

Known Invincible Ignorance and Moral Responsibility

When We Know That We Don't Know

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In his *Nicomachean Ethics*, Aristotle argues that when a human agent has acted in ignorance of any of the particular circumstances surrounding an action, then the agent is said to have acted *involuntarily*—and so is not “fully” responsible for her or his action.¹ However, what would happen if we *knew* that we did not know all of the relevant moral facts of a given situation? Or, what if it was apparent that there was no way for any human being to know such facts in a given situation—that is, if we faced an *invincible* ignorance? Excluding cases of emergency when there is not sufficient time to deliberate on a proper course of action, could an agent still act while fully aware of such ignorance?

I believe this is an important question for our times. Humanity is in a peculiar place in history today, in which we find that our technological possibilities far outreach our understanding of them. The implications of what we do not know about our technology and its effects are becoming more and more apparent. Consider the following observations from Dr. Jared Goldstein in his 1990 article titled “Desperately Seeking Science: The Creation of Knowledge in Family Practice”:

With uncertainty all around me, I sometimes long for the security that science appears to offer. Unfortunately, science can no longer offer the comfort that I need. Positivism has long since given way to probability. Modern science has discarded traditional notions of certainty, but the applied sciences have failed to fully absorb the message. An ordered, deterministic universe of accurate diagnosis and definitive treatment will always be just beyond my grasp. My patient’s fears fall through the cracks of the probabilistic certainty that remains.²

¹ Aristotle, *Nicomachean Ethics*, trans. W.D. Ross in *The Basic Works of Aristotle*, ed. Richard McKeon (New York: Random House, Inc., 1941), p. 966.

² Jared Goldstein, “Desperately Seeking Science: The Creation of Knowledge in Family Practice,” *Hastings Center Report*, vol. 20 (Nov/Dec, 1990), p. 28.

The uncertainty involved within the field of medicine is but one of many examples we could reflect upon. All around us, technology offers us the promise and assurance of a better life. But, do we really understand our technology, and the consequences that will follow from its continued development and use? In the arena of research and development, it is openly admitted that we do not really grasp the fullness of what we are doing in something like the Human Genome Project. Does our lack of knowledge here diminish or remove responsibility for what we are doing?

Our present situation is further complicated by the plurality of ethical approaches being used to solve moral dilemmas today. Well-meaning, intelligent, conscientious people are reaching deeply opposed conclusions on issues such as genetic engineering and abortion. As Vernon Bourke noted in the late 1960s, "Ethics has reached a point of crisis, when many of the experts admit that their judgments are no more valid than the opinions of the man in the street."³ This "crisis" has only intensified in the 30 years since Bourke wrote this statement, and is realized in the inadequacy of contemporary theories of ethics to provide adequate answers for current moral dilemmas. One positive aspect of our contemporary "crisis" has been the renewed interest in the classic ethical texts, such as those of St. Thomas Aquinas, to see how they can illumine our ethical studies today. It is in this spirit that I appeal to the work of Aquinas and examine his position on ignorance and its affects on human responsibility in moral decision making.

First, I will make some preliminary remarks about St. Thomas's epistemology. Central to this will be a discussion of the difference in certitude between *speculative* and *practical* knowledge. I will then explore several key aspects of Thomistic ethics, which, I believe, provide a clear guide for human agents when faced with difficult moral situations involving unknowns. Drawing on Thomistic texts, I will suggest that the most appropriate way for human beings to respond when aware of ignorance or doubt is to base moral decisions upon *the strongest evidence available*. In that way, a human agent can never knowingly and willingly hide behind ignorance. This conclusion flows from the very nature of Aquinas's thought—true "human" action must always be based upon reason. I will conclude my paper by discussing the practical value of the Thomistic position for today. I believe that a Thomistic approach, when fully understood and appreciated, gives valuable insight into managing our growing technology.

³ Vernon J. Bourke, *Ethics in Crisis*, (Milwaukee: The Bruce Publishing Company, 1966), p. xiii.

Preliminary Remarks on Knowledge

For St. Thomas, that which makes humans different from the other animals is our reason. As he notes in the *Summa Theologiae*, Question 76, article 1: “the difference which constitutes man is rational, which is applied to man on account of his intellectual principle.”⁴ And so, as Vernon Bourke notes in his work, *Ethics*, when a human being, “acts reasonably, he acts in accord with his own formal nature.”⁵ And yet, Aquinas does not insist that human beings are purely intellectual beings. Rather, Aquinas holds that the human being is a composite of matter (our physical body) and substantial form (our intellectual soul). The soul informs the whole body, not just one organ, and as such it is the substantial form or essence of the whole human person.⁶ This view is known as the *hylomorphic* understanding of the human being.⁷

An important characteristic of the *hylomorphic* theory is that the union between the human body and soul is one of harmony and not conflict. In most dualistic theories of the person, there is the suggestion of a tension between the soul and the body. For Aquinas, the case is quite different. St. Thomas holds that the human soul is incomplete when separated from the body, as any form that desires matter is imperfect when separated from materiality.⁸ Aquinas will not insist that the soul cannot exist without the body—indeed, it can for the soul is incorruptible.⁹ However, this is not a “natural” state for the soul to exist in, because again, the soul finds perfection only in union with the body.¹⁰

⁴ Thomas Aquinas, *Summa Theologiae*, I. q. 76, a. 1, *sed contra*.

⁵ Vernon J. Bourke, *Ethics: A Textbook in Moral Philosophy*, (New York: The MacMillan Company, 1951), p. 126.

⁶ Thomas Aquinas, *Summa Contra Gentiles*, Bk. II, Ch.LXXII: “For the proper act must be in its proper perfectible subject. Now the soul is the act of *an organic body*, not of one organ only. Therefore it is in the whole body, and not only in one part, according to its essence whereby it is the form of the body.”

⁷ This was first suggested by Aristotle, but developed by Aquinas. Here I am referring to Thomas’ recognition of the “act of existence” which stands in relation to a being’s essence as “act” to “potency.” More could be found on this in Aquinas’ short work, *On Being and Essence*.

⁸ *Summa Contra Gentiles*, Bk. II, Ch.LXXXIII: “Every part that is separated from its whole is imperfect. Now the soul, since it is a form, as proved above, is a part of the human species. Consequently as long as it exists by itself apart from the body, it is imperfect.”

⁹ *Ibid.*, Ch.LXXIX: “For it was proved above that every intellectual substance is incorruptible. Now man’s soul is an intellectual substance, as we proved. Therefore it follows that the human soul is incorruptible.”

¹⁰ *Ibid.*, Ch.LXXXIII.

Thus, for Aquinas, the essential characteristic of humanity is that of an *embodied soul*. Humanity's place is found in material creation. And yet, we are different from the rest of material creation in that we possess an intellect. The notion of *embodied soul* reveals the place of humanity in Creation. God knows all things by the Divine Essence.¹¹ Angels do not know by their essence, yet they do not require a physical body to acquire knowledge. Though below God, they remain superior to human beings in the order of rationality.¹² Human beings, by virtue of the power of abstraction, have more perfect knowledge than mere sensing creatures. Yet our knowledge is intimately caught up in the composite of our intellectual soul and our physical matter. In the view of St. Thomas, humanity's place in creation is unique:

Accordingly we may consider something supreme in the genus of bodies, namely the human body equably tempered, which touches the lowest of the higher genus, namely the human soul, and this occupies the last degree in the genus of intellectual substances, as may be seen from its mode of understanding. Hence it is that the intellectual soul is said to be on the *horizon* and *confines* of things corporeal and incorporeal, inasmuch as it is an incorporeal substance, and yet the form of a body.¹³

The human person spans the distance between pure materiality and pure immateriality. We live and move between these two realms of reality.

Embodied soul, then, is an important way of understanding the human person in Aquinas. In any discussion of ethics, it is crucial to keep this understanding in focus. For St. Thomas, who we are as human beings plays a role in determining what is morally good for us to do. As our rationality is what makes us different from the rest of material creation, our power to know and its limitations will bear upon our moral decisions. With these

¹¹ *Summa Theologiae*, I, q.14, a.4, *sed contra*: "in God to be is the same thing as to understand. But God's existence is His Substance...Therefore the act of God's intellect is His Substance." Also, q.84, a.1, *responsio*: "if there be an intellect which knows all things by its essence, then its essence must needs have all things in itself immaterially...Now this is proper to God, that His Essence comprise all things immaterially, as effects pre-exist virtually in their cause. God alone, therefore, understands all things through His Essence: but neither the human soul nor the angels can do so."

¹² *Ibid.*, q.57, a.2, *responsio*: "as man by his various powers of knowledge knows all classes of things, apprehending universals and immaterial things by his intellect, and things singular and corporeal by the senses, so an angel knows both by his one mental power. For the order of things runs in this way, that the higher a thing is, so much the more is its power unified and far reaching.... Accordingly, since an angel is above man in the order of nature, it is unreasonable to say that a man knows by any one of his powers something which an angel by his one faculty of knowledge, namely the intellect, does not know."

¹³ *Summa Contra Gentiles*, Bk. II, Ch. LXVIII.

remarks made, let us turn to consider more fully what human knowledge involves for Aquinas.

Division of Knowledge: Speculative and Practical

Before discussing the issue of ignorance and its implications for human action, it will help to first discover what certitude is for Aquinas. In discussing predestination in Question 6 of his work, *On Truth*, St. Thomas offers these remarks:

[C]ertitude of knowledge is had when one's knowledge does not deviate in any way from reality, and, consequently when it judges about a thing as it is. But because a judgment which will be certain about a thing is had especially from its causes, the word *certitude* has been transferred to the relation that a cause has to its effect; therefore, the relation of a cause to an effect is said to be certain when the cause infallibly produces its effect.¹⁴

To have certainty our knowledge must get to the proper causes of things: where they came from, what they are, what their purpose is, how they function, and so forth.

In considering this point it becomes clear that not all human knowing attains complete certitude. Realizing human knowledge was limited in the degrees of certitude it could attain, Aquinas distinguished those forms of knowledge that yielded complete certainty from those that did not. One early formulation of this distinction in human knowledge was laid out in Aquinas's "Foreword" to the *Commentary on the Posterior Analytics of Aristotle*:

[T]here is one process of reason which involves necessity, where it is not possible to fall short of truth; and by such a process of reasoning the certainty of science is acquired. Again, there is a process of reason in which something true in most cases is concluded but without producing necessity. But the third process of reason is that in which reason fails to reach a truth because some principle which should have been observed in reasoning was defective.¹⁵

In the mind of St. Thomas, barring any defects in reasoning, human knowledge can always attain some level of certitude.

Now, to the first process of reasoning mentioned, the name of *speculative* knowledge is given. It is called *speculative* because it does not directly engage

¹⁴ Thomas Aquinas, *On Truth*, VI., I, q.6, a.3, Questions I-IX, translated by Robert W. Mulligan, (Chicago: Henry Regency Company, 1952), p. 270.

¹⁵ Thomas Aquinas, *Commentary on the Posterior Analytics of Aristotle*, translated by F. R. Lorchner, (New York: Magi Books, Inc., 1970), p. 2.

the contingency of reality, but only considers those principles of reality that are necessary. Since *speculative* knowledge deals with necessary things precisely as they are necessary, it disengages from the materiality of reality, as it were, and considers reality in its immaterial, necessary components.¹⁶

The second process of reasoning is that of the *practical* intellect which directs human action. This lacks complete certitude because the objects of this form of knowledge are contingent. In his *Commentary on the Nicomachean Ethics*, Book VI, St. Thomas explains that there are two divisions of contingent things. There are those concerning what should be done, what action should be taken. There are also those things concerning art and making things.¹⁷ It is clear that both of these require some degree of knowledge and reasoning. Ethics falls under the first category of contingent things, as it pertains to what actions should be done.

Now one may ask how there can be any certitude at all with *practical* reasoning? Even though it involves knowledge, that knowledge is caught up intimately in the contingent, undetermined activity of human beings. Although there may not be scientific, demonstrative certitude in ethics, there can indeed be a proper moral certitude, and there are two primary things that help secure our certainty.

First, there is a standard employed in ethics by which actions are judged so as to keep them from being arbitrary. St. Thomas refers to this standard in several places in his writings, such as in his commentary on Book II of the *Nicomachean Ethics*. Aquinas says, “Now the distinctive form of man is that which makes him a rational animal. Hence, man’s action must be good precisely because it harmonizes with right reason.”¹⁸ When it comes to act-

¹⁶ Jacques Maritain, *The Degrees of Knowledge*, (Notre Dame, Indiana: University of Notre Dame Press, 1995), pp. 37-41.

¹⁷ Thomas Aquinas, *Commentary on the Nicomachean Ethics*, Bk. VI, lec. 3, trans. C. I. Litzinger, (Chicago: Henry Regnery Company, 1964), p. 554.

¹⁸ *Ibid.*, Bk. II, lec. 2, p. 257. See also, Bk. IV, lec.1, p. 539: in morality, “there is an object, as it were a mark, on which the man with right reason keeps his eye; and according to this he strives and makes modifications (i.e., he adds or subtracts) or considers by this mark what the limit of the middle course is, how it ought to be ascertained in each virtue. Such a middle course we say is a certain mean between excess and defect, and in accord with right reason.” And, lec.2, p. 546: “Choice is the appetitive faculty deliberating inasmuch as the appetitive faculty takes what was preconsidered. . . . But to counsel is an act of reason. . . . Since then reason and appetitive faculty concur in choice, if choice ought to be good—this is required for the nature of moral virtue—the reason must be true and the appetitive faculty right, so that the same thing which reason declares or affirms, the appetitive faculty pursues. In order that there be perfection in action it is necessary that none of its principles be imperfect. But this intellect or reason (which harmonizes in this way with the right appetitive faculty) and its truth are practical.” Also, lec. 2, p. 547: “the appetitive faculty is called right inasmuch as it pursues the things reason calls true.”

ing, then, to be fully human we must follow our reason. Thus, even though as embodied beings we are affected by appetite, emotion, belief, opinion, etc., we should not act according to these *per se*, but rather we should act according to our understanding of the situation and our knowledge of good and bad.

Second, in practical matters our intellect always begins its reasoning from universal truths and first principles. St. Thomas explains in the *Summa Theologiae*, Ia-IIae, in his discussion of human law, that just as science proceeds from first principles, “so too it is from the precepts of natural law, as from general and indemonstrable principles, that the human reason needs to proceed to the more particular determination of certain matters.”¹⁹ Ethics is not arbitrary. In making practical decisions, human beings use their knowledge of the world around them, but they should also appeal to the universal principles of natural law. So, we find proper moral certitude in making moral decisions by following both right reason and the universal principles of the natural law. However, this still does not yield complete certainty in our ethical decisions. Whereas the principles of natural law are universal and do not admit of variance, it must be admitted that in the particular situation actions may vary from individual to individual in some cases, due to the contingency of human activity.²⁰

In his *Theory of Knowledge*, R. J. Henle, develops this notion that there are various levels of certitude in human knowing. First, there is simple, subjective certitude.²¹ This is exemplified when someone is simply convinced that something is true, regardless of whether or not it actually is true. The person’s mind is made up, so to speak, and the agent feels certain about what is being considered. Second, there can be objective certitude.²² This is the “determination of the intellect to a true judgment.”²³ Now this

¹⁹ *Summa Theologiae*, I-II, q. 91, a. 3, *responsio*.

²⁰ *Ibid.*, q. 94, a. 6, *responsio*: “the natural law is altogether unchangeable in its first principles: but in its secondary principles, which...are certain detailed proximate conclusions drawn from the first principles, the natural law is not changed so that what it prescribes be not right in most cases. But it may be changed in some particular cases of rare occurrence, through some special causes hindering the observance of such prescripts....” Also, a. 4, *responsio*: “Thus it is right and true for all to act according to reason: and from this principle it follows as 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 into detail....”

²¹ R. J. Henle, *A Theory of Knowledge*, (Chicago: Loyola University Press, 1983), p. 262.

²² *Ibid.*, p. 263.

²³ *Ibid.*

can be in either of two ways. There is material objective certitude, which is marked by the presence of objective and valid evidence in support of the judgment the mind has committed to.²⁴ At this level, there is reliable evidence present that we can turn to in support of what we are considering and this gives us certitude. Finally, there can be formal objective certitude, which occurs when there is objective evidence that is fully comprehended as such.²⁵ That is, when we know something is true, have evidence to support our position, and know why the evidence supports our position, we then have formal objective certitude.

And so, in the Thomistic understanding, human action will involve deliberation over alternative actions that are not determined to any fixed course. In this, certitude is found in beginning from universal principles, and in employing right reason as the standard that guides the intellect in its deliberation towards the good and away from evil. There is a difference, then, between *speculative* and *practical* knowledge. The end of scientific inquiry results in a judgment of knowledge about something that is necessary in the world, and so yields formal objective certitude. Practical reasoning leads to a judgment of action for a particular, contingent situation, and can yield material objective certitude.²⁶ More could be said regarding the distinctions between *speculative* and *practical* knowledge,²⁷ but for the purpose of this investigation we draw two conclusions: 1) since morals involve contingent things, human beings cannot make decisions about such matters in purely scientific terms, expecting complete certainty, and so the Thomistic system is not purely dogmatic; 2) but we cannot conclude therefore that morality is arbitrary and has no certitude, for there are guidelines for human action which are universal and certain principles.

Knowledge is therefore crucial in human moral decision-making. So much so, that the lack of knowledge will affect both the truth of our moral judgments, and our responsibility for our actions. However, it is important to emphasize that even though a lack of knowledge can be a factor in moral activity, we find that human agents can indeed attain proper moral certitude.

²⁴ Ibid.

²⁵ Ibid., p. 264.

²⁶ *Commentary on the Nicomachean Ethics*, Bk. VI, lec.2, op. cit., p. 547: “the practical intellect has a beginning in a universal consideration and, according to this, is the same in subject with the speculative, but its consideration terminates in an individual operable thing.”

²⁷ I would refer anyone who would like to pursue the distinctions between speculative and practical knowledge to John E. Naus, and his work, *The Nature of the Practical Intellect According to Saint Thomas Aquinas* (Rome: Universita Gregoria, 1959). It was an extremely helpful resource.

Ignorance and Practical Knowledge

Our discussion has led us to the following questions. First, how does ignorance affect the human act in general, by making it more or less voluntary? Second, how does ignorance affect the responsibility for moral action?

As to the first, we find St. Thomas examining ignorance in the *Summa Theologiae*, I-II, Question 6, article 8. Here he notes three ways in which ignorance affects human actions: “in one way, *concomitantly*; another, *consequently*, in a third way, *antecedently*.”²⁸ Ignorance is *concomitant* with volition when some ignorance of the circumstances is present, but the agent was so bent on acting that, even had the missing knowledge been present, it would not have made any difference. This type of ignorance has no real bearing on the act itself, but merely accompanies the action. Such ignorance does not make the act involuntary, but more precisely non-voluntary.²⁹ This is because the will cannot properly choose what is unknown.

Ignorance is *consequent* with volition when an agent purposefully chooses to remain ignorant of a situation so as not to be held responsible. This is the ever-popular “ignorance is bliss” approach to life. This state of ignorance is clearly chosen by the agent, and so is voluntary. In addition, ignorance is *consequent* with willing when an agent could or ought to have the specific knowledge that is lacking—this is the case of negligence. An action performed out of negligence is voluntary, then, because it could and should have been avoided by the agent.

The final type of ignorance is the only one that can cause an involuntary action in a human agent.³⁰ *Antecedent* ignorance precedes the willing of the action, but the ignorance itself is not willed. Such ignorance primarily involves those things that an agent is not bound to know. In these cases, if the particular missing fact or circumstance were known, then the agent would not have performed the action, but there is no reason why the agent should have that knowledge. And so, *antecedent* ignorance impedes the freedom of the agent’s choice.

In regard to human action, then, ignorance can reduce the voluntariness of action. Bourke summarizes this in the following way: “The perfection of the

²⁸ *Summa Theologiae*, I-II, q.6, a.8, *responsio*.

²⁹ *Ibid.*, “ignorance of this kind, as the Philosopher states (*Ethic.* iii. 1), does not cause involuntariness, since it is not the cause of anything that is repugnant to the will: but it causes *non-voluntariness*, since that which is unknown cannot be actually willed.”

³⁰ *Ibid.*, “Ignorance is *antecedent* to the act of the will, when it is not voluntary, and yet is the cause of man’s willing what he would not will otherwise...Such ignorance causes involuntariness simply.”

voluntary act is directly dependent on the perfection of the agent's rational knowledge of the end and of the things conducive to the end. Where such knowledge is more or less lacking, the agent is more or less imperfect in his voluntariness."³¹ And, since ignorance in some cases detracts from voluntariness, it can also diminish one's moral responsibility. But with this goes a serious charge. Since, for Aquinas, all things long for fulfillment and completion, one goal for human beings will be to act in a fully human way.³² As rational, then, human beings must seek knowledge of those things we are bound to know prior to making moral decisions. St. Thomas was quite aware of the tendency in human beings to use ignorance as a means of hiding from responsibility.³³ But hiding behind ignorance does not fulfill what it is to be human. Since we are endowed with reason, human beings are obliged to know where we stand in relation to the world. In understanding our place in creation, we recognize that our decisions should not only consider our own, personal good, but the common good and the good of humanity as a species, as well as God's eternal law.³⁴ Our reason compels us not to move in ignorance of any of these relationships. In the Thomistic view, then, there is a strong commitment to the knowledge that human beings can attain, as that knowledge provides the means of ordering our *practical* actions to their proper ends.

These considerations are important for determining human responsibility for action. For Thomas, only fully human acts merit moral praise or blame:

[T]hose 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 a *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.³⁵

So, how is an agent's responsibility affected when an action is performed in conjunction with these various forms of ignorance? This issue of responsibility

³¹ *Ethics: A Textbook in Moral Philosophy*, p. 73.

³² *Ibid.*

³³ *Summa Theologiae*, I-II, q. 76, a. 4, *responsio*: "it happens sometimes that such like ignorance is directly willed and essentially voluntary, as when a man is purposely ignorant that he may sin more freely, and ignorance of this kind seems rather to make the act more voluntary and more sinful, since it is through the will's intention to sin that he is willing to bear the hurt of ignorance, for the sake of freedom in sinning."

³⁴ *Ibid.*, a. 2, *responsio*: "all are bound in common to know the articles of faith, and the universal principles of right, and each individual is bound to know matters regarding his duty or state."

³⁵ *Ibid.*, q. 1, a.1, *responsio*.

is discussed more fully in the *Summa Theologiae*, I-II, Question 76, under the aspect of sin. First, Aquinas clarifies the case of *concomitant* ignorance, which merely accompanies an action. St. Thomas notes that if an agent would have performed a particular action whether there was full knowledge or not, the ignorance has no bearing on the responsibility of the agent, as it merely accompanies the action performed. If a thief breaks into a house no matter what, then not knowing if anyone is at home becomes unimportant, and so does not detract in any way from the responsibility of the thief for the action.

St. Thomas then turns to a more thorough consideration of *consequent* ignorance and how it bears upon moral responsibility. In the second article of Question 76 Aquinas explains that there are some things we are bound to know, such as the things regarding the law and our social and political duties. Ignorance of this type involves negligence, since the agent does not attempt to know all of the particulars of the action being considered. To the degree that an agent fails to seek knowledge when an obligation to do so is present, or avoids it altogether, voluntariness remains and responsibility is not excused. Such an action goes against right reason, and so is a disordered act. However, there are other things human knowers could know but are not bound to know, such as mathematics or science. Certainly any human being has at least the potential to know these things, but the lack of knowledge of them will not be a source of sin because no obligation is present, and so responsibility is lessened.

St. Thomas adds a further distinction to the types of ignorance in this discussion that was not present earlier, namely *invincible* ignorance: “such like ignorance, not being voluntary, since it is not in our power to be rid of it, is not a sin: wherefore it is evident that no invincible ignorance is a sin.”³⁶ It would seem the reason for this is that an agent faced with *invincible* ignorance has no way of gaining the knowledge that is lacking, and so cannot make a voluntary choice. But what constitutes an *invincible* ignorance? St. Thomas does not list what qualifies as *invincible*. However, some light can be shed upon this issue by reference to I, Question 86. Here Aquinas points out two things that the human intellect *cannot* know. First, the human intellect cannot have knowledge of the infinite precisely as it is infinite.³⁷ Hence, we can never fully understand God, as the Divine Essence is infinite. Second, the human intellect cannot have knowledge of the future in itself.³⁸

³⁶ Ibid., q. 76, a. 2, *responsio*.

³⁷ Ibid., I, q. 86, a. 2, *sed contra*: “It is said (*Phys.* i. 4) that the *infinite*, considered as such, is unknown.”

³⁸ Ibid., a. 4, *sed contra*: “It is written (*Eccles.* viii. 6,7), *There is a great affliction for man, because he is ignorant of things past; and things to come he cannot know by any messenger.*”

Now, it would seem that this could open the door for claiming *invincible* ignorance of all human action since every action is future to our deciding upon it and so is fully unknowable. But St. Thomas counters any such claims:

The future cannot be known in itself save by God alone...but forasmuch as it exists in its causes, the future can be known by us also. And if, indeed, the cause be such as to have a necessary connection with its future result, then the future is known with scientific certitude, just as the astronomer foresees the future eclipse. If, however, the cause be such as to produce a certain result more frequently than not, then can the future be known more or less conjecturally, according as its cause is more or less inclined to produce the effect.³⁹

Human beings can indeed have some knowledge of the future because they can acquire knowledge of the proper causes of things discovered in reality. When the causes of necessary things are known, the result is scientific knowledge that is necessarily true. When the causes of things that are *not* necessary are known, certitude is had to the degree that there is some objective evidence to support one's conclusions. If we can understand the causes at work, then we have *some* evidence upon which to base our decisions about future actions. The presence of such evidence allows us to have *some* level of material objective certitude.

And so, we can draw an important conclusion regarding human responsibility when faced with an apparent *invincible* ignorance. If one truly finds some fact wanting or unknowable in a situation, there is still one final recourse, as opposed to acting upon the ignorance as such. "Conjectural knowledge," which admittedly lacks complete certainty, is still more proper grounds to base a moral decision upon than any claim to ignorance of the situation. Such knowledge is not arbitrary, but attains material objective certitude to the extent that the evidence given reasonably supports the conclusions of the agent.

St. Thomas expresses this same point in another way in II-II, Question 70. When discussing the evidence given by witnesses in court cases, he writes:

[I]n human acts, on which judgments are passed and evidence required, it is impossible to have demonstrative certitude, because they are about things contingent and variable. Hence, the certitude of probability suffices, such as may reach the truth in the greater number of cases, although it fail in the minority.⁴⁰

What the moral agent appeals to is not the mathematical probability of what will be the odds of something happening. Rather, an agent gathers the available evidence to discover what is most probably true in a moral situation.

³⁹ Ibid., *responsio*.

⁴⁰ Ibid., II-II, q. 70, a. 2, *responsio*.

Ethical decision-making is not a gamble of odds, but an appeal to the strength of the evidence available as a guide in the face of uncertainty. And so, I do not interpret Aquinas as appealing to probability in the mathematical sense, but rather he is concerned with knowledge and evidence. Even when there may be a situation where we are aware that we do not “know” all of the circumstances, humans are faced with an obligation, which befits our nature, to consider similar situations as well as the evidence given by others to form some type of certitude upon which to act. This position also remains consistent with the recognition of moral absolutes, because moral absolutes serve as part of the evidence to which a moral agent will appeal in making a moral decision.

In the end, I believe the above considerations show that there can never be a case of “known *invincible* ignorance.” To truly be faced with an unconquerable ignorance, one could not be aware of such a lack of knowledge prior to acting. If one were aware, then one would be obligated—as time allows—to gather as much knowledge as possible to form some level of material objective certitude. If one cannot achieve a reasonable level of certitude, then one must not perform the action—to do so would be a case of negligence, willingly proceeding in the face of ignorance.

So, we could not say that Adolph Hitler’s parents were immoral because they decided to have children and one of their children committed terrible crimes against humanity. They had no way of knowing or predicting what their son would do in the future, and as such were involuntary agents in producing the leader of the Holocaust. For any agent faced with such unconquerable ignorance, no responsibility can be assessed. An agent cannot employ right reason when such ignorance is present. Further, such ignorance would clearly not be discovered until well after the action. However, if one wanted to attempt the cloning of a human being in the name of scientific discovery, without really knowing what consequences will follow—one could not claim this as a case of *invincible* ignorance and shirk responsibility for the outcomes. Rather, one would be obligated on both scientific and moral grounds to act only in reasonable certitude of what will happen, based upon knowledge and evidence already available. If no certitude could be established, then the action must be foregone. Simply put, excluding emergency situations, a human agent should never act without proper knowledge.

Applications

So what applications do these conclusions have for today? Let me use just one illustration—the current debate on abortion. Read almost any editorial page, skim through any journal of ethics, browse over any library

shelf—all in search of the topic of abortion—and one will undoubtedly recognize the strongly contrasted approaches to this delicate, but crucial topic. Abortion, of course, is not a wholly new technology. But important advancements in the technology involved with abortion (such as RU486, and “emergency contraception”) continue to cloud the ethics of this practice in our country, making it more and more difficult for some to make the important distinctions necessary to understand exactly what abortion involves.

What seems to be the point of divergence between those who strongly oppose abortion and those who equally defend it? It seems too simplistic to say that one group advocates legalized murder, while the other opposes it—indeed, both groups oppose making innocent people suffer. On the one hand, Baruch Brody argues that whereas it is difficult biologically to determine exactly when a fetus becomes human, “it surely is not a human being at the moment of conception, and it surely is one by the end of the third month.”⁴¹ Supporters of this position hold that the status of the embryo changes during pregnancy, and hence the morality of abortion also changes. John Noonan describes an opposing view: “Once conceived, the being was recognized as man because he had man’s potential. The criterion for humanity, thus, was simple and all-embracing: if you are conceived by human parents, you are human.”⁴² Finally, there is a third group who would hold that even after birth, a baby is not a human person because it lacks consciousness and the ability to relate to other human beings in a meaningful way, and so is devoid of any right to life.⁴³

These conflicting opinions indicate that a crucial issue of the abortion debate (indeed, perhaps *the* crucial issue) involves how the fetus is viewed. The sciences are hesitant to settle the question because of the lack of what most scientists would consider cold, hard facts. Veatch reveals this hesitation when he writes: “It is logically impossible to offer a strictly biological argument for the status of the fetus, although it may be possible to claim that some biological event, such as conception, implantation, or the beginning of breathing, is the factor that ought to be given moral significance.”⁴⁴ But even

⁴¹ Baruch Brody, *Abortion and the Sanctity of Human Life*, (Cambridge: The MIT Press, 1975), p. 112.

⁴² John T. Noonan, Jr. “An Almost Absolute Value in History,” in *The Morality of Abortion*, ed. John T. Noonan, Jr., (Cambridge: Harvard University Press, 1970), p. 51.

⁴³ J. C. Willke and Dave Andrusko, “Personhood Redux,” *Hastings Center Report*, vol. 18, (Oct/Nov, 1988), p. 32. One might also think of Peter Singer’s 1979 text, *Practical Ethics*, as well as his more recent work.

⁴⁴ Robert Veatch, *Case Studies in Medical Ethics* (Cambridge: Harvard University Press, 1977), p. 170.

recognizing the hesitation of the sciences to formulate a decisive position, Lisa Sowle Cahill, in discussing the use of the RU 486 pill, notes that there is still a choice involved which ends the life of the embryo, regardless of its status, the responsibility of which even early abortion cannot, and should not, remove.⁴⁵ Even those who will insist the fetus is not a human being and has no rights must admit that abortion is not simply a matter of how a woman wishes to care for her body. Abortion is the choice to terminate (at the very least) a “potential” human being.

What, then, are we to do in the face of such conflicting positions over the status of the fetus? If ethicists and scientists cannot agree on this issue—does this mean we are facing a case of *invincible* ignorance? Consider the following excerpts from the 1989 *Webster v. Reproductive Health Services* case, which came before the United States Supreme Court. In his oral argument for Reproductive Health Services, Frank Susman was insisting for the pro-choice side that abortion was a “fundamental right” of a woman. Susman partly argued that the Constitution supported a woman’s right to an abortion. But Susman also recognized the lack of scientific certitude in determining the humanity of the unborn. Since no one knew for sure, a woman should be the sole person to decide when a fetus was a human or not. Justice Scalia objected to this line of reasoning. The record of the discussion between Scalia and Susman portrays the striking divergence of opinion that arises over the uncertainty of the status of the unborn:

JUSTICE SCALIA: Let me inquire. I can see deriving a fundamental right from either a long tradition that this, the right to abort, has always been protected. I don’t see that tradition, but I suppose you could also derive a fundamental right just simply from the text of the Constitution, plus the logic of the matter or whatever.

How can—can you derive it that way here without making a determination as to whether the fetus is a human life or not? It is very hard to say it just is a matter of basic principle that it must be a fundamental right unless you make the determination that the organism that is destroyed is not a human life. Can you as a matter of logic or principle make that determination otherwise?

MR. SUSMAN: I think the basic question—and, of course, it goes to one of the specific provisions of the statute as to whether this is a human life or whether human life begins at conception—is not something that is verifiable as a fact. It is a question verifiable only by reliance upon faith.

It is a question of labels. Neither side in this issue and debate would ever disagree on the physiological facts. Both sides would agree as to when a heartbeat can first be detected. Both sides would agree to when brain waves can first be detected. But when you come to try to place the emotional labels on what you call

⁴⁵ Lisa Sowle Cahill, “‘Abortion Pill’ RU 486,” *Hasting Center Report*, vol. 17, (Oct/Nov, 1987), p. 8.

that collection of physiological facts, that is where people part company.

JUSTICE SCALIA: I agree with you entirely, but what conclusion does that lead you to? That, therefore, there must be a fundamental right on the part of the woman to destroy this thing that we don't know what it is or, rather, that whether there is or isn't is a matter that you vote upon; since we don't know the answer, people have to make up their minds the best they can.

MR. SUSMAN: The conclusion to which it leads me is that, when you have an issue that is so divisive and so emotional and so personal and so intimate, it must be left as a fundamental right to the individual to make that choice under her then attendant circumstances, her religious beliefs, her moral beliefs, and in consultation with her physician.⁴⁶

The uncertainty regarding the humanity of the unborn is openly admitted by both gentlemen in their discussion. How should a moral agent act regarding abortion in the face of such uncertainty? Susman indicates that the very presence of uncertainty on this issue secures the right of the woman as the only one who can make the decision to terminate a fetus. But is this the most appropriate way for human moral agents to act? What we have to ask is whether or not it is reasonable (*right reason*) to base a strong, positive right to control one's body to the extent that certain people can determine the humanity of the unborn upon their personal belief and be both legally and morally justified, all upon an uncertainty—a lack of knowledge? Or, is it reasonable to protect the fetus as human life, regardless of whether it ever achieves its full potential? A woman contemplating an abortion, or a doctor contemplating doing such a procedure cannot simply say they do not know for sure what we are doing. Employing the natural law approach laid out earlier, we need to examine those facts that we do know—even if they only yield material objective certitude—and follow *the strongest evidence at hand*.

In this regard, John Noonan offered the following argument against abortion:

If a fetus is destroyed, one destroys a being already possessed of the genetic code, organs, and sensitivity to pain, and one which had an 80 percent chance of developing further into a baby outside the womb, who, in time, would reason.... It is this genetic information which determines his characteristics, which is the biological carrier of the possibility of human wisdom, which makes him a self-evolving being. A being with a human genetic code is man.⁴⁷

⁴⁶ From the "Oral argument of Frank Susman on Behalf of the Appelles," *Webster v. Reproductive Health Services* (1989), in *Landmark Briefs and Arguments of the Supreme Court of the United States: Constitutional Law*, edited by Philip B. Kurland and Gerhard Casper, (Frederick, Maryland: University Publications of America, 1990), pp. 944-45.

⁴⁷ "An Almost Absolute Value in History," p. 57.

Noonan first made this argument in 1970. The advances in genetic research and the Human Genome Project, however, have clearly added to the strength of this argument today. An appeal to genetic evidence reveals that an embryo, from conception on, has all that it ever needs to develop as a human being. How, then, can we see it as anything less than human? Yet, the 1975 argument of Baruch Brody, which had objected that the genetic argument was still inconclusive from a scientific perspective, continues to reign (as we read with Frank Susman and pro-choice advocates). Brody's point was that the mere presence of human genetic information does not "prove" that human "life" is present. And so he pursues other avenues for arguing against abortion.⁴⁸ But in the absence of scientific certitude, one must consider the evidence that is available. What Noonan indicates is that every fertilized human egg by possessing its genetic information has the potentiality of full human life. This is an important point. No one denies that once conceived a fetus will become nothing but human if nurtured. However, this is often glossed over as a trivial point. *But this is evidence!* The "collection of physiological facts" that Susman mentions, facts such as the presence of genetic information, represent evidence that a human agent must recognize before making a moral decision. Right reason will direct an agent to recognize that the fertilized egg from conception on contains the full potentiality of a human being—a potentiality that is, and will continue to be, developing. All of the possibilities of that human being in all of its uniqueness are present in those first cells. This is evidence that can guide our moral decisions. This is evidence that can give us moral certitude in recognizing that abortion ends a human life.

Conclusions

A Thomistic approach indicates that the proper way for human agents to act when faced with an uncertain situation is to follow *the strongest evidence available*. Although this approach does not yield absolute or scientific certitude, it does give the human agent a proper moral certitude regarding her or his action. To follow the strongest evidence available is the only proper way for a human agent to act in any uncertain situation. That is, basing our moral decisions upon the evidence that we do have is the only way to act properly as rational, responsible moral agents.

⁴⁸ *Abortion and the Sanctity of Human Life*, p. 91.

An approach like this demands much from people. It calls us into a dynamic of reasoning, understanding, investigating, and judging. However, it does bridge the gap between an overly dogmatic approach, and a loose “do-as-you-will” approach to life. It avoids dogmatism by requiring us to recognize that human activity is not determined to any one course, but must be reasoned out. It avoids emotivism by showing that what humans do must not be arbitrary, but rather must follow right reason to be fully human. The natural law approach of Thomas Aquinas puts a great responsibility upon humanity in moral decision-making.

This investigation clearly does not answer all of the uncertain moral dilemmas that humanity will be faced with. However, I believe that the method of Aquinas sheds light on the confusion of ethics today. By focusing on right reason and the importance of following the strongest evidence when faced with uncertainty, St. Thomas challenges us to be fully human in every action we undertake—even when they involve difficult and controversial cases.

So—when you know that you do not know—find out! If you cannot find out, don’t do it!