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General Standards and Particular Situations in Relation to the Natural Law*

Speaking of Orthodox Catholicism's concept of the natural law, Reinhold Niebuhr, in his Gifford Lectures, makes the following reservation: " The difficulty with this impressive structure of Catholic ethics, finally elaborated into a detailed casuistic application of general moral standards to every conceivable particular situation, is that it constantly insinuates religious absolutes into highly contingent and historical moral judgments."[1] And so he speaks of " The mistake of Catholic moral casuistry to derive relative moral judgments too simply from the presuppositions of its natural law . . ." Perhaps we should add that the same author considers " Thomistic ethics" as an instance of this rationalism.[2]

Yet I believe every disciple of St. Thomas would, no less than Reinhold Niebuhr, condemn any moral doctrine which would have that note. No practical judgment could be true if it were simply the result of an " application of general moral standards " to a particular situation. Moral standards are not universal in representation, and in the field of action there is no such thing as " every conceivable particular situation." No amount of casuistic " if's " could meet and be adequate to the contingent circumstances of conduct. There can be no universal file of proximate norms for behaviour. The proper precepts of individual actions are to be found in the particular precepts of prudence — not in the law, which, natural or human, retains a certain degree of generality. No law can be the particular premise of an operative syllogism in which one infers what is to be done *here* and *now*. The outcome of reasoning from law alone could be no more than a general conclusion pertaining to practical science. If, on the other hand, the particular premise of a syllogism were no more than the statement of a fact that is speculatively true, the syllogism would not be what we call operative; and if it alone were taken as a sufficient basis for action, this action would be practically false.

An instance of such a type of reasoning was pointed out recently by Gabriel Marcel in his *Preface* to Gheorghiu's novel entitled *La vingt-cinquième heure.* Although the general premise is taken from positive law, the result would be the same if the law were a natural one:

" The writer Traian Koruga and his wife Nora, though they were always sympathetic to the cause of the Allies, the more so as she was a

* A paper read at the twenty-fourth annual meeting of the American Catholic Philosophical Association, held at St. Paul, Minn., April 1950. Reproduced here with permission, from the *Proceedings*, Vol.XXIV.

1. *The Nature and Destiny of Man*, New York, 1949, pp.220-221.
2. *Op. cit.*, p.221.

Jewess and barely managed to escape from persecution, have travelled, at the time of the German collapse of '45, hundreds of kilometers on foot in order to reach the American zone, of which they fondly dream as a haven of refuge. At last, they find themselves in Weimar. But it is certainly not the spirit of Goethe which inspires the American governor of that city. He cares little about what Traian and his wife are or think. What matters is only this: they are bearers of a Roumanian passport; Roumania is officially considered by the United States as an enemy Power; *ergo*, Traian and his wife must be treated as enemy subjects, and put in prison. It is most remarkable, let it be noted in passing, how easily the method of syllogistic reasoning — in which, until a comparatively recent date, so many short-sighted thinkers imagined to hold *the* very instrument of Reason — comes to subserve whatever aberration of Reason. It is really a machine, with which (as with all other machines, for that matter) one may do what one likes. True thought is something entirely different."

Why is the conclusion, in this particular instance, a practical error? Not because it is reached by "syllogistic reasoning," but because the official in question "cares little about what Traian and his wife are or think." Insofar as such a disposition is the reason why he infers that "Traian and his wife must be treated as enemy subjects, and put into prison," the conclusion is practically false — and his reasoning is a good example of a bad operative syllogism. For practical truth does not consist in the mind's conformity to what is, but in its conformity with the rectified appetite.[1] Let us note, then, that even if the official were well-informed and knew who those two people are and what they think, he could still draw a false conclusion as to what is to be done, so long as he "cares little."

Practical reasoning is not a matter of reason alone, not even of the kind of practical knowledge which is confined to reason. "...Prudentia non est in ratione solum, sed habet aliquid *in appetitu*... Inquantum enim (ethica, oeconomica et politica) sunt in sola ratione, dicuntur quaedam scientiae practicae."[2] And so we may well agree with Gabriel Marcel in condemning the kind of syllogistic reasoning he illustrates by the example we have seen. No amount of such reasoning could ever reach a practical truth. And this is the same as to say that practical reasoning, in matters of conduct, cannot consist in the simple application of a general rule to a particular so-called objective case. With Reinhold Niebuhr we must admit that a doctrine which propounds such a method as a guarantee of practical truth in action is wholly inacceptable. We share Niebuhr's view for reasons we may quote from St. Thomas, with whom the Church has found no fault on this score.

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1. "... Bonum practici intellectus non est veritas absoluta, sed veritas 'confesse se hebens,' idest concorditer ad appetitum rectum." St. Thomas, *In VI Ethicor.*, lect.2 (ed. Pirotta), nn.1130-1.— *Ia IIae*, q.57, a.5, ad 3.

2. St. Thomas, *In VI Ethicor.*, lect.7, n.1200.— Cajetan, *Comm. in Iam IIae*, qq.57-58.

We, too, have "too strong a sense of the individual occasion, and the uniqueness of the individual who faces the occasion, to trust in general rules."[1] We must do and pursue the good, and avoid evil. This is the most general of natural laws. Yet, with this generality alone we can meet no particular situation whatsoever. To know what to do in a given instance, we must not only have some knowledge of the particular situation, but also of more particular rules. From this we may feel tempted to infer that, at the limit, the particular rules would embrace, in advance, every conceivable particular situation. Yet, St. Thomas holds just the reverse, and in doing so, he condemns that very casuistry which Reinhold Niebuhr believes to be ours. "Thus," St. Thomas says, "it is right and true for all to act according to reason, and from this principle it follows, as (" quasi ") a proper conclusion, that goods entrusted to another should be restored to their owner. Now this is true for the majority of cases. But it may happen in a particular case that it would be injurious, and therefore unreasonable, to restore goods held in trust; for instance, if they are claimed for the purpose of fighting against one's country. And this principle will be found to fail the more, according as we descend further toward the particular, e.g., if one were to say that goods held in trust should be restored with such and such a guarantee, or in such and such a way ; because the greater the number of conditions added, the greater the number of ways in which the principle may fail, so that it be not right to restore or not to restore."[2]

In other words, the application of increasingly proper rules, far from becoming automatic, requires greater circumspection. This is true of natural law, but it is no less true of human law. The multiplication and refinement of particular rules provides no excuse for neglecting the irreducible peculiarity of the individual case; on the contrary, they should help to appreciate that peculiarity which no just law was ever meant to overlook. The application of any law must always be an act of prudence, which is "circa singularia contingentia," and whose judgment depends upon the condition of the appetite. No law could possibly render irrelevant either the knowledge of this contingency or the disposition of the appetite. To overlook these two factors would spell intolerable tyranny. Reality, in this order, is never simply rational.

Reinhold Niebuhr said that the "difficulty with this impressive structure of Catholic ethics, finally elaborated into a detailed casuistic application of general moral standards to every conceivable particular situation, is that it constantly insinuates religious absolutes into highly contingent and historical moral judgments. Thus the whole imposing structure of Thomistic ethics is, in one of its aspects, no more than a religious sanctification of the relativities of the feudal social system as it flowered in the thirteenth century." We presume that the author of these lines does not take the term "ethics" in the usual sense, since the

1. R. NIEBUHR, *op. cit.*, p.60.
2. *Ia IIae*, q.94, a.4, c. (Transl. from *Basic Works*, A. PEGIS, Random House.)

precepts which correspond to the relativities of the feudal social system are not held to be natural law: they are viewed as judicial precepts established by men. But such laws are variable, as St. Thomas points out in the following passage: " The judicial precepts established by men retain their binding force forever, so long as the state of government remains the same. But if the state or nation pass to another form of government, the laws must needs be changed. For democracy, which is government by the people, demands different laws from those of oligarchy, which is government by the rich, as the Philosopher shows. Consequently, when the state of that people changed, the judicial precepts had to be changed also." [1]

In the sentence immediately following the one we have just quoted, Reinhold Niebuhr says: " The confusion between ultimate religious perspectives and relative historical ones in Catholic thought accounts for the fury and self-righteousness into which Catholicism is betrayed when it defends feudal types of civilization in contemporary history as in Spain for instance."[2] We are not concerned here with the truth or error of this statement. It is relevant to our discussion only insofar as it reflects a judgment on doctrine. Supposing that the attitude of the Church toward a particular form of government, at a given place and time, is really such as the author describes, could it not be precisely by virtue of its solicitude to take into account, even in the face of widespread criticism, the contingent circumstances which our sometimes oversimplified generalities about " contemporary history " tend to overlook and which we are apt to convert into general standards for every situation regardless of its peculiarity?

Charles De Koninck.

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1. *Ia IIae*, q.104, a.3, ad 2.
2. *Op. cit.*, p.221.