

Christian terms which interprets them in a materially different way. If the Aristotelian orator must possess practical wisdom, well-disposedness and virtue in order to convince, this is also true of the Christian speaker – but under a special leading aspect, which determines the structure of ethos, pathos and logos: the aspect of agape or love. More precisely, he must speak in imitation of that love with which Christ himself spoke to men.

(All references are to the translation of Aristotle's *Rhetoric* by Rhys Roberts, Oxford, O.U.P. 1924; this edition 1971.)

- 1 *Ar. Rhet.* 1355b 25–6.
- 2 1359a 31–34.
- 3 1357a 5–7.
- 4 1358b 1f.
- 5 1356a 2.
- 6 1356a 6–8.
- 7 1356a 3.
- 8 1356a 20–27.
- 9 1356a 15f.
- 10 1355a 38–55b 2.
- 11 1357a 1–5.
- 12 Cf. 1397b 12–29.
- 13 1381a 1f.

Bonhoeffer's Footnote and the Moral Absolute

Jordan Bishop

In much contemporary discussion of ethics, the Roman Catholic tradition – particularly in questions of sexual morality – has been characterized as the last refuge of the absolute. On questions such as the morality of contraception, the Church has been remarkably out of phase with other churches and other ethical traditions, insisting on a particular approach to natural law theory which has, by now, become identified with the Roman Catholic tradition.

It is interesting then, to find the following footnote in Dietrich Bonhoeffer's *Ethics*, as edited from Bonhoeffer's papers by Eberhard Bethge:

Marriage is not founded upon the purpose of reproduction but on the union of man and woman. Woman is given to man as 'an help meet for him' (Gen.2:18). The two shall be 'one flesh' (Gen.2:23). But the fruitfulness of this union is not something that is commanded. For biblical thought this would have been

impossible; it was only in the age of rationalism and technology that it could come to be understood in this way.¹ Writing at a time when the Roman Catholic tradition maintained a strong consensus on the question, Bonhoeffer notes that this tradition “does not indeed, as is often asserted, maintain that reproduction is the only purpose of marriage. No one did that before Kant”.² Nor did the tradition follow Kant in this. But it does raise another question, that of the origins of what Bonhoeffer – and many of us – knew as the Roman Catholic tradition of natural law. Bonhoeffer’s footnote refers us to the age of rationalism and technology. It is also the age of the dominance of the Laws of Nature, of moral law and moral principle conceived on the model of Kant’s paradigm of valid human knowledge. The ideal of a moral principle becomes something along the lines of the laws of Newtonian physics, and in an age when many eternal verities were questioned, the chance to shore up traditional morality with an appeal to hard and fast laws of nature was not to be missed.

It is true that this was an age of intense rivalry between the secular, rationalist ethics and the theological ethics of the Church, although it has been noted that at the height of the conflict there was in fact very little difference between the precepts of conduct inculcated in the Church and in the anti-clerical Lycees of France.³ Looking at the notion of natural law arguments and official statements of morality, one sometimes wonders whether the real rivalry was between moral systems or between sets of people. In any event, the paradigm for much natural law argument does appear to be closer to the laws of Newtonian physics than to the more flexible and highly uncertain arguments of the medievals, who expected – and found – more certitude in the Bible than in natural law. The nineteenth-century rationalist was much less inclined than were thinkers of the older Catholic tradition to settle for the “moral certitude” of that older tradition. For Aquinas the common possession of material goods was an example of a fairly strong conclusion of the natural law, along with “*una libertas*” (1–2, 94, 5 and 3); the “distinction of possessions” and “servitude” (which one might argue means not only slavery but being a servant or wage-earner dependent on someone else) do not result from nature, but from reason or history, as a useful arrangement. Other arrangements might well be equally useful. On the other hand some eighteenth-century rationalists were quite willing to admit the need for land reform, but found it contrary to the institution of private property, which was strictly enjoined by the Law of Nature, and no more to be broken with impunity than the law of gravity. Moral laws conceived in this mould can be much more absolute and inflexible than the precepts of medieval moralists.

We are dealing here with a very different notion of ethical reasoning and argument than that of the medievals, or even of the sixteenth and seventeenth-century moralists who felt the need for, and argued endlessly, about “systems” such as probabilism. The very idea of “deducing” rigorous and mathematically certain conclusions applicable to individual actions from abstract ethical principles was absent here. It is only in Bonhoeffer’s “age of rationalism and technology” that such a conception of “natural law” could have arisen. Instead of a central role being given to prudence in the Aristotelian and medieval sense, we have a deduction from principles that owes more to Descartes than to Aquinas.

It is somewhat ironic that Catholics, who were violently opposed to the whole culture of rationalism on one level, would quietly be absorbed by it on another, to the extent that after this kind of moral reasoning, this approach to “natural law” would have gone out of fashion among secular thinkers, it would become identified with the Catholic Church. Many of us can no doubt recall having been introduced to the study of ethics with a lecture on the pernicious influence of Kant, followed shortly by a “natural law” defence of the Catholic position on contraception that was much closer, in style and the approach to ethics, to Kant and the rationalists than it was to Aquinas. Quite simply, we read Aquinas with nineteenth-century lenses. The conclusions were absolute, they were clear and distinct, they brooked no contradiction and posed no perplexities. The great divergence in conclusions from such an encyclopedic writer as the Jesuit Thomas Sanchez was – if indeed it was recognized to exist – explained away with another typically nineteenth-century myth, that of progress. Sanchez, in his chaotic seventeenth-century, may have been perplexed about abortion, poor fellow, but we have now progressed to the point where such perplexities are a thing of the past. We can take a simple abstract principle and from it deduce a simple and incontrovertible norm of conduct. Ethics is a question of Q.E.D. And ethical principles are as inexorable as are those of Newtonian physics. This is hardly surprising, since these had become the model for the principles of “natural law” ethics. When applied in a mechanistic, almost technocratic manner they assume a rigidity that traditional ethics has never claimed in the application of principles to human behaviour. And they have been applied with a rigour that fully satisfies the yearnings of those who, above all, want clear and distinct ideas, as well as a kind of intellectual security in times when the world seems to be falling apart.

This was enhanced by the security of science, by the intriguing possibility of deducing moral principles from the solid ground of scientific fact. The medieval tradition was greatly given to finding

a ground for moral and political obligation in experience, which is not quite the same thing as the nineteenth-century notion of “fact”.⁴ Much of the force of neo-Thomist natural law theory – again unlike the older tradition – is based on conclusions from observed facts in biology, to the extent that today much of the argument on sexual morality seems to centre on questions of biological fact. I should argue that this is not really in continuity with the older tradition, even aside from the fact – if such it is – that the fact-value problem would have been unintelligible to medieval and early modern thinkers.

The rationalist approach to natural law has been criticised as “physicist”, and rightly so, since its model is physics: the establishment of universal principles of the Law of Nature that can be applied squarely to individual actions. Karl Rahner has noted that Ignatius of Loyola “. . . tacitly presupposes a philosophy of human existence in which a moral decision in its individuality is not merely an instance of general ethical principles”.⁵ This should be surprising only today. Aquinas’s painstaking dialectic of the human act in the *Prima Secundae* might well be regarded as a mad exercise in scholasticism, but the complexities of the exercise hardly leave room for moral decision described as “merely an instance of general ethical principles”. On the other hand, that is precisely the kind of reasoning that plagues much of the discussion of issues such as contraception or abortion. It is also very much the logic of what in the United States has come to be known as “single issue politics”. An Aquinas – or an Ignatius of Loyola – might well have come down on the negative side of a debate about abortion, but they would not, I think, have begged the question as blatantly on the primacy of the principle of the sanctity of human life as a biological fact. The sanctity of life is not in question, and was not in question for Thomas Sanchez, but he would not make it an absolute principle to the exclusion of all other principles and considerations. The pro-life faction in the Church today has on the whole opted for an extremely simple reduction of the whole question to one principle, which is assumed to be supreme, just as the conclusion is assumed to be a simple application of that universal and supreme principle. This causes some perplexity among outsiders who question the conclusion, and who often assume that it must have something to do with immortal souls. The force of the argument escapes them precisely because of its beautiful simplicity. Pro-lifers who should be flattered by the compliment are incensed at the assumption that there must be more to their argument, particularly since it is never applied with the same direct simplicity to questions such as capital punishment, the adequacy of poor relief, gun-control legislation or the ethics of modern war-

fare. They would deny the application of the principle to these questions, which are complex and difficult. The problem with the position is not that they are wrong here, but that the question of abortion is also not without complexity. Sanchez apparently thought that the principle of family honour might, in some instances, prevail over the principle of the physical integrity of an unborn child. To many who are not sixteenth-century Spaniards, this may appear as blatant hypocrisy. I would not necessarily reject the pro-life argument; I do think that it is not as easy as it looks. We are not dealing with the demonstration of a principle in elementary physics, perhaps in laboratory conditions where we can not only abstract from other factors but actually exclude them. And I fear that this is all too often the model for "natural law" arguments.

It is interesting, for example, to contrast Aquinas's arguments for the indissolubility of marriage, not in the *Supplement* (where the arguments are juridical) but in the *Summa Contra Gentes*, which has the double advantage of being a later work and the authentic work of Aquinas. His arguments there are arguments "of convenience", some based on human experience, none claiming the kind of certitude claimed by modern natural law arguments. One is left with the impression that he is very much aware that moral reasoning does not admit of the kind of logic that can be employed in physics or mathematics.

Now we all accept this if we are talking about the morality of bombing large cities, or the way in which the mediæval principle of the common possession of material goods is applied to the question of private property. I am not sure that I have ever seen a Catholic moralist conclude from that principle that the system of property now practised in the Western world is immoral, even though few would deny that some redistribution may be in order. There is an awareness that a very complex question is involved. That awareness often appears to be missing from discussions of sexual morality, which is all very simple and straightforward.

Part of this may be due to the context of individualism in which both rationalist and neo-Thomist natural law theories developed. It is possible to take a radically individualist stand on abortion or contraception, to an extent that is simply not possible in politics or economics. The fact that many of the new right thinkers tend to reduce questions such as that of poor relief to the individual reinforces the suspicion that this may be the case. There is again a very enticing simplicity about being able to reduce potentially complex questions to a matter of individual responsibility, as if that were the only dimension.

Another element may be needed here, although it is introduced

with great caution and, as Aquinas says somewhere, with a real fear of an admixture of error. It is almost a matter of conjecture. But one suspects that in much of this reasoning there is a hidden premise, one that is only possible in the context of a radical individualism combined with the Cartesian clarity of natural law/Newtonian physics ethical discourse. In the case of poor relief it takes the form of a punitive reaction against the "laziness" of those who have been left behind in the race for material wealth. The poor are at fault for being poor, and must be punished for their feckless behaviour. In the workhouses of the early nineteenth century the sexes were to be segregated so that the improvident poor would not procreate still more paupers. In the contemporary discussion of abortion, the element of punitive legislation is constant. In most places the fight is to keep abortion in the criminal code. Few pro-lifers, for example, would be willing to support the provision of public funds for the adequate support of unwed mothers during and after pregnancy. Abortion is wicked. So, one suspects, are people who think they need one. The hidden premise is the need for punishment; it could explain the strange coincidence of pro-lifers, advocates of capital punishment, increased arms budgets and the abolition of poor relief as a sacred duty. One could no more reward the immoral behaviour of unwed pregnant women than the immoral laziness of those who demand poor relief. Historically, it is worth recalling that the Poor Law Reform of 1834 involved one of the most rigid applications of rationalist principle ever pushed through a British Parliament. The punitive nature of the workhouse was built in as a deterrent to the crime of being poor.

These attitudes stand in contrast to those of most pre-technocratic, pre-industrial societies, where punishment was more a question of passion or revenge than the inexorable conclusion of a principle, and where bastardy and poverty were often accepted as commonplace facts of life. My point is not a defence of any mythical good old days, but rather to illustrate the kind of moral logic employed. Birth prevention and abortion are opposed to a law of nature. So, in a very similar way, is poverty. opposed to the laws of political economy, or is the result of breaking those laws. Poor relief is an invalid attempt to break the iron law of wages. The poor who have children are not only trifling with the laws of economics but taking pleasure in doing so; their frivolity should not be rewarded at the expense of the honest and industrious individuals who pay poor rates. Here perhaps the individualism takes pre-eminence over the rationalist conception of morality as a simple application of a universal premise to an individual case, the application of a moral law. But the isolation of the individual is an important part of the process. Any introduction of solidarity, of com-

munity responsibility, tends to blur the clarity of the conclusion, the application of the moral law. It also makes the hidden premise of the need to punish inapplicable, but I am still wary of that hidden premise. I hope that it is not part of the picture, but fear that it may be.

All this has come a fair way from Bonhoeffer's footnote. There are no doubt a number of elements involved, and it is no easy task to assess the weight of this element in the whole picture. Yet I have little doubt that the neo-Thomist notion of natural law, as developed in such questions as the morality of contraception and abortion, is in fact a nineteenth-century system that easily owes as much to rationalist individualism as it does to Aquinas and the larger Catholic tradition. Its absolutes are those of rationalist ethics, not the "moral certitude" – ut in pluribus – of an Aristotle or an Aquinas. Universal principles are applied univocally to individual cases with technological efficiency every time the penny drops and the mechanism operates. And after this curious intellectual fashion had come and gone in the secular world, the Church was left holding the bastard child of her erstwhile enemies, and proudly proclaiming it as her own.

- 1 D. Bonhoeffer, *Ethics*, New York, Macmillan, 1965, p 179, n. 16.
- 2 *Ibid.* p 178.
- 3 Cf. Th. Zeldin, *France, 1848 – 1945*, Oxford, 1977, II, p 1031.
- 4 Cf. C. B. Macpherson, *The Political Theory of Possessive Individualism*, Oxford, O.U.P. 1964, p 81 ss, on Hobbes's deduction of value from fact.
- 5 *The Dynamic Element in the Church*, Freiburg, Herder/Montreal, Palm Publishers, 1964, p 110.