION

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What does it mean when students say, “I’m really not religious, but I am very spiritual”? It usually means that they do not subscribe to the rules and regulations, the organizational authority structures of religions, but that they are interested in a personal relationship with the Divine/Ultimate. It usually also means allowing such relationship with the Divine/Ultimate to instill values that will guide their decisions and actions, that will form their character and the shape of their lives. This is the core of the relationship between spirituality and ethics. True spirituality produces good ethics. Essentially, this was what both Catholics and Lutherans finally agreed following their centuries-long Reformation battles over the salvific power of faith versus works: that faith, understood as personal relationship with God, issues in good works.<sup>1</sup> Works without faith can be worthless, because good deeds can be performed for morally perverse and evil reasons. But faith without works is not real faith, because it is devoid of divine love, which by its very nature overflows onto others in good deeds.

The steps between experiencing a sense of divine presence within oneself or within

the world and the development of ethical character and life are not simple and are certainly not automatic. As we will see, there is a discipline involved, as all religions have recognized. Each religion has held up models of persons who have mastered that discipline and thus become “holy.” Edith Wyschogrod, in her book *Saints and Postmodernism*,<sup>2</sup> makes a convincing case that in the postmodern age, the lives of the saints are better able to inspire virtue in us than are principles and codes of ethics. Our attention is caught by stories of other humans, especially stories of drama. We are natural mimics—virtually all our early learning is based on mimicking others, much of it not even deliberate or conscious. Compared to tales of the extraordinary doings of the saints, principles and rules are dull and uninspiring; their attempts to be universal and relevant regardless of context makes them difficult to apply. But a saint’s life is embedded in a particular community at a particular time; it gives example after example of how to be holy. Postmoderns want “proof” of the truth of the principles, and the life of the saint is the proof, the explanation, the living out of the principles.

## Virtue Ethics

The disciplines discovered or followed by these holy people—saints, buddhas, prophets, *bodhisattvas*, *sannyasin*—are not for the lazy, but neither are they impenetrable. In this text we will pay attention to a number of links between ethics and spirituality. In the various ethical methods that have been proposed over the many centuries of religious thought, not all of which have been as systematic as others, one relatively recent ethical stress is referred to as virtue ethics. This form of ethics not only proposes that virtue is trained up in communities that live out certain shared values, but it also asks of any proposed action what consequences the act would have on the character of the actor (and often on others affected): Would it move the actor, and the community, in the direction of greater virtue or not?

**Virtue ethics in Greek thought.** Though the term *virtue ethics* is recent, this concern with personal virtue is not. As one postmodernist thinker, Michel Foucault, reminded us in *The History of Sexuality*, according to classical Greek philosophers of many schools of thought, the ultimate goal in life was to develop one's character, to develop virtues through the practices of self-control in order that one be able to carry out one's responsibilities. One first had to care for oneself by learning appropriate self-control of one's passions, appetites, and instincts in order to then be able to care for and deal justly with others and ultimately to be able to carry out one's responsibilities to the state.

**Survival as overarching ethical value.** The Greeks were not alone. Concern for the development of personal virtue is strong in virtually all religious ethical systems, even if it is not always the most immediate concern.

Sometimes other values take precedence. For example, when the very existence of a religious community is threatened, its survival and continuity often take priority over all other values. Until a few decades ago, Reform rabbis in the United States participated in mixed marriage rites with Christian ministers. But as the American Jewish community became aware that about half of all Jews in the United States were marrying non-Jews, and that most of the children of those marriages were not being raised as Jews, Reform, Conservative, and Orthodox rabbis formed a united front and refused to marry Jews to non-Jews unless the non-Jewish partner agreed to convert to Judaism, irrespective of the character and virtue of the couple desiring to marry. The rabbis saw no alternative to the extinction of the Jewish faith over time. Other values, such as respect for and cooperation with other religions, became subordinated to the value of the survival of the religious community.

Sometimes other values are not so much eclipsed by the need for survival as the need for survival changes how other virtues are understood. When a religious community, for example, is under mortal threat, courage often comes to be understood in terms of willingness to sacrifice or risk for the sake of doctrine, and fidelity comes to be seen in terms of loyalty to the religious institution and rejection of all outside loyalties. Martyrdom in such situations of threat can often be elevated above even the values that the martyr refused to surrender. The sacrifice in martyrdom becomes a value in itself and no longer simply a means to defend another value.

Ethicists throughout the ages have proposed a variety of ethical models. Some of these are quite distinct, while many of them include a great deal of overlap with other

models due to the continuities in human experience that have persisted over the ages. Ethical models tend to be based upon reason. The assumption is that, faced with an ethical decision, humans should use reason to discern the more moral option. As we shall see, ethical models are not the only way to understand moral action.

## **Deontological, or Rule-Based, Ethics**

A common distinction made in discussions of ethical decision making, including religious ethics, is between deontological, or rule-based, ethics, on the one hand, and teleological, or consequential, ethics on the other. Rule-based ethics is somewhat simpler to implement, provided that the rules are clear and well known and the authority of the rule's source is accepted. In that case, one simply applies the rule. Of course, rules are developed within societies to deal with known situations, and thus rule making always lags after new developments. For example, a great part of the interest in bioethics today is that so many of the questions it confronts are new, so there are no ethical rules that apply directly to many questions. St. Augustine, for example, left us no insights on the ethics of organ transplants. One who wants to know how a religion should respond to a new issue in bioethics, such as cloning or fetal stem cells, must look for general rules and principles that may be indirectly relevant.

**Socialization of the young.** In general, every society in the world uses rule-based ethics in the socialization of young children. Young children do not have the capacity to reason their way through situations, and so we teach them simple rules: Do not hit, Do not break, Be gentle, Be nice to your sister/brother/friend, Eat

your vegetables, Clean up your messes. Parents and teachers are the ultimate authorities for young children, and children's dependence on these adults for all their basic needs provides incentive in children to comply with the rules. As children's reasoning ability matures, these simple rules of childhood later become the basis for more complex rules—such as the golden rule of only doing to others what we would have them do to us. Religions work in the same way, beginning with teaching children moral rules based on authority, and later demonstrating the religious foundations and texts underlying the rules.

Rule-based ethical systems are not always simple. Because many religious ethical systems developed over centuries, even millennia, they have become complex systems of interlocking rules that require a great deal of expertise to master. Today many both inside and outside religious communities question the relevance of certain religious ethical rules, such as the Catholic ban on artificial contraception, or Orthodox Jewish kosher laws against mixing meat and dairy products, or Buddhist bans on monks eating after noon. As living situations change in history, some ethical practices that were easily accepted in the past seem to conflict with central ethical values in the tradition.

Even when one agrees with the moral principle behind many of the rules, application is not always clear. Thus a group of people might all agree that human life begins in the womb, and that abortion is wrong, and yet be divided over whether an anencephalic fetus (one without a forebrain, including the neocortex, which controls cognition and consciousness), can be aborted as not a human person. (Anencephalics usually die before birth and cannot survive long after birth.) Those who believe that a capacity for consciousness is an

essential part of being human do not recognize the anencephalic fetus as a human person, while those who believe that any human fetus is a human person will insist on its right to as much life as its biology allows.

Sometimes rules change, not only in society, but in religious law. The practice of corporal punishment in the family by husbands/fathers on wives and children, for example, was not only accepted but advocated as a part of training families in virtue in many religious texts in the past. However, in the West over the last half-century, corporal punishment of both wives and children has been increasingly questioned in one religion—and civil law system—after another as not congruent with the equality and dignity of all persons. Nevertheless, there are many persons—and whole cultures around the world—who agree with scriptural accounts of corporal punishment as a normative parenting practice, understanding corporal punishment as a necessary part of rearing children. These people see a ban on corporal punishment as throwing out the baby with the bathwater, as overreacting to cases of physical abuse of children.

Rule-based religious systems usually include a hierarchy to be invoked when the actions dictated by the rules conflict, as they sometimes will. In some cases that hierarchy is one based on the source of the rule. For example, in Islam, a rule that comes from the Qur'an outranks one that comes from *hadith* (accounts of the sayings and decisions of the Prophet Mohammed). In many religions, the hierarchy invoked in the case of conflicting rules is one of values. For example, missing a mandatory religious ritual in order to rush an accident victim to the hospital is often the religiously correct thing to do, since preservation of life takes precedence over virtually all other values across religions.

## Religious Use of Rule-Based Ethics

Within many religions, the ethical system taught to the general membership is strictly rule-based; members are often encouraged to believe that the rules are absolute and exceptionless. Simplifications of ethical systems into a limited list of absolute rules made great sense in the historical past when most world religions began and developed. The masses in every society were illiterate and uneducated. More than that: the contours of their lives were very limited. Until the last century and a half, even in what we call the developed West, the vast majority of people were farmers who lived most of their lives in the same location amid a usually rather homogenous population. They inherited the very shape of their lives from their parents and grandparents, and few had any possibility of exercising much ethical responsibility. Because there were few "new" situations in the lives of generation after generation, following inherited sets of rules made sense. It did, as we would say today, "work."

More than anything else, this lack of decision-making experience in the general adult population, and their lack of the information necessary for broad social decision making in general, meant that few individuals were able to move beyond rule-based systems. In the more complex versions of religious ethics that were more or less confined to the literate, theologically educated upper clergy, a common goal in ethics was to develop personal ethical sensitivity/conscience through applying the basic rules, analyzing the consequences for all concerned, and, with other members of the religious elite, perhaps making (usually small) adjustments in the principles or rules designed to improve the consequences.

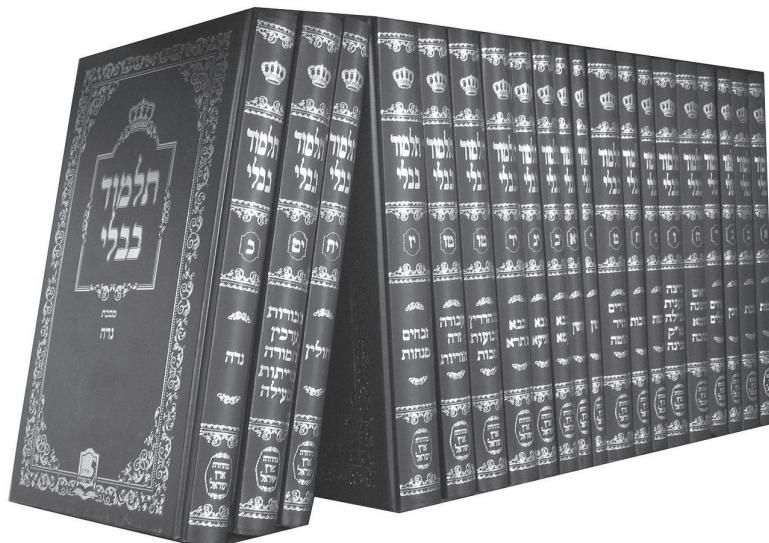
## Casuistry in Rule-Based Ethics

Casuistry is a form of thought that attempts to find an answer to a new ethical problem by analyzing precedents set in different cases that have one or more similar elements to the case at hand.<sup>3</sup> The Jewish Talmud is an account of rabbinic discussions on, and interpretation of, Jewish law, ethics, and philosophy by the most renowned rabbis in the first centuries of the common era. It has two parts: the Mishnah, a compendium of what has been known as the Oral Law, and the Gemara, interpretive discussions of both Mishnah and Torah. Discussions, especially in the Gemara, did not always reach consensus, even when the rabbis were discussing a single principle located in sacred text. The process was often casuistic—the rabbis often drew on past cases analogous to the one they were discussing, noting the similarities and differences, and how these

should affect decision making in the present case.

Casuistry as an ethical method was also prominent in Roman Catholic moral theology, though it was discredited in Protestant circles, and in the seventeenth century was attacked within Roman Catholicism, too, as lax, not sufficiently morally rigorous. Often called by different names, casuistry is relatively common within the higher reaches of religious organizations that need to give guidance to members in new situations. Casuistry calls on previous cases that have been decided, to illustrate different principles and distinctions and how they may be applied.

There is often a general fear of allowing members to utilize casuistry, in part because much of the general membership of a religion does not have the specialized knowledge of the tradition on which successful use of the



**Fig. 1.1.** The Jewish Talmud. Following the destruction of the Jewish Second Temple in 70 CE, rabbinic discussions of the Torah and related issues of Jewish life began to be written, and in 200 were restructured thematically to produce the Jewish Talmud as we know it.



method depends, but also out of a fear that allowing members to reach moral decisions on their own will produce chaos. In both Judaism and Roman Catholicism, rule-based ethics is generally taught to the laity, along with encouragement that ongoing questions as to how to apply existing law to new situations be referred to the rabbi in one's synagogue or to a rabbinical court of scholars in Judaism, and to one's pastor/bishop or ultimately to the Congregation for the Doctrine of the Faith at the Vatican.

This dual-level system—the masses are given rule-based ethics that may be taught as absolute, and an educated elite interprets special cases on the basis of appeal—is found in many religions. While the taught message is often that since the rules/law come directly from the divine, they are unchangeable, the interpretation of the rules/law by the elites does change with the historical experience of the community, which allows ethical teachings/practices to change, though usually very gradually.

### **Contemporary Approaches to Rule-Based Ethics**

While there are still many defenders of rule-based approaches to ethics today, even of very absolute approaches to the rules, the contemporary situation has caused both rejections of rule-based systems by some who refuse to simply follow orders handed down from historical authority, and many attempts to reform inherited rule-based systems to make their consequences more compatible with contemporary life. The fundamental problem in such reforms, of course, is that reform can easily undermine the claims made for the authority of the rules. If some rules can be dropped or reinterpreted, why not others? For this reason, many supporters of deontological,

rule-based ethics reject reforms, insisting that at least those rules with divine origin—and sometimes their interpretations as well—are unchangeable.

Some ethical rules in religion do not rest on claims of divine origin, in the sense that various scriptures can be understood as the very words of God, but rather on claims of divine revelation as mediated through religious leaders. In Islam, for example, Shi'a and Sunnis both understand the Qur'an as the direct word of God spoken to Mohammed, and other revelation as coming through Mohammed as well, as preserved in *hadith*. But for the Sunnis, revelation ended with Mohammed, and the ethical task today is to follow the Qur'an and *hadith*, using scholarship to probe new applications of legal principles derived from these sources as needed. For the Shi'a, revelation continued through the caliphs who succeeded Mohammed and Ali, and still continues today through deputies to the hidden imams (except for the Nizari sect of the Ismaili Shi'a, whose latest imam, Aga Khan IV, is neither dead nor hidden). Among Shi'a, then, as a general rule, new ethical teachings/rules are often presented as part of revelation, and not as the result of a human process of reasoning and analysis.

Similarly, since 1870, Roman Catholicism has taught that infallible truth on matters of faith and morals continues to be revealed to the Pope and announced to Catholics. The Church of Jesus Christ of Latter-day Saints (Mormon) teaches that the president of the church is a prophet, seer, and revelator. In a less official way, the role of gurus in various forms of Hinduism can be understood either as new revelation within a long tradition of revelation or as new interpretation of past revelation. It is perhaps significant that even



**Fig. 1.2.** The Muslim Qur'an. Some years after the Qur'an was revealed to Muhammed, it was written down, and its surahs were organized by length, longest to shortest.

in these religions that recognize divine revelation through institutional officers of the religion, there has been decreasing use of this revelatory power in contemporary times compared to even a century ago.

### Religious Reform of Rules as Problematic

Religions find it very difficult to discard teachings they have taught as divine command. But rules that have clearly been created by human beings are more easily changed. Many of these have to do with institutional rules around conduct. For example, for hundreds of years, the Catholic Church law required either fasting or abstinence from meat on many days throughout the year. But in the years following the Second Vatican Council (1962–1965), fasting was limited to Ash Wednesday and Good Friday, and abstinence from meat to those two days and all Fridays

in Lent (the period of forty days before Easter). As seen in the chart on page 22, the rules were made much less demanding.

Vatican II involved a turn toward inclusion of the laity, toward the laity accepting more responsibility within the church. Since fasting and abstinence were penitential practices done in order to atone for sin, church officials felt it now appropriate that individual laity decide how best to atone for their personal sin, rather than have rules that mandated the same practices for all. At the same time, it was felt that some residual rules around fasting and abstinence served the purpose of reminding the laity of the importance of preparing for Easter during the Lenten season, and so the rules for fasting on the first day of Lent (Ash Wednesday) and the day of Christ's crucifixion (Good Friday), and abstinence on these days and all the Fridays in Lent were retained.

Before 1965 (Pre-Vatican II)	Since Vatican II in the United States
<b>Fasting:</b> 1 full meal, 2 others less than half of full meal, no snacks Obliges all Catholics 21–60	<b>Fasting:</b> 1 full meal, 2 others less than half of full meal, no snacks Obliges all Catholics 18–59
<b>Fast Days:</b> All weekdays of Lent Ember Days Pentecost vigil Immaculate Conception vigil Christmas vigil	<b>Fast Days:</b> Ash Wednesday Good Friday
<b>Abstinence:</b> No meat; partial abstinence, meat only at major meal All Catholics 7 and over	<b>Abstinence:</b> No meat Obliges all Catholics over 14
<b>Days of Full Abstinence:</b> All Fridays Ash Wednesday Immaculate Conception vigil Christmas vigil Holy Saturday	<b>Abstinence Days:</b> Ash Wednesday Good Friday All Fridays in Lent
<b>Days of Partial Abstinence:</b> Ember Wednesday and Saturdays Pentecost vigil	

While the rationale for the change is clear and compelling, one common reaction to the change was suspicion: How could it have been a sin to eat meat on ordinary Fridays before the change and not a sin after the change? Because the rules had been presented as coming from God, the change made it seem as if God's rules were arbitrary. Many of the changes associated with Vatican II were received with this same suspicion, which seems to be the price of presenting all religious regulation as being of divine origin and therefore above discussion—even when,

as in this case, the rules in question were officially part of church discipline and not divine law.

Another example of changing rules to adapt to new situations is the Svetambara sect of the Jain religion of India, which, in the late twentieth century created a new order of monastics, the Samana Order. The Samanis are nuns who are exempt from the millennia-old rule that Jain monks and nuns could only travel by foot. The purposes of the new order are to minister to the religious needs of Jains who have founded global communities



outside of India, and to spread Jain teaching globally, especially the ethic of nonviolence to all living beings. Samanis in this order fly from continent to continent in their ministry. Interestingly, this missionary work is not aimed at recruiting members to the religion, but at spreading its ethical message.

### **Problems with Reform of Religious Rules Today**

Most people, and especially the young, need structure in their lives as they construct the persons they will become. They need the persons and events around them to be predictable—to follow the rules. We find ambiguity in the rules frustrating and even deceitful. Teaching the rules of religious ethics as absolute and unchangeable is sometimes part of

a deliberate attempt on the part of the leadership to create certainty and consistency in community practice. Yet we want the rules to make sense, too, and when rules are presented to us as absolute but are not clearly understandable, we question. Sometimes rules are presented as absolute that are really not, as when persons in lower leadership roles who have not yet mastered the complex ethical tradition demand unquestioning obedience as a defense against inquiries/objections they cannot answer.

Deontological (rule-based) ethics works best when the “rules” have not been imposed upon individuals as an external code, but have instead been learned within a community that teaches by example, as Wyschogrod suggested saints do. When we see over time



**Fig. 1.3.** These Jain Samanis teaching at Florida International University in Miami are part of a new Jain monastic order allowed to travel to minister to the Jain diaspora and to disseminate the moral teachings of Jainism.

that a rule works well, that following it has positive effects on individuals and on the life and interrelationships of our community, we are likely to incorporate that rule into our own personal code of ethics. That rule then is not external to us, but forms a part of our own ethical process.

**Today many rules seem imposed.** One reason that many students are disclaiming religious identities today is that the “rules” of the religion appear to them to be external impositions; they have not learned these rules through the practical experience of their communities, in part because of changes in the nature of local religious communities in the modern period. Many religious communities have become large, anonymous, and diverse. Members of the religion may not be neighbors, may not share employment or any other activity. Thus the ethos of the religious community has become more difficult to recognize and identify with.

In addition, while there have always been scandals in all human organizations, including religions, in the past many of these had been hushed in order not to threaten the faith of believers. Today every scandal is public, especially if it concerns religion. The whiff of hypocrisy makes religious scandal irresistible to the news media because it draws listeners/viewers/readers. When a religious institution has identified itself with divine authority, any moral lapse among the representatives of the institution seems to undermine the authority of the institution. Thus many ask after a religious leader is caught in some scandal: “Why should I believe anything he said?” But reflection should show us that the most basic truths will be pronounced by both geniuses and fools, saints and villains. The character of the message should not be judged by the character of the messenger.

## Teleological, or Consequentialist, Ethics

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Many students insist that rule-based ethics is less compatible with the postmodern period than it was with previous periods. Increasing portions of the human community are both literate and educated on the one hand and accustomed to making responsible decisions that affect the lives of many on the other. These humans want to exercise responsibility for their religious lives as they do in their work and family lives. They want to have a role in deciding what contributes to their own and their community’s flourishing. These people are attracted to teleological, or consequentialist, ethics.

Teleological ethics takes its name from the Greek word *telos*, which means “end.” In teleological ethics, one chooses the option that seems to produce the best end, or consequences. Rather than being based on a set of rules derived from an authority, consequentialist ethics entails choosing options with the most positive consequences. This is a very practical ethics, but it, too, is not as simple as it might seem at first. In many cases, teleological and deontological ethics end up pointing to the same option. For example, while deontologists may not speed when driving because there is a law that says one may only travel at fifty-five miles per hour on this road, a teleologist might also keep her speed to fifty-five miles per hour, not because there is a law that says so, but because she wants to travel safely and has learned that her car slips on the sharp curves if she goes over fifty-five.

When we look at the consequences of different ethical options, it is simple to say with the consequentialists that we should choose the option that promises the most positive and the fewest negative consequences. But

how do we decide what are positive consequences, and what are negative? In the example above, our teleologist driver had to experiment for herself to find out at what speed danger and safety divided. We do not want to always find these things out for ourselves. Our lives are too busy to be using consequentialist method in every decision we make. As we shall see, even the most ardent consequentialists do not weigh advantages and disadvantages of every choice that is set before them every day.

**Everyday consequentialism.** For many moderns, thinking consequentially seems normal. We are told that if we want to have a good job that will enable us to support ourselves and our families when we grow up, we must do well in school and go to university. We have an end—to be able to support ourselves and our family—and we choose the means that will get us to that end. If we want a new set of noise-cancelling headphones or a new car, we know that we have to find ways to save money. If we want to keep a friend, we know we do not tell their secrets to others. Our actions are guided by the ends we choose to pursue. But consequentialist ethics is more than this practical thinking. It makes us look at all the consequences of our actions. For example, we want to get a university degree so that we can obtain a job that will support us and our family—and hopefully help us become the person we want to be by developing our talents. But not every job that will enable us to pay our university tuition is a good choice. Some ways of earning money are clearly both dangerous and immoral—selling drugs, prostitution, burglary. But there are others that would benefit from our weighing the advantages and disadvantages. A student in class a few years ago said that she was putting herself through school by selling

phone sex—she only had to be on call fifteen hours a week, she said, and it paid all her bills. She insisted that there was no sexual activity involved, and that she was completely anonymous to her customers, so there was no danger.

Clearly, employment as a phone sex provider fulfilled this student's primary need: it paid her bills and enabled her to earn her BS in nursing. But was paying her bills the only consequence of this employment? Instead of simply condemning the phone sex job as violating a rule that says that sexual arousal belongs in marital relationships, as rule-based ethics would have it, consequentialist ethics would ask about the variety of consequences of holding this job. For example, has she been open with parents, relatives, and friends about what she does, or is she ashamed of it? Does she become aroused in the course of her work? How will this everyday manipulation of sexual arousal in the job affect her own sexual life with a later partner? What is the effect on the customer? Does her voice on the phone encourage masturbatory habits that might be difficult for a client to break in favor of an interpersonal sexual relationship? Does this phone sex service give customers an understanding that sexual satisfaction is something that can be bought? How will extensive experience of phone sex affect the way that future sexual partners of both customer and seller are treated? Many of these questions are difficult to answer, because the experience can affect different people in different ways. But they are part of the consequences and should not be ignored.

**Whose good?** We also need to ask: When we are considering what consequences should count as good, from whose perspective are these consequences being regarded? An ethical egoist (one who believes that the

normative position is to do what is in one's own best interest) might choose an option based on the most positive and least negative consequences for himself, without regard for the effects on others. For example, if there is a hurricane in our area and the water system is shut down, but I have the only freshwater well in my neighborhood, I could make a fortune selling freshwater to my neighbors. If I only look at the consequences for me, the decision is simple: if I sell the water for things that I don't have, I can have everything that I need and more during the emergency and will be rich afterward.

But most forms of consequentialism insist that we choose options with more positive than negative consequences overall, and do not limit our concerns to our own welfare. Some forms of consequentialism, and all religious forms, also insist that distribution of the positive and negative consequences to different persons be as equitable as possible. A judge who faces a large mob waiting to hang a man accused of child rape and murder must decide whether to convict the accused, though the evidence is completely lacking, and let him be hanged, or acquit him and risk the mob attacking the courthouse and killing the judge, sheriff, and jailers in a riot. Conservation of human life might suggest that the best consequence is to convict the man so that only one dies. This could be understood as the greatest good for the greatest number. But it is certainly not just to the accused, who may be completely innocent. And it sets up dangerous precedents for the future, in which the lives and interests of individuals, the poor and powerless, count for little against the interests of the larger community. Immediate advantages for many should not justify an unbearable burden for one or a few.

## **The Distribution of Goods and Evils in Consequentialism**

This issue of the distribution of goods and evils in consequentialism is an important one. Some forms of ethics in religion, those associated with liberation theologies, insist that the interests of the poorest and most marginal persons must be considered first. This is called the Preferential Option for the Poor, though it does not apply only to the economically poor, but rather to all characterized by relative powerlessness. In deciding where to locate a city's newest garbage dump, for example, one often finds that because land prices are lowest in poor areas, and because the poor do not have the same access for voicing their interests to officials, the dump ends up in the backyard of the poor. This is the best consequence for all, we are told, because all taxpayers benefit by the lesser cost of locating the dump in this area. But by this same logic, all undesirable public activities will end up in the backyard of the poor, and their very presence becomes the "logical" reason for not locating the more desirable communal activities there. For if the municipal ballpark, golf course, swimming pool, or concert hall were surrounded by the dump, the halfway house for prisoners, the homeless shelter, and the noisy railroad station, who would use them? Their best location, it is inevitably argued, is in middle-class neighborhoods with none of these disincentives to attendance. By putting consideration for the poor and marginalized first, one helps their voice be heard in the discussions so that a fairer distribution of these municipal goods and not-so-goods can be achieved.

If the common criticism of rule-based ethics is that it does not involve the whole human person in the ethical process, but only entails obedience to rules requiring or

forbidding certain acts, the common criticism of consequentialist ethics is just the opposite. If rule-based ethics can be too oversimplified, consequentialist ethics can be too complex. The calculation that adequate consequentialist ethics requires begins with decisions about what is good and what is bad and then involves a calculus of the impacts of all possible options on all the persons and communities involved. Such calculus is extremely demanding, and in many areas beyond the capabilities of some.

### **Differentiating Good from Not So Good in Complex Situations**

First, let us look at deciding what is good and what is bad morally. Very few things are always bad or always good. The few things that are always bad—what we term evil—are not so difficult to discern: murder of the innocent, nuclear obliteration, torture for the sake of torture, war without just cause, deliberate extinction of species, terrorizing children, and the list could go on. Many of our decisions are not between what is always good and what is always evil, but between the good and the not so good. The same substances that in small doses are medicines to make one well can, in larger doses, be fatal to human life. Speeding may be good or not so good, depending on whether one does it in an ambulance carrying a heart-attack patient to the hospital or in a joyride with a car full of teenagers. While there are certain acts that are usually good—like telling the truth—there are some situations in which even telling the truth can be vicious and cruel, because the truth-telling was done to harm another person, or to violate a promise.

Consequentialists, then, are often dealing not with black or white, but with different shades of gray. A mother has just discovered two wadded-up, long-forgotten twenty-dollar

bills in her teen son's jean jacket as she filled the washer. He wants to take his girlfriend to an upcoming concert, and in order to raise the remaining money he needs, he has arranged to spend the next day with his lonely grandfather cleaning out the attic. Does she give her son the money now, knowing he will cancel the day with his grandfather, or does she hold it twenty-four hours until he has spent the day with his grandfather? It is his money, and so holding it is a form of theft. But the grandfather is lonely and would greatly enjoy a day with the teen, who also loves his grandfather and might enjoy the day, too. Would it make a difference if the teen planned to earn the missing money by cleaning out the basement for his mother? Might it be more moral to withhold the money for twenty-four hours to benefit the grandfather than to benefit oneself? Why? We might have a variety of different responses to this situation.

For many issues today, especially the many issues involving technology, consequentialist ethics often seems beyond the capacity of most of us. In order to make a decision about in vitro fertilization, for example, a vast amount of information is required, beginning with how the ova and sperm are obtained, from whom they are acquired, and with what consequences (the consequences, or side effects, for women can be significant). Then one needs to understand how many ova are fertilized, at what stage in the development of the fertilized ova the implantation process begins, how many fertilized ova are implanted, what happens to the rest, what the range of success rates is, and who will be the legal owner(s) of any child(ren) produced and of any unused fertilized ova. Since for some of these questions there will be different answers depending on the situation, deciding about in vitro fertilization is a



complicated process even before one begins to ask questions about at what stage human personhood begins, what respect is owed to human biological materials that may or may not be human persons, and whether parenthood can be shared by more than two. The “consequences” of a given act or decision can be multitudinous and easily unforeseen. Rule-based ethics can begin to look much more attractive when one is confronted by this level of complexity.

A certain level of need for consequentialist decision making is involved even for those who use rule-based ethics, for some rules can become out of date, just like foods on the grocery shelf. Perhaps the authority that issued the rule has withdrawn it or replaced it. The individual has an obligation to ensure that the rule he or she is following is still sound and authoritative. For example, if one is to be more than a robot following a command, especially in rapidly changing fields such as biotechnology, one must look at the given rule and ascertain whether the reasoning behind it took into account the present reality or reflects an earlier understanding of reality that is no longer widely accepted. Much of the ethical controversy about stem cells focused on the fact that until relatively recently *stem cells* referred to embryonic stem cells obtained from aborted fetuses. Some people continue to oppose all use of stem cells in therapy or experimentation for this reason, even though today new discoveries of manipulable adult stem cells have opened possibilities that they—instead of only embryonic stem cells—could be used for regenerating various organs and tissues. Thus even deontological/rule-based systems of ethics can be dependent upon teleological/consequentialist thinking when rules must be reformed or replaced.

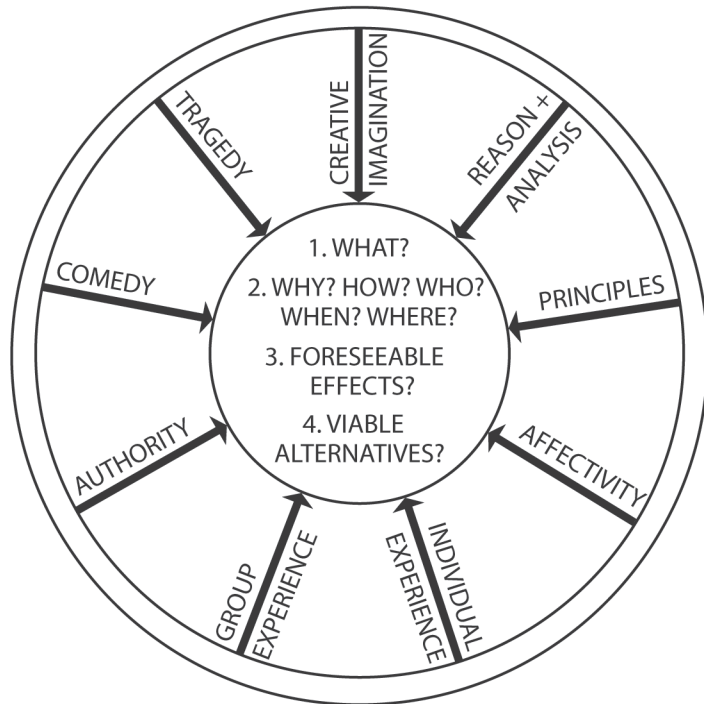
## Maguire’s Wheel for Moral Decision Making

Daniel Maguire, a well-known Christian ethicist, has developed the wheel on page 29 to illustrate both two levels of inputs in moral decision making and the multiple sources that go into good moral decision making.<sup>4</sup> In the center of the diagram are the basic data of the problem, the what, who, how, where, and why of the case. The spokes of the wheel are the sources and processes that the decision maker brings to the problem. Note that questions 3 and 4 in the center ask for information that is not part of the given case details, but are the result of applying the individual’s sources to the facts of the case. Rules, in the form of principles, play a role in the decision-making process, as does group experience, but the predominant method here is consequential. The wheel illustrates well the complexity of moral decision making in consequentialism.

Ethics should be practical, and ethical methods should be suited to the life situations of the persons who use them. For most of us, this means that we will both accept a number of the inherited rules, but other times pay more attention to calculating consequences in choosing moral options utilizing something like Maguire’s moral wheel.

Our reasons for accepting some of the more basic rules will differ. Some will accept these rules on the basis of authority, while others will accept them only after testing them in their own experience and agreeing that they produce more good than alternatives and fewer negative consequences. Most of us accept the rule “Do not kill,” but with different exceptions that might include self-defense, military service, or police work. Most of us accept the rule “Do not commit adultery,” and are divided only on exceptional

## THE MORAL WHEEL



**Fig. 1.4.** The Wheel Model. Daniel Maguire, renowned Christian ethicist, portrays the elements of moral decision making by way of this graphical illustration.

cases, such as a spouse institutionalized long-term with Alzheimer's.

### Contemporary Rethinking of Traditionally Accepted Moral Rules

Yet today there are a number of traditional moral rules that most Americans do not accept. For example, instead of making a distinction between married (moral) and unmarried (immoral) sex (traditionally called fornication) as was common in the past, the more common normative distinction that has become the centrist position in western culture today is between casual sex (of questionable morality) and committed sex (more moral), no matter whether that committed

sex is within marriage or not. This is a huge change. Many circumstances combined to influence this change, among them the availability of reliable contraception, the later age of marriage due to lengthened education, the economic necessity in most families that married women work outside the home (thus requiring education and training, and increased age at marriage), and increasing voluntarism in the selection of marital partners. Of course, there is still a significant minority of persons, mostly religious, who believe that sex outside of marriage lacks moral standing because of the absence of covenantal commitment, and another minority who see nothing immoral in casual sex.

Yet many ethics scholars point out that the new distinction (casual/committed) is prone

to the same problem as the old distinction (married/unmarried): it implies that it is the external characteristics surrounding the act that make it moral or immoral, rather than the quality of the relationship in which the sex takes place. Just as a marriage ceremony does not make all sexual activity within that marriage moral, so the length and publicness of a cohabitation relationship does not mean that all activity within it is moral. Sexual abuse, for example, can occur in both marriage and committed relationships. It is not only found in casual sex.

### **Rethinking the Plagiarism Rule**

A second example of changed attitudes is plagiarism. Increasing numbers of students reject the traditional understanding of plagiarism as cheating, or theft, when presenting the work of someone else as one's own. There are a variety of reasons given. For some students for whom education is only about jumping through the hoops in order to obtain credentials, there is no sense in wasting time to create something that someone else has already created. This attitude reflects a relatively new postmodern reality, in which the real and authentic no longer mean that which is original, of which a copy would only be a fake, a counterfeit. Instead, the real is what can be duplicated innumerable times, like a song on iTunes, or a document online. The idea that a copy is not as good as the original has little or no standing in this world. But this shift in thinking is only one part of the change in attitude toward plagiarism.

Many are no longer persuaded by understanding that education is the process of acquiring not just a license or credential, but a combination of skills and wisdom, neither of which is obtained in plagiarism. Of course, laziness also plays a part in the decision to

plagiarize, as well as a willingness to deceive. Who is the loser in this shift in popular morality? Both individuals, who cheat themselves out of some valuable learning that could be useful in later life and employment, and their employers, who hired them on the basis of a school record that may have little relationship to the skills actually acquired. On the other hand, one reason that not all students see cheating as hurting themselves is that the educational process has not made an effective case for the relevance and importance—the basic purpose—of the work required. Divisions in moral thinking around plagiarism plague our educational system today, threatening basic understandings about honesty. The alarming numbers of persons claiming degrees, awards, and other achievements on their résumés that they never earned is certainly linked to this shift in public thinking on plagiarism.

### **Rethinking Lying and Truth-Telling**

In a similar process, many people today qualify the inherited religious ethical ban on lying. There are some occupations that seem to routinely require lying. Today lying as part of a profession is not limited to secretaries (“No, he is not in today”), spies, and undercover cops. Police and medical examiners are often asked by relatives of crime or accident victims, “Did she suffer much?” The routine answer, unless there is a deal of evidence to the contrary, is “No, she died very quickly.” In the same way, we tell sick and dying loved ones that yes, they look very good today, even as we cry inside for the suffering and physical deterioration that shows on their faces.

In the case of lying, we often want to know what the purpose of a given untruth is before we pronounce it a lie. While lying to deceive another in order to undermine the

interests of that other is clearly wrong, lying to someone to make them feel better is not always justifiable, either. Spouses who hide from the husband or wife the seriousness of their financial troubles or their health situation by lying might say they do it to spare the spouse from worrying. But such action not only deprives the spouse of information to which he/she had a right, but also deprives them of the opportunity to affect the crisis, even if only by sharing the burden of the crisis with the partner.

### Asking the Virtue Question

At the same time, as we saw above, for some the religious focus is neither rule-based nor conventionally consequential, but rather intensely personal: the best option is the one that has the effect of making the agent a better person. Even if we do not want to use virtue ethics as our exclusive moral approach, asking the question as to what effect an act will have on our own character should be part of the process in deciding upon action in a new situation.

Virtue ethics often tends to end up supporting rules. Thus even in a personal situation where a consequentialist might say that a lie—for example, a mother's denial to a child that the child's conception was accidental—could be justified because it avoided suffering in the child being lied to, virtue ethics would ask what effect this lie has on our character over time. Does it incline us to justify other untruths in other situations? What is the effect of the lie on the child if someone later tells him the truth? On the other hand, virtue ethics can sometimes support rejecting actions usually considered normative. For example, Franz Jägerstätter, an Austrian conscientious objector beheaded for refusing to

fight in Hitler's army, followed the voice of his conscience in refusing to be drafted into what he considered an unjust aggressive war on Germany's part, despite the failure of his local church community, pastor, and bishop or any other social institution to support him. He chose conscience over obedience to the state, personal virtue over moral conformity. Today the very Catholic Church that refused to support his conscientious decision has pronounced him blessed, a step in the process of canonization to sainthood.

For virtue ethics, the intention of the agent is usually of more importance than the practical consequences of the action. This makes practical sense in many situations, for we all know that the right action can be chosen for very evil ends. A mother who has gone to great lengths (change of name and location) to protect her child from the knowledge that his father was an executed murderer can be totally undermined by an enemy who maliciously tells the child "the truth" in order to cause suffering. In this case, the malicious intention makes this truth-telling action an evil one.

Buddhist ethics, in particular, stands out as virtue ethics, mostly because in the Buddhist worldview the material world is regarded as largely illusory, so that consequences within it have little importance compared to intention, which is closely related to individual progress toward the end of *nirvana*. One reason that Buddhism has kept this focus on personal virtue is that Buddhism began, and has largely remained, a religion aimed at monastics more or less withdrawn from the world. Thus worldly consequences have not carried as much weight as gains or losses in personal virtue. Buddhism has been in the past much criticized in the West for inattention to issues of justice and rights, yet praised

for its corresponding emphasis on character development and self-discipline. Contemporary Buddhist ethics has, however, in Socially Engaged Buddhism, taken a strong turn toward dealing with issues of justice in the world.

## **Consequentialism in Social Ethics**

In general, when religions turn to deal with social issues, as opposed to interpersonal relational issues, they tend to use consequentialist method, because social issues are complex, time-bound, and often dynamic. As many Catholic ethicists have noted over the last decades, Catholic moral theology (which focuses on individual moral conduct) is decidedly rule-based, while Catholic social teaching is strongly consequentialist.

### **Role of Social Analysis**

There are seldom readymade rules in religions that directly apply to many social issues, though a number of principles are so basic that it is difficult to imagine how they could become outdated. The principle of justice, for example, that demands giving to each person what is due him or her, can be timeless, because understandings of what is due individuals changes with the times. Until the modern period, class and caste distinctions were responsible for social patterns in which some people were understood to be due much more than others because of the caste or class into which they were born. Most ethical systems today recognize different kinds of justice, based on different understandings of what is due each individual. Of course, even in late modern society, what is due each person is not the same in each situation.

Commutative justice is the justice of commerce, of exchange, in which exchanges should be of the same agreed-upon value. If you loaned me ten dollars, then I owe you ten dollars. If I buy a dozen oranges marked twelve for four dollars, then the checkout clerk should charge me four dollars and not five dollars. Commutative justice is not sufficient for human social needs, for power differentials can often unfairly influence the agreement between persons. For example, when merchants are intimidated by gangsters into agreeing to pay protection money so that their stores will not be vandalized or destroyed, that “agreement” of money in exchange for protection is not just. Commutative justice requires a level playing field for exchange, a freely chosen agreement without coercion. Social analysis is necessary to ascertain that the level playing field is present in the facts of the case, in order that commutative justice can be appropriate.

Distributive justice, on the other hand, is about the proper allocation of social goods, aimed at the welfare of the whole society. It is not necessarily egalitarian, though it sometimes is. Distributive justice can be based on meeting basic needs for those who lack them, or it can be aimed at those who are not needy, but who may invest the goods in ways that benefit the society by increasing jobs or by restoring air quality, and so on. Both progressive taxation (higher rates for higher incomes) and tax breaks for business owners can be examples of distributive justice, depending on what the overall good of the whole society requires at the moment.

While commutative justice is that which largely occurs between individuals, and distributive justice is about what societies give to individuals, social justice is about what individuals owe to society. For example, taxes



are one of the things that all individuals owe to their society to underwrite the services that societies provide for all of us (roads, schools, police, fire protection, disaster relief, food inspection, etc.).

Social analysis is the tool that we use to distinguish the correct type of justice that applies in specific situations and how it can be best applied. The newer the situation, or case, the more important social analysis is in helping us understand the specific problem, the variety of options, and the consequences of those various options.

### **Consequentialism in Dealing with New Social Issues: The U.S. Housing Crisis and Ecology**

For example, during the United States housing crisis that began in 2007, ethicists of different religions in America were repeatedly asked the question of whether it is ethical for home owners who are “underwater”—owe more on their homes than the home is now worth on the market—to walk away from the mortgage. Some argue that this is morally wrong, that these home owners made promises in the form of mortgage contracts and are obligated to fulfill these promises. Others argue that home owners should not suffer the entire burden of the financial crisis that was largely brought about by the very banks and other financial institutions that hold their mortgages. These people argue that because the drop in the value of homes was not the owners’ fault, and has already victimized them (they have lost whatever equity they had built up in their homes) they should not be held hostage for decades, unable to move because they cannot sell (since the selling price would be far below the mortgage owed). In religions there are ethical values and principles relevant to financial affairs, but no

direct rules about the status of mortgage contracts. In such cases, social analysis and some form of casuistry (discussed above) must play a major role, since change in the social reality is the very reason for considering that traditional rules about keeping promises (repaying loans) might not be appropriate.

Similarly, in dealing with many issues of ecological justice, there are no rules on extinction of species or conservation of water to be found in sacred texts or moral codes. In the absence of specific rules to guide us, humans must look for general principles of justice and value in the various religious and philosophical traditions and then weigh the various options to find the ones that best approximate the justice demanded by the traditions.

### **Social Analysis as Defining the Moral Issues in Our Context**

Some students may be surprised by the quantity of social analysis to be found in the following chapters. Social analysis frames the problematic that ethics addresses; it tells us where the ethical question is to be found. As ethicist Daniel Maguire writes:

[T]he is is the parent of the ought. If we miss contact with what really is, our thoughts are messed up. . . . Knowing what really is, therefore, is the goal of ethical inquiry. If our judgment of the *prima facie* facts is skewed, the brilliance of subsequent discussion and analysis will be victimized by this bad start. What we say may be impressive, but we will not know what we are talking about. The first step toward prescribing what ought to be is describing what is. Description is the beginning of prescription. Description, of course, is not the end of prescription.

True ethics is creative and is as concerned with what might be as it is with what now is. . . . Many if not most ethical debates result from ignorance of what is being discussed. In fact, you could say the hotter the debate, the likelier it is that the participants to some large degree don't know what they are talking about.<sup>5</sup>

Certainly contemporary ethics puts a great deal more stress on understanding the circumstances of a proposed action than traditional ethics did, whether religious or secular. Much of this emphasis is due to modern realizations that the pace of change in the world has increased a great deal in the last few centuries and still continues to increase. Until the last century or two, many scholars assumed that the world was largely static, and since there was little change in humans or their societies, little attention needed to be paid to the material circumstances of proposed actions.

This emphasis on understanding the context is not limited to religious ethics but extends through many disciplines, religious and secular. Until relatively recently, most Christians read the New Testament as if Jesus had been a Christian speaking to contemporary Christians instead of a Jew speaking to first-century Jews. Situating Jesus in his own historical cultural context has made a huge difference in understanding who Jesus was, what he taught, and how he understood his mission, and therefore in how Christians understand the ethical demands of Christian faith. Similar changes have been taking place in other religions as the history and culture of foundational periods are explored contextually.

Context is important, then, at two levels. It is critical for understanding the reality in which ethical obligation exists today. But context is also important for understanding and

evaluating the principles and rules that come to us in the moral traditions of religions. What was the context in which these principles and rules were revealed, and how does that context compare to ours? When we look carefully, we see that some parts of the rules in sacred texts have been set aside over the centuries as not applicable because they were rooted in a context that no longer exists. Thus the Orthodox in Israel have made no attempt to implement the punishments decreed in the Torah for moral offenses, including capital punishment for offenses such as kidnapping (Exod. 21:16), adultery (Lev. 20:10), cursing father or mother (Lev. 21:17), rape (Deut. 22:23-27), or even rebellion in a son (Deut. 21:18-21).

Though the Qur'an also lists a number of very stiff penalties for moral offenses, for example, the cutting off of right hands for convicted thieves (Qur'an 5:38), virtually no Muslim nations implement this in their penal codes, not even in those nations whose legal systems are said to fully incorporate shari'ah law. In both cases, there is increasing concern in the modern period that some punishments that may have been necessary and appropriate in more primitive living conditions are too severe in late modernity, especially given contemporary awareness of the possibility of error in judicial applications.

The issues that face us as individuals and societies today are more complex than ever before, in part because of the actions that humans have already chosen. For example, today we ask what should be done about "trash" in the space orbits around earth and who should take responsibility for it, but only a few generations ago the question would have been impossible to even conceive, since humans had not yet moved into space. Similarly, humans have over many millennia transformed much of the natural environment,

so decisions in environmental ethics must take into account the environment as it exists today, not only an abstract theological understanding of nature as originally created. Whereas just a few centuries ago the overwhelming human preoccupation was simply human survival amid the intimidating power of nature, today we ask questions about how humans should preserve other species and habitats in nature. In order to answer any of these questions, we need a great deal of data about what is: what species there are, where they live, in what numbers, requiring what kind and size of habitat, how species are related (as in food chains), and what factors impact the numbers and health of species. Today social analysis is an indispensable element of religious ethics.<sup>6</sup>

But social analysis does not just explain the physical world to us. It also involves looking at the history of relationships, as in labor history, or the historical developments that have taken place in marriage over the centuries, or what modern medicine tells us about the maturation process in children, all of which may and should influence the decisions we make in specific situations. There are few if any types of knowledge that are not relevant to some moral situations in which humans must make crucial decisions.

## Shorthand Rules in Religion

In dealing with personal quotidian behaviors, some religions have concise sets of the most basic ethical rules or practices, such as the Ten Commandments for Christians (originally of course from the Hebrew Scriptures), the Five Pillars of Islam, the Five Moral Precepts for Buddhists, or the Five Major Vows (Vratas) of Jains. These rules are a kind of shorthand. These can either be very commonsense rules

necessary if people are to live together in stable societies, or very particular rules (as in the Five Pillars) that distinguish this believer from another.

### FIVE MORAL PRECEPTS (BUDDHIST)

1. I undertake the training rule to abstain from taking life.
2. I undertake the training rule to abstain from taking what is not given.
3. I undertake the training rule to abstain from sexual misconduct.
4. I undertake the training rule to abstain from false speech.
5. I undertake the training rule to abstain from fermented drink that causes heedlessness.

### THE FIVE PILLARS OF ISLAM (OBLIGATORY PRACTICES)

1. *Shahada*, reciting the creed
2. *Salat*, saying five daily prayers
3. *Sawm*, dawn to sunset fasting during the holy month of Ramadan
4. *Zakat*, almsgiving to the poor
5. *Hadj*, the pilgrimage to Mecca at least once in a lifetime if possible

### THE GREAT VOWS OF JAINISM (MAHAVRATA)

1. *Ahimsa*, nonviolence toward all beings
2. *Satya*, truthfulness
3. *Asteya*, nonstealing
4. *Brahmacharya*, chastity (celibacy for monks and nuns)
5. *Aparigraha*, nonpossessiveness

### TEN COMMANDMENTS (CHRISTIANITY)

1. I am the LORD your God, who brought you out of the land of Egypt, out of the house of bondage. You shall have no other gods before Me.
2. You shall not make for yourself a carved image—any likeness of anything that is in heaven above, or that is in the earth beneath, or that is in the water under the earth; you shall not bow down to them nor serve them. For I, the LORD your God, am a jealous God, visiting the iniquity of the fathers on the children to the third and fourth generations of those who hate Me, but showing mercy to thousands, to those who love Me and keep My commandments.
3. You shall not take the name of the LORD your God in vain, for the LORD will not hold him guiltless who takes His name in vain.
4. Remember the Sabbath day, to keep it holy. Six days you shall labor and do all your work, but the seventh day is the Sabbath of the LORD your God. In it you shall do no work: you, nor your son, nor your daughter, nor your male servant, nor your female servant, nor your cattle, nor your stranger who is within your gates. For in six days the LORD made the heavens and the earth, the sea, and all that is in them, and rested the seventh day. Therefore the LORD blessed the Sabbath day and hallowed it.
5. Honor your father and your mother, that your days may be long upon the land which the LORD your God is giving you.
6. You shall not murder.
7. You shall not commit adultery.
8. You shall not steal.
9. You shall not bear false witness against your neighbor.
10. You shall not covet your neighbor's house; you shall not covet your neighbor's wife, nor his male servant, nor his female servant, nor his ox, nor his donkey, nor anything that is your neighbor's.

Some of these sets of rules are very similar to each other. The Buddhist and Jain precepts/vows are very similar to each other largely because Jainism so influenced both Hinduism and Buddhism in India. But some of these also match many of the Christian commandments. The Muslim list is different, in that it does not list the most basic moral rules for humans (not killing, lying, stealing, or committing sexual offenses), which are also observed by Muslims, but instead only lists the requirements that are peculiarly Muslim, those that distinguish Muslim believers from all others.

One reason why the Buddhist, Jain, and Christian rules are so similar is that they are the most basic rules for all humans, but they are not by any means the only ethical rules in these religions. They symbolize, without exhausting, the entire moral tradition of the religion. Not all religions have such concise representations of their moral system. The religions that make up what we call Hinduism, for example, have many sources/codes for guiding moral conduct. And because the Christian Ten Commandments come from the Hebrew Scriptures, in the two millennia since rabbinic Judaism was born, the

613 *mitzvot*, or Jewish laws, have become so emphasized that the symbolism of the Ten Commandments is often regarded as part of Jewish history, but not so useful as symbol today, perhaps in part due to its adoption by Christianity.

## Choosing an Ethical Method

What, then, can we conclude about ethical method? What method should we choose? Perhaps the wisest because most practical path is not to restrict ourselves to one method, but to be guided by the situation. Each of these three methods of ethics—rule-based, consequential, and virtue ethics—has advantages and disadvantages. When there is general agreement between religions about a rule of conduct, and that rule does not run counter to contemporary experience, we will be inclined to accept that rule. When there are differences between religions on what one should do in a given circumstance, or when religious rules seem in conflict with contemporary communal experience, we will examine the implications of each option for both the development of virtuous character in the agent and for the flourishing of all persons affected by the decision. A certain amount of flexibility in choosing method is necessary.

This approach is pragmatic, but it is not new or original. It is what we humans do on an everyday basis. Much of ethics is about creating habits of virtue. The Christian theologian Thomas Aquinas defined a virtue as “a good habit of the mind, by which we live righteously.”<sup>7</sup> Most of the actions/decisions we make on a daily basis are repetitive. We do not need to ask before eating breakfast each day where our breakfast food came from, who grew it, whether they received a fair price for it, or other related questions, because most

of our breakfasts follow a pattern. Once we have decided on a Fair Trade brand of coffee, eggs from a local farm, and bread from the local baker, we do not need to rethink the social ethics of our breakfast every day. In the same way, if we have made a habit of truth-telling rather than lying, we continue to follow the “Do not lie” rule without reminders. Only once in a while do we hesitate before an unusual situation, not sure that telling the truth to the distraught neighbor holding a butcher knife who wants to know his wife’s location is the best option. If his wife is in the garden kissing the FedEx delivery man, the consequences of truth-telling might be very negative for all concerned.

Most of the time, we automatically either follow inculcated rules first taught us as children or follow our own ethical rules that we created by tweaking or replacing rules proposed to us in the course of our socialization. When I do not curse in front of our grandchildren, it is because I long ago accepted childhood rules against cursing. When my husband does not curse in front of our grandchildren, he is following a piece of his own ethical code that was hard-learned when we were young parents. He did not want to set the same example for his sons that his own father, a very good person but a champion curser, had set for him. But it was very difficult to retrain himself not to curse. We arrived at the same point via different methods, rule-based for me and consequentialist for him.

## Conscience

As we near the end of this treatment of ethical method, some of you are probably wondering, “Where is conscience in all this?” Conscience is both freestanding and closely related to these reasoned approaches to moral decision making. Conscience is that part of



humans that alerts us to a moral need to act. Conscience is not usually an answer to a consciously asked moral question; the action it demands does not often follow closely reasoned decision making. It is often impulsive, certainly compulsive, and difficult to explain or justify. "I just had to do it. I didn't have a choice," is perhaps the most common explanation following an act of conscience.

Of course, it is not really the case that acts of conscience come out of nowhere and are not connected to processes of moral reasoning, regardless of the fact that they often feel that way. In the same way that we can puzzle over where we left our cell phone, look for it for hours, and then wake up the next morning with a sudden knowledge of where it is, some acts of conscience can follow days or weeks when we genuinely do not know which way to decide on a problem. Reason has not convinced us to choose any of the available options. We are stymied until—*boom!*—we have acted. We did not see it coming, and cannot explain it. It was just the right thing to do.

Sometimes there is no question posed. A situation suddenly plays out in front of us. We respond immediately (or not) to a situation, as when a stranger sees a child in the window of a burning building and immediately runs in to rescue him. The stranger may die in the attempt or may successfully rescue the child, because the act was not a reasoned one but an impulsive one. It could go either way, but the stranger felt that she had no choice. The child's life had to be saved.

Or we do not act, do not follow the voice of conscience. We know when the moment is past, and we may feel empty, that we did wrong by not acting. We missed the opportunity. We have let down someone or some others; but even more, we have failed ourselves.

We lacked the courage to act on what we knew in our hearts was the morally correct (but difficult) course. We are ashamed; we are rudderless.

These acts of conscience that seem to come out of nowhere in fact emerge from the depths of one's personhood, from who one really is. The feeling that there is no choice concerning the act arises from an understanding that to refuse this act, to deny the voice that demands it, is to surrender all that one is. Often, the personhood at stake is one that has been carefully crafted through a series of decisions that constitutes a personal moral code. For others, the personhood at stake in heeding or not the voice of conscience is not so much one that is fully formed, but the very possibility of personhood, of character. To deny this voice feels like forfeiting all hope of becoming a person of moral character, worthy of respect.

In many cases when we fail to respond to the voice of conscience, we do so because we are seduced by what presents itself to us as the voice of reason. That voice murmurs in our ear that the consequences of doing the just or loving thing may be too grave for us to risk, that the punishments for disobeying rules can be harsh, that we should wait and see or let someone else who is better prepared do the act. But it is important to remember that reason is not the enemy of conscience or morality. Reason is a tool that can be used in both moral and immoral ways. In fact, the imperative nature of the voice of our conscience represents a moral personhood that reason has helped to craft and still supports, however quietly.

Very few of us have fully formed consciences, because these develop over time. Therefore there are many moral situations in which our conscience may be silent and

we must, often painfully, discern what is the right thing to do. It is in those cases that we need to work through the moral decision-making process, choosing what seems to us to be the most moral option. The more often we work through these moral decision-making processes, the more we have formed our personal moral code, and the more frequently our conscience can speak to us.

## NOTES

1. In the Reformation, Luther originally objected to indulgences—i.e., prayers and actions that could be done by a penitent to earn released time from purgatory for self or others—objecting to the concept of earning salvation. He insisted that salvation could not be earned but was the free gift of God to those of faith. The Catholic Church insisted on the power of good works as well as faith.
2. Edith Wyschogrod, *Saints and Postmodernism: Revisioning Moral Philosophy* (Chicago: University of Chicago Press, 1990).
3. For examples of casuistry in contemporary ethics, see Richard Brian Miller, *Casuistry and Modern Ethics: A Poetics of Practical Reasoning* (Chicago: University of Chicago Press, 1996).
4. Daniel C. Maguire, *Ethics: A Complete Method for Moral Choice* (Minneapolis: Fortress Press, 2010), 71.
5. *Ibid.*, 81.
6. A handy little book explaining how to do social analysis for religious persons is *Social Analysis: Linking Faith and Justice* by Joe Holland and Peter Henriot (Maryknoll, NY: Orbis, 1983).
7. Thomas Aquinas, *Summa Theologiae* I–II, 55.4.