THE VOLUNTAREITY AND MORALITY OF HUMAN ACT

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Abstract

The question of human act (*actushumanus*), especially when it is distinguished with mere acts of man (*actushominis*), still resonates in ethical discourse. The subject at hand is basic to the judgment or evaluation of the morality of those actions properly said to be human. There are a lot of problems associated with the voluntariness and consequently, the morality of human acts. This work attempts to address some of them, namely: the definition of human act, the constituents of the voluntariness of human act, obstacles to the voluntariness of human act, and sources of moral evaluation of human acts. In an attempt to solve these problems, this research adopts the philosophical method of analysis for a deeper treatment of the identified issues. The paper, in conclusion, suggests that for a comprehensive judgement of the morality of an act properly human, the three sources or elements of moral evaluation: the object or nature of the act, the circumstances surrounding the act, and above all, the intention of the agent, must be considered. Again, before any act performed by man can be evaluated as morally good or bad, it must first of all, be *voluntary. This work is not only significant to the legislature, our judiciary is equally advised to take cognizance of the above mentioned three elements of moral evaluation of human act, together with the level of voluntariness of an act before judgement delivery.*

Keywords: Human Act, Act of Man, Voluntariness, Obstacles to Voluntariness, Moral Evaluation of Human Act.

Introduction

Hegel, the great German Idealist, affirms that freedom is identical with rationality. In fact (concerning human act), "to be free is to be rational, and to be rational is to be free." Furthermore, freedom does not consist in being able to do whatever one wants; it is not the ability to act arbitrarily (Omoregbe, 1991, p. 141; 1993, p. 231; Pazhayampallil, 2004, no. 42). The above premise implicates the two essential and/or necessary elements of the *voluntareity* of human acts: the intellectual constituent (rational) and the volitive constituent (freedom).

The term "voluntary" presupposes morality which in turn presupposes man, or more precisely, human act; for morality is based on man's nature as a rational and free being. However, human act is distinguished from acts of man (actus hominis) which include "those gestures and actions performed by a person, but not in a specifically human way." Examples: somnambulism, crying out during a dream, actions performed under the influence of drugs or hypnosis – "these are *actus hominis*, but not 'human acts' or '*actus humanus*'; that is, the former are performed under the influence of psychological factors (dream), chemical ones (drugs), or parapsychological ones (hypnosis) outside the realm of the specifically human: intelligence and will" (Composta, 2013, pp. 13-14).

For Composta (2013); "What appears as moral in the human is only that which is guided by intelligence and will, or (in other words) by understanding and wiling, or also by awareness and consent" (p. 14). But how can one define human act? What constitutes the voluntariness of human acts? Are there obstacles that diminish or totally inhibit the voluntariness (and hence, the morality) of human acts? How can one evaluate the morality of human acts? These are the concerns of this research.

Conceptual Clarifications

Some concepts relevant to this work have been clarified below.

Human Act(s) Defined

According to Pazhayampallil (2004), "an act is said to be human when it proceeds from the free will of man" (no. 38). For Peschke (2001), "Human acts (*actus humani*) … are acts which proceed from insight and free will. They can also rightly be called personal acts" (p. 228). "Human acts are different from acts of man which are not deliberate, e.g., breathing, digestion, etc" (Pazhayampallil, 2004, no. 38). Peschke (2001) clarifies further:

> Human acts are to be distinguished from acts of man (actus hominis), which are performed without intervention of intellect and free will. They comprise all spontaneous biological and sensual processes, like nutrition, breathing, sensual impressions, all acts performed by those who have not the use of reason, like people asleep, lunatics, drunken people, all spontaneous reactions which precede the activity of intellect and will, like first reactions of anger or sympathy. Likewise distinguished from human acts are forced acts which, though effected with some insight and cooperation of the intellect, are carried out against a man's personal decision and will… (p. 228).

The above implicates two principles which constitute human act: an intellectual and a volitive constituent. In the words of Pazhayampallil (2004): "The constituent elements of the human act are the previous knowledge of the intellect and free will" (no. 38). Aquinas puts it thus:

> Of actions done by man those alone are properly called human which are proper to man as man. Now man differs from irrational animals in this that he is master of his actions. Wherefore, those actions alone are properly called human of which man is master. Now man is master of his actions through his reason and will, whence too the free will is defined as the faculty of will and reason. Therefore, those actions are properly called human which proceed from a deliberate will. And if any other actions are found in man, they can be called actions of a man, but not properly human actions, since they are not proper to man as man (*Summa Theologica*, I-II, q. 1, a. 1., cited in Fagothey, 1959, p. 87).

The Intellectual Constituent of Human Act

Peschke (2001) rightly asserts that "the *will* can decide something and seek it only if it is first known. Hence the human act is voluntary only if its different elements are sufficiently known" (pp. 228-229). Previous knowledge is emphasized because it determines the morality of the act; for "an act is morally good or bad when the intellect perceives its goodness or malice (evilness) before the act is done and the *will* chooses it" (Pazhayampallil, 2004, no. 39). This is so because the knowledge which the intellect has of the act after it has been done does not affect the morality of the act.

But previous knowledge may be speculative or practical. The former is had "when the intellect perceives the morality of the act which the *will* does not intend to do; the intellect only wants to know its morality" (Pazhayampallil, 2004, no. 39; Composta, 2013, p. 14). On the other hand, *Practicalknowledge* is had "when the intellect perceives the morality of the act which the *will* intends to do, and because the *will* intends to do the act, the intellect considers its morality" (Pazhayampallil, 2004, no. 39; Peschke, 2001, pp. 228-229). The fundamental constituent element of the human act is the *Practicalknowledge*; for the knowledge that is considered is that which the intellect has of the act before the *will* chooses to do it. In sum, Pazhampallil (2004) states the following principles:

> The first fundamental constituent element of a human act is the previous practical knowledge of the intellect. Without this previous practical knowledge, the act is not human …. The will indeed is a blind faculty. It cannot tent towards a thing unless the thing is presented to it under the aspect of good. This is exactly previous knowledge. In other words, the human act is human because it partakes of the nature of man. But the nature of man is rational. Therefore, the human act is rational, that is, it has

previous knowledge as its constituent element (no. 40).

Again, inasmuch as the previous practical knowledge may be complete or incomplete, distinct or obscure, the clearer and more complete the knowledge, the more human the act and hence, more culpable.

The Volitive Constituent of Human Act

For an act to be human, it must be willed and freely willed. "The second condition for a human act, consent of the free will, therefore, presupposes freedom from any external or internal (psychic) compulsion" (Peschke, 2001, p. 230). In other words; "Freedom makes man *responsible* for his acts to the extent that they are voluntary" (CCC, no. 1734).

Moreover, in a moral sense, one is said to be truly free when one is master of one's actions. Therefore, intellectual (or speculative) knowledge alone is insufficient; an evaluative (or practical) knowledge is required in order to judge the moral value of the act before it is done. Little wonder, Composta (2013) distinguishing between *willed* act and *freely willed* act points to the fact that although the *willed* act is voluntary and moral, it is of an inferior grade when compared with *freely willed* act. He continues: "The free action does not have antecedent facts; neither external (as in the violent act), nor internal (as in spontaneous), nor existential (as in the willed voluntary act)" (pp. 17-18). Pazhayampallil (2004) puts it differently: "To be free is to be able to choose and to want to choose. To be really free is to live according to one's conscience" (no. 42); i.e., to be the master of one's actions.

The *voluntareity* of human act is a significant part of our discourse. It is therefore, imperative that a significant space be devoted to it. It is on this note that we turn to Pazhayampallil's differentiation of voluntariness. However, one must once more, acknowledge that "to have a human act, it is not sufficient that it be guided by knowledge, but it must also be *willed*." Therefore, "an act which comes from both knowledge and will is called *voluntary*…. A voluntary act is a willed act, one that neither is forced on a person from without nor arises spontaneously from within." Modifying Aquinas' definition, Fagothey (1959) concludes: *A voluntary act is one which proceeds from the will with a knowledge of the end* (pp. 93-94). Voluntariness, according to Pazhayampallil (2004), is then differentiated thus:

Perfect and Imperfect Voluntariness

Perfect voluntariness is that which proceeds from the will with full knowledge and with full consent of the will. But Imperfect voluntariness is that which proceeds from the will without full knowledge and full consent of the will, e.g., an act done when half asleep or slightly drunk.

Absolute and Relative Voluntariness

While Absolute voluntariness is had when the will wants a thing without any reluctance, Relative voluntariness is had when the will has reluctance to do a thing but it overcomes the reluctance, e.g., a mother inflicts punishment upon her child, although she prefers to spare him all suffering. It is imperative to underscore that Relative voluntariness is not the same as Imperfect voluntariness. Victory over reluctance is generally seen as a great sign of strength of will.

Direct and Indirect Voluntariness

Direct voluntary act is that which the will wills and which it does because it wants to do it, e.g., Cain wanted to kill Abel and killed him. But an indirect voluntary act is that which is not willed in itself, but which follows an action or omission which is willed in itself. One knows that certain effect will follow an action or omission of his; nevertheless, he goes ahead to will it. Example: one gets drunk knowing that he will beat his wife at home. The beating is indirectly voluntary and the act of getting drunk is directly voluntary. Note that the guilt of direct voluntariness is greater than that of indirect voluntariness. Because in the former case, one consciously does it while in the latter case, one only foresees that something will follow from one's act. There is greater freedom of will in acts that are directly voluntary.

Pazhayampallil (2004) equally differentiated between *Actual*, *Virtual* and *Habitual* voluntariness (no. 41), but because of time and space, it is reasonable to move to the next important aspect of this research, i.e., obstacles to human acts.

Obstacles (to the *Voluntareity*) of Human Acts

The findings of anthropological sciences have made us to be aware of the numerous factors which inhibit truly human behaviour. That is to say, men are preconditioned in many ways (and are not totally free). Nevertheless: "This is no denial of a realm of genuine freedom in men, a realm which ought to be increased by pushing back the margin of ignorance and undue pressures ever farther" (Peschke, 2001, p. 238).

Now, moral philosophers and theologians may agree on the above premise, but they tend to disagree on the factors that impede the intellect and free will. For instance, Pazhayampallil (2004) opines that while ignorance and passion impede the working of the intellect, violence and fear impede the free choice of the will (no. 43). Contrarily, Fagothey, Composta and Peschke maintain that passion hinders or diminishes the consent of free will (i.e. the volitive constituent) (Fagothey, 1959, pp. 101-105; Composta, 2013, p. 20; Peschke, 2001, p. 238).

However, this research is of the opinion that passion affects or inhibits both the intellectual and volitive constituents of human act. Consequently, instead of discussing separately the factors that obstructs the working of the intellect on the one hand and free choice of the will on the other hand (as previously done by authors like Peschke and Pazhayampallil), this paper opts for a collective discourse of these factors under a subheading.

Factors that Directly Affect the Working of the Intellect and the Free Choice of the Will

Ignorance

Ignorance is "lack of that knowledge which one ought to have when one acts." It is different from *error* which "is a false notion of a thing." Ignorance is also different from *inadvertence* and *forgetfulness* (Pazhayampallil, 2004, no. 44). On another note, Composta (2013) defines ignorance as the "privation of cognition in a capable subject." He continues,

> When this privation precedes the action, there takes place ignorance in the proper sense; instead, if the ignorance accompanies the action, inadvertence takes place … in inadvertence the subject knows before acting what he is doing: that is, he knows that the particular action is good or evil. Still, when he acts, he does not realize what he is doing. In both cases, of ignorance and inadvertence, the action lacks the cognition of the end, and thus is involuntary (pp. 20-21).

Fagan (2006) similarly regard ignorance as:

> … lack of knowledge in a subject naturally capable of it. It is different from error, in which knowledge is present but is inadequate and so leads to false judgement. In the context of morality and responsibility, ignorance is the lack of knowledge a person *ought* to have with regard to the nature or moral quality of an act being performed or intended to be performed…. One is not accountable for an action performed in total ignorance, since in this case it is involuntary from the objective moral point of view (p. 526).

Ignorance can be invincible (inculpable) or vincible (culpable). The former is that which one is not able to overcome or dispel "by such reasonable diligence, as is commensurate with the issue of an act and with one's opportunities." Note that invincible ignorance is not culpable. It is characterized as antecedent ignorance because it precedes any voluntary act and is not willed by any consent of the will. In the words of Fagan (2006), invincible ignorance is "that which cannot be dispelled by the reasonable efforts a prudent person would make in a particular situation. What is unknown cannot be directly willed, so there is no moral fault in this case" (p. 526).

On the other hand, ignorance is vincible "if it could be removed by reasonable diligence but is not because of negligence or bad will." Hence, it is culpable. It is qualified as consequent ignorance because – "it is admitted or willed either directly or indirectly, following thus as a consequence from a previous decision of the free will" (Peschke, 2001, p. 239). Vincible ignorance is of various degrees according to the level of negligence:

> If a person has not used sufficient diligence his ignorance is called 'simple vincible'; instead if one has used no diligence, or almost no diligence, his ignorance is called 'crass or supine'; lastly, if one has directly desired and preserved the ignorance to facilitate the transgression of the law, the ignorance is called 'affected' (Pazhayampallil, 2004, no. 44).

Fagan (2006) concurs with Peschke and Pazhayampallil in regard to vincible ignorance. For him;

> [It] is that which could be dispelled with reasonable effort, and to the extent that the effort was not made, it is voluntary and therefore imputable. When no effort whatever is made, especially in an area where the subject ought to know what is involved, it is said to be crass or supine ignorance. Affected or studied ignorance is that of the person who studiously avoids getting information in order to feel free of obligation. Since it is deliberately willed and is vincible, any action done in this kind of ignorance remains entirely voluntary (526).

Furthermore, the following principles apply to ignorance and its culpability:

Composta (2013) tells us that "what is performed with invincible ignorance is neither free nor voluntary, at least as regards what is ignored" (p. 21). The reason, according to Pazhayampallil (2004), is that "nothing is willed except what is known" (no. 45). Peschke (2001) also adds: "… and what is not known with invincible ignorance, is not voluntary in its cause either" (p. 239). For instance, "if a cook should cause the death of some people by unknowingly serving them spoiled meat or poisonous mushrooms, which had been sold to him by careless merchants, he is innocent of this calamity and excused from guilt" (Peschke, 2001, pp. 239-240). Also, "a person who injures others in a car accident caused by road conditions he could not foresee or by mechanical defects in the car he rented or borrowed in good faith is not morally to blame, though he may make restitution for the damage he caused."

This implies that truly invincible ignorance involves no moral fault. In order to demonstrate that invincible ignorance destroys voluntariness, Fagothey (1959) avers: "Knowledge is requisite for voluntariness, and in the case of invincible ignorance this knowledge is not obtainable. Therefore, what is done in invincible ignorance is not voluntary. A man who passes on counterfeit money, not suspecting that it is counterfeit, does no wrong. His act of *paying* is voluntary, but not his paying *in worthless money*" (p. 103).

Vincible ignorance does not remove voluntariness "since the ignorance is voluntary in its cause, provoked by negligence or laziness or even bad will." The effects that follow from acts done out of vincible ignorance are attributed to the agent. For example: "a jurist, physician or priest who has seriously neglected his studies or further professional development, cannot be excused on the ground of ignorance if he blunders in the performance of his profession."

Affected ignorance does not reduce culpability. Here, ignorance is intentionally preserved.

Passion

Passion is often used interchangeably with concupiscence, and quoting *The Catechism of the Catholic Church (CCC)*, Pazhayampallil (2004) refers to it as "any intense form of human desire … the movement of the sensitive appetite contrary to the operation of the human reason …. It unsettles man's moral faculties and without being in itself an offense, inclines man to commit sins" (*CCC*, no. 2515, as cited in Pazhayampallil, no. 47). Also, "passion or concupiscence is a movement of the sensitive appetite which is produced by good or evil as apprehended by the imagination" (Peschke, 2001, p. 242). For instance; the movement of sensitive appetite towards love, hatred, joy, anger, sadness, sexual pleasure, etc. Here, concupiscence or passion is not necessarily seen as evil, nor is it limited to sexual desire; rather, it is seen as instruments for self-preservation. A man without passion would be with no capacity for self-defence, change, growth, evolution or improvement.

Passion can be antecedent or consequent. "The former naturally arises and precedes the deliberation of the will to do the act to which the sensible appetite tends." In the words of Peschke (2001); "Antecedent passion precedes the action of the will and at the same time induces the will to

consent. This takes place in involuntary movements. Thus(,) delicious food served at table spontaneously causes appetite and the desire to eat it" (p. 243). Consequent passion, on the other hand, "is deliberately aroused by the will; it is premeditated or willed." It is voluntary in itself and is judged like any other human act. Example: in an evil sense – by reading immoral literature, or in a good sense – by singing hymns of divine praise (e.g., in a charismatic gathering). In other words;

> We can intentionally stir up our passions by brooding on the objects that arouse them. We can actually make ourselves angry by vividly rehearsing insults in our imagination, or frightened by the hair-raising details of a horror story …. Passion thus deliberately aroused is called *consequent*, because it comes after the free choice of the will. Antecedent passion is but an *act of man*, but consequent passion is a *human act*. Antecedent passion becomes consequent when it is recognized for what it is, and then is deliberately retained or fostered (Fagothey, 1959, pp. 104-105).

Little wonder, the following principles apply to passion:

Firstly, "Antecedent passion which is so vehement as to impede the use of reason removes all voluntariness." This may happen occasionally, though only seldom. Peschke opines that:

> … the stronger the activity of one psychic faculty is, the weaker becomes the activity of the others. The more intensive concupiscence is, the weaker are intellect and will. This explains why a very vehement passion can occasionally, though only seldom, overrule intellect and will in such a way that free choice and a voluntary human act are excluded. If passion diminishes voluntariness, it increases on the other hand the inclination of the will …, what is willed through antecedent passion is willed with greater intensity but less freely. [He adds:] But this does not preclude that a grave offence may be committed (p. 244).

Pazhayampallil (2004) also adds that: "Antecedent passion which does not take away the use of reason does not remove voluntariness; it only lessens it" (no. 48). Secondly, "Consequent passion does not give rise to lessened voluntariness and therefore good or bad." It is freely accepted or even deliberately roused; for this reason, consequent passion is voluntary in itself.

Before the end of our discourse on passion, one must recognize that passion plays important role in the early stages of child education; "a child that is not loved will not grow as a normal human person." To this effect, Pazhayampallil agrees with Peschke thus:

> … man has the urgent duty to control and to check his sensitive appetites. In fact, the whole process of moral education, both in the early and in the mature years, is to a large degree a process of gaining command over all the movements of the passions. Thus has man eventually to become master of himself (Pazhayampallil, 2004, no. 49; Peschke, 2001, p. 243).

Violence

Violence is "any force applied from an external source to a person against his will and superior to his power of resistance." "Violence can affect not only external acts but also the internal faculties of the imagination and thought." Violence obviously interferes with the freedom of external action, but no violence can ever force the will interiorly. Violence, Peschke opines, is not caused by moral force such as fear, but only the compulsive force of some physical or psychic agent. Example:

If I hand over my money to a thug because he thrusts a gun at me, that is fear; if he physically overpowers me while he rifles my pocket, that is force/violence (Fagothey, 1959, pp. 107-108). Again, Peschke (2001) avers: "Though this agent is extrinsic to the will, it need not necessarily be extrinsic to a person's body and psyche, since violence can also result from pathological conditions." And "while internal resistance of the will is essential for violence, external resistance is not always called for." Example: "If a Christian is arrested because of his religious conviction, he need not refuse to make the way to prison on his own feet, since such refusal would not profit anything, but on the contrary only worsen the situation" (Peschke, 2001, p. 247; Pazhayampallil, 2004, no. 50).

Violence can be perfect (absolute) or imperfect (relative). There is absolute or perfect violence if the will resists as much as it can. On the contrary, violence is relative or imperfect if the will dissents only partially or weakly and is perhaps deficient in its external resistance. The following principles apply to violence:

- Absolute or perfect violence excludes any voluntariness from the forced action. The reason being that *lack of consent* precludes a human act and consequently, it equally precludes culpability.
- Relative or imperfect violence does not impair voluntariness completely, but lessens it. "Voluntariness is not completely taken away since there is a partial consent of the will." But voluntariness is diminished because relative/imperfect violence makes a person to perform what otherwise he would not do. Example: weak resistance of a lady against sexual assault.

Fear

Fear is "the disturbance of the mind caused by some present or future danger." It is "the shrinking back of the mind on account of an impending evil" or "the apprehension of impending evil" (Fagothey, 1959, p. 105). Too often, the power of fear fetters a person's freedom and prevent him from doing what in conscience he ought to do. Fear can be: grave or light, absolute or relative, reverential, just or unjust, intrinsic or extrinsic, direct or indirect.

Fear may be *grave* or *light* "according to whether it is caused by a grave evil which one cannot easily escape; or only by a slight evil, or by a grave evil which one can however easily avoid." "It is *grave* when the present or future danger is so serious and imminent as to cause grave mental anxiety; otherwise, it is *light*."

Relatively grave fear is when a danger (objectively) in itself may be light, but considering the person (subjectively) in relation to age, sex, condition, it may be grave. Example; a child might be very afraid to be locked up in a dark cellar. However, when for all, even for the bravest man, the danger is grave, then the fear is said to be *absolutely grave*. In other words, fear is absolutely grave if it exercises a great deterrence upon the average person, like torture, death, unemployment for a father who has no other source of income to sustain his family.

Reverential fear (a kind of relatively grave fear) comes about when a person shrinks back from opposing someone to whom he is obliged to show reverence. Although it is usually accounted a slight fear, but sometimes, it can gravely impair freedom of choice. Example: a lady out of fear of opposing her parents marries a man of their choice. Reverential fear may be light in itself, but it may become (absolutely) grave when one fears to oppose the other because by opposing such a person one would have to expect continual vexation, long lasting or perpetual quarrels and disfavour.

Fear is said to be *just* if it is justified by a person's guilt or potential misbehaviour. "The punishment threatened by penal codes against offences and crimes in principle pertain to the category of justly inflicted fear." Contrarily, fear is inflicted *unjustly* "if it is not justified by any guilt or potential misbehaviour of a person or is out of proportion to them." It is unjust, for instance, to threaten a person with dismissal from an appointment on an account of his religious belief. In addition, the injustice may regard the substance of the harm inflicted or the way of inflicting it. Example: "the threat to murder one who violated a girl is unjust in substance. The threat of violence or imprisonment without due process of law made by persons not invested with legal authority, is unjust in the way it is done, even though the punishment itself may be justly merited."

Fear may also be *intrinsic* or *extrinsic*. The immediate cause of fear in the former is from the agent himself (e.g., fear of eternal damnation). On the contrary, fear is extrinsic when the immediate cause is from external source – which may be a free cause (a human person) or a necessary cause (e.g., a violent storm).

Sources of Moral Evaluation of Human Acts

According to Fagothey (1959), two men may do the same thing but from different motives, or different things from the same motive, or the same thing from the same motive but in different circumstances. In each case, the act can have a different morality because of a different combination

of these three elements traditionally known as the three sources, founts, or determinants of morality, namely: the *object*, the *end*, and the *circumstances* (*Summa Theologica*, I-II, q. 18, aa. 2-7, cited in Fagothey, 1959, pp. 145-146). By *object* is meant that act which the will chooses to perform, and this is nothing but the act itself which is deliberately willed. Again, Fagothey (1959) continues:

> By *end* is meant the purpose for which the act is willed, and this may mean either the purpose the act is naturally fitted to achieve (*finis operis*) or the purpose the agent personally wishes to accomplish by willing that act (*finis operantis*); here the emphasis is almost entirely on the latter meaning. By *circumstances* are meant the various accidental surroundings of the act … (p. 146).

Traditionally, moralists (especially moral theologians) enumerate three sources of the morality of human acts, namely: object, circumstances and intention. "A human act is good if all these elements are in harmony with the moral norm." Otherwise, "a human act is morally evil if only one of these elements offends against the norm of morality." Just as to be physically healthy, says Fagothey (1959), "one must have all one's organs functioning rightly, and if only one organ is deranged the person is unwell, so to be morally healthy no element of immorality must be present in any of one's acts" (p. 151). Time is ripe to examine these three sources one after another.

The Object

"The object of the human act is that effect which an action primarily and directly causes (*finis operis*). It is always and necessarily the result of the act, independent of any circumstances or of the intention of the agent…. Object of the actions … is that effect which pertains to the essence of the act and without which the action would no longer be the same" (Peschke, 2001, p. 251). Example: the object of theft is always the appropriation of another person's goods against his will. It does not matter whether it is stolen from a rich or poor man, or whether the purpose is personal enrichment or alleviation of extreme need; the object of an act of justice is always to render to someone what is his due. It doesn't matter who is involved; the object of an abortion is always the forcible removal of foetus from the mother's womb. It doesn't matter whether it is done to avoid public shame or for therapeutic reasons.

The primary and decisive element for moral evaluation, according to Pazhayampallil (2004), is the object of the human act. For him, "it is the object that first of all, determines the morality of an act" (no. 67). In other words, "a human act gets it(sic) first morality from the nature of the act the agent wills to do" (Fagothey, 1959, p. 148).

The object of a human act can be morally good, evil, or indifferent. However, the morality of the morally indifferent action, (like taking a walk or playing an instrument) depends on the circumstances and particularly on the intention of the agent. Hence, the circumstances and the intention can "modify the morality of an action with a morally good object, even to the extent of making the action in its totality evil …" (Peschke, 2001, p. 252).

There are actions that are absolutely and intrinsically evil. In the case of *rape*, for example, "no purpose and intention of the agent (rapist), be it ever so good, can permit this act." Every act that is opposed to life and/or insults human dignity, according to Vatican II, falls under this category:

> Whatever is opposed to life itself, such as any type of murder, genocide, abortion, euthanasia, or wilful self-destruction, whatever insults human dignity, such as subhuman living conditions, arbitrary imprisonment, deportation, slavery, prostitution, the selling of women and children; as well as disgraceful working conditions, where people are treated as mere tools for profit, rather than as free and responsible persons: all these things and others of their like are infamies indeed. They poison human society, but they do more harm to those who practice them than those who suffer from the injury… (*Gaudium et Spes*, no. 27).

Objects that are necessarily good or bad are commanded or forbidden because they are good or bad. Even the best motives (or intentions) cannot change the nature of such actions (Pazhayampallil, 2004, no. 67). Although Peschke (2001) acquiesced that "the good intention does not suffice in order to make an evil action good." However, if the intention of one were to save oneself from starvation,

theft would be a permissible exception. "Only a very significant value can justify an exception, such as the saving of one's life. Only in order to avoid a still greater evil, can the evil of theft exceptionally be permitted…. Theft wherefore is always an evil, but not absolutely and always a *moral evil*; in exceptional cases it can be morally permitted" (p. 253).

It is necessary to say that: "if the object of the action is viewed in isolation from the agent's purpose, it has as yet no definite moral qualification. Only if weighed together with the purpose or intention of the agent, can an unequivocal judgment on the moral quality of the action be pronounced" (p. 253). This therefore reduces the number of *absolutes*, i.e., "action whose object is considered always and in all circumstances evil." That is to say: "No good purpose or intention of the agent can permit them." Example: rape is absolutely and intrinsically evil.

The Circumstances

Circumstances from the moral point of view, are certain accidental conditions morally affecting the human act. Nevertheless, Peschke (2001) opines that "not all circumstances exercise an influence on the morality of an act. In fact, most of them are morally indifferent" (p. 254). Example: it is morally indifferent whether one gives alms with the left or right hand.

Despite the fact that "circumstances are particulars of the concrete human act which are not necessarily connected with its object," this work is concerned with those accidental conditions (circumstances) which affect or modify the morality of an act. Example: alms given by a poor man or by a rich man, in private or in public do not modify the *object* of the act of almsgiving, which always remains the same (i.e., alleviation of a fellow-man's need), but if a poor man gives alms, the act of charity is greater. Circumstances become morally relevant if they can modify the morality of human act. It is pertinent, Peschke (2001) notes, "that a particular condition of an act which is at one time merely a circumstance may at another time pertain to the object of the act." He gives the following examples:

> The fact that an action is performed by a married man or in a church is usually a mere circumstance. But in an act of extramarital intercourse, the fact that a man is married enters into the object of the act, *since his married status is the ground for rights and obligations in justice*, which are affected and charged about in this act. Therefore, the act is not qualified simply as extramarital intercourse but as adultery. Or if profane dances are performed in a church, then the circumstance that the place of the action is a church enters into the object of the act, …. Therefore, the act is qualified as a *sacrilege* (pp. 254-255).

Some circumstances can add to the fundamental morality of an act, i.e., they can give to the action an additional goodness or evilness different from that which it has from the object. And this can be done in a positive or negative sense.

In the positive sense:

A circumstance can make better an act good in its object. Example: if a poor man gives alms, the act of charity is greater.

It can make good an act indifferent in its object. Example: Singing in order to suit a disturbed baby.

It can equally make less evil an act evil in its object. Example: Apostasy under the threat of torture is less evil than apostasy for a promotion in office.

In the negative sense:

A circumstance can make worse an act evil in its object. Example: to defame a person before a crowd is worse than defamation before one person.

A circumstance can make evil an act indifferent in its object. Example: Playing of a radio may become evil if it is so loud that it seriously disturbs others.

A circumstance can also make less good or evil an act good in its object. Example: Charity for vain glory; or for votes by some politicians.

The above examples, to a great extent, point to the following circumstances which modify the morality of human act:

Who – does the action
What – action
Where – place
With – what means
Why – the action
How – i.e., the manner or mode of action
When – time or period the action was done.
Fagothey (1959) clarifies further:

> The circumstances are the various surroundings of the act, including everything affecting the act without belonging to its essence, except the motive … (which) is really a circumstance but was separated out for special treatment; we mean here all the other circumstances. A convenient way of listing the circumstances is to ask the familiar questions: *who? where? when? how? to whom? by what means? how often?* and the like. But not *what?* or *why?* since these ask for the act itself and its motive (150).

Intention

Here, our interest is on "the end intended by the agent," i.e., the subjective purpose of an act (*finis operantis*) and not on the intrinsic, natural end or the objective purpose of an act (*finis operis*). The latter has been discussed earlier. "In addition to the morality which the act has by its own nature, the act also derives morality from the motive with which it is performed" (Fagothey, 1959, p. 149).

Pazhayampallil (2004) and Fagothey (1959) adopted the term "motive" in place of "intention." The former defines motive as "that for which something is done;" and divided it into two: intrinsic (*finis operis*) motive and extrinsic (*finis operantis*) motive. The former "is that to which the act tends of its very nature." It is the same as the object; and is called objective purpose. The latter "is that which a person intends. It is the purpose of the one acting or subjective purpose. It lies entirely within the subject (the person acting)" (no. 73). This purpose or end (*finis operantis*) according to Peschke (2001);

> is the reason for which the agent undertakes an act, the agent performs the action for the sake of this end, which he expects or hopes to be the effect of his act. The end can therefore also be defined as that effect which the agent subjectively aims at in his action (p. 256).

For example; in almsgiving, alleviation of need is the intrinsic end (*finis operis*). But the end or effect aimed at by the agent in an action may coincide with the object of the action (i.e., the intrinsic end). In this case, *finis operis* and *finis operantis* become identical – the subjective end or purpose of the agent usually coincide with the object of almsgiving which is the relief of a fellow-man's need. But in the case of a captured spy who kills himself in order not to betray any national secrets; the object of this act is suicide, while the subjective end is prevention of betrayal of secrets – which many consider as heroic. Peschke's distinction between "end" and "intention" is interesting:

> Intention is the plan or determination of the will to bring about a certain effect. The term intention views an end as adopted by the will in order to bring it into existence, i.e. it views the end as a source of action, whereas the term end only views the reality of the effect in itself, independent of the motivating force it exerts upon the agent (pp. 256-257).

Moreover, like circumstances, the end (intended by the agent) also modifies the morality of an act: Positively, a good end can make better an act good in its object, good an act indifferent in its object, and less evil an act evil in its object. Negatively too, a bad end can make worse an act evil in its object, evil an act indifferent in its object, and less good or evil an act good in its object. However, no further goodness or badness is added to the act if the good or evil end intended by the agent is identical with the good or evil object of the act.

There is an almost unanimous agreement amongst moralists that in the moral evaluation of human act, intention is very relevant. "The quality of the intention colours the act in a very special way and gives it its own particular moral value" (Pazhayampallil, 2004, nos. 73-74; Peschke, 2001, pp. 256-260).

Conclusion

The foregoing clearly demonstrates that: a final judgment on the morality of an act is only possible under simultaneous consideration of the *object* of the act, the *circumstances* surrounding the act and (above all) the *intention* of the agent. Besides, before any act performed by man can be evaluated as morally good or bad, it must first of all, be *voluntary*, i.e., it *must proceed from the will with a knowledge of the end*. In other words, it must be specifically, a *human act*, and not a mere *act of man*. The legislature and our judiciary are therefore, advised to take cognizance of the three elements of moral evaluation of human act (the object of the act, the circumstances and intention of the agent), together with the level of voluntariness of an act before judgement delivery and decision-making, as the case may be.

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