

More on the Contraceptive Choice

To the editor: Fr. Rhonheimer's capacious reply (Summer 2007) to my article deserves a much more detailed response than I have the opportunity to provide here.¹ Let me, however, at least make a few points regarding his comments.

I. Fr. Rhonheimer states that I misrepresented his position when I asserted at the beginning of my article that he roots the evil of contraception "strictly in the intention to prevent new life" and therefore does not see its evil as "intrinsically related to any physical behavior of the body." It appears that my subsequent explanation was insufficient to help Fr. Rhonheimer understand my meaning. Thus, he interprets me as implying that his understanding of contracepting has no relation whatever to the act of sexual intercourse.

By placing this construction upon my words, I become guilty of implying that Fr. Rhonheimer must logically regard natural family planning as immoral. He therefore deems it necessary to correct: "I have never seen a problem in the *intention* to prevent conception if one does so by modifying one's own sexual (bodily) behavior through responsibly abstaining from sexual intercourse when it might engender new life" (274).

I take this as a rather forced appropriation of my words. Everything that I subsequently wrote to explicate my meaning clearly referred to our dispute over the evaluation of "an act of condomistic sex between spouses." Allow me, then, to clarify what I was trying to say regarding Fr. Rhonheimer's position as it contrasts with my own.

Contrary to Fr. Rhonheimer, I take a conjugal act to be contraceptive in nature if it is performed in such a way that its natural power to generate life is deliberately frus-

trated. Thus, all conjugal intercourse that is deliberately rendered infecund (whether through impeding insemination or frustrating ovulation) is contraceptive in nature, regardless of any further intention of the spouses. In this way, reason does not need to ascertain *why* the couple is deliberately eliminating the procreative potency of their sexual union in order to see that such a choice is not conformable to the proper ends of human nature.

Fr. Rhonheimer, on the other hand, asserts that an act of condomistic spousal intercourse is not yet, as such, recognizable as morally specified. It only becomes so specified by referring to the intention for the sake of which the spouses choose this act. Only then can reason evaluate its goodness or badness. Thus Fr. Rhonheimer in his rejoinder reiterates his position: "I contend that impeding insemination actually *is* contraception, *but only provided that it is done for the sake of* impeding the natural purpose of insemination, which is to conceive human life" (278, second emphasis added). This is precisely what my words were intended to signify. For Fr. Rhonheimer, nothing that the spouses are choosing to do at the bodily level yet indicates that the act is disordered; therefore, the act's potential status as contraceptive is, as I wrote, "not related to any physical behavior of the body." Where, then, can one find that by which the choice to impede insemination is to be judged as contraceptive or not? "Strictly in the intention to prevent new life."

My words I think quite accurately capture Fr. Rhonheimer's position. How this is not the natural construction to be placed upon them is a puzzle to me. At the very least, I hope Fr. Rhonheimer will reconsider his claim that I have perpetrated a "grave" and "complete misrepresentation" of his position (274).

II. I would like to thank Fr. Rhonheimer for pointing out my mistaken use of the

term “natural species.” I did, in fact, misuse this expression and I am grateful to Fr. Rhonheimer for calling it to my attention. Part of the reason I incautiously fell into this terminological error was my pressing desire to parallel as closely as possible Fr. Rhonheimer’s own use of this term when he wrote: “‘Having sexual intercourse by using a condom’ is the description of an act in its natural species . . . Only when it is conceived as being related to an end can this act be understood as a human act and in its moral species.”² I take this statement to be false in that there is already enough information in this description of a choice for reason to see that it is contrary to human nature.

However, when I used the term “natural species,” my intended meaning was, I think, quite clear. I wanted to show that there are obvious parallel examples of human acts where one does not need to know how they are further related to an intended end in order to know that they are morally wrong. Adultery and homosexual intercourse were two examples of acts similarly irreconcilable to the ends of human nature that came to mind.

Thus, in pointing out the irrelevance of a further intention for evaluating certain kinds of acts, I was seeking to focus the debate on the central question of this dispute which is, as I wrote, “Is contraception evil in the way that adultery and homosexuality are evil, or is it evil in the way that killing a man could be evil?” I see it as the former; Fr. Rhonheimer sees it as the latter. Deciding which of these it is depends on a proper answer to the question of what is the ultimate measure by which one evaluates the morality of an act.

III. Fr. Rhonheimer sees two possibilities with which one can answer this last question. He writes, “As I see it—though I will happily concede if I am wrong—there is a clear alternative: either to root morality simply in the facts of nature and physical patterns, like the factual deposition of a man’s semen into a woman’s vagina, or to link morality with virtues” (289). What is frustrating about this false disjunction is that, first, it casts me in the role of “rooting morality simply in the facts of nature and physical patterns,” while Fr.

Rhonheimer stands out as trying to connect moral judgments with the virtues. In other words, this formulation paints me as holding to the very caricatured “biologism” that I spent pages distinguishing myself from in my original article. Secondly, Fr. Rhonheimer himself acknowledges that choosing certain “physical patterns” of behavior such as anal intercourse or bestiality are always wrong, no matter the intention.

Regardless, the proper way “to root morality” in the natural ends of human nature involves no opposition between freedom, reason, virtue, the powers of human soul, and the organs of the body. This is because acts and ends proper to human nature are not free floating abstractions, but are rooted in the purposes of our soul’s various faculties and powers, which are in turn expressed in the organs by which they operate. Reason’s role in measuring the morality of an act is precisely to measure it against the purposes of these faculties and the respective hierarchical order of these faculties. Virtue’s status as the criterion of morality lies in the fact that a virtue is, as St. Thomas rightly states, the “perfection of a power,” which is to say, a stable disposition by which we are inclined to realize in an excellent way the natural end of a faculty of human nature.

Thus, what makes *chastity* a virtue, for example, is that it habitually disposes a human being to use excellently his generative faculty in accordance with its true purpose. Being chaste *is* the stable disposition by means of which one is able to respect, and rightly use, one’s generative power. It pertains essentially to the right use of this power that each sexual act be *per se aptum* for generation. A man who deliberately eliminates the generative potency of one of his sexual acts is doing something which is, at least materially speaking, unchaste.

IV. Fr. Rhonheimer is correct when he states that my position is reflected in “the tradition of canon law.” He is wrong, however, to link it to the “corresponding legal thought” of jurists who, with regard to the consummation of a marriage, make a distinction between condom use and antioviulants (279). It is precisely because

I regard as consummatory only a conjugal act which is *per se aptum ad prolis generationem* that I make no distinction between these two methods of rendering sex inapt for generation (can. 1061). Both the impeding of insemination and the pharmaceutical suppression of ovulation destroy the potency of the sexual act to be generative.

As such, the choice to use either method in marriage specifies the sexual act as nonconsummatory because it is thereby deliberately stripped of the power to generate life. There is simply no relevant distinction to be drawn between these two equally effectual ways of destroying the act's aptitude for generation. Accordingly, I cannot make sense of canonists who would decide the question of a couple's marriage consummation differently depending upon whether they had used a condom or a pill. Such a view has lost all rational connection to the idea that a consummatory marriage act must be *per se aptum* for generation.

Thus, Fr. Rhonheimer is wrong to see my position as brutally rooted in a "determinate behavioral pattern" which "does not cover hormonal contraception or various kinds of female sterilization" (278).

V. Lastly, Fr. Rhonheimer states in his reply that there is no morally relevant difference between a woman who is "therapeutically sterilized" and a condom-using HIV couple. In both instances, he says, the consequence of removing the ability to generate life is an unintended side effect of their respective acts and therefore equally unproblematic.

I, on the other hand, see a profound difference, which I do not think Fr. Rhonheimer sufficiently appreciates: the woman who must choose to undergo a hysterectomy does so without any reference to the act of sexual intercourse. She is choosing surgery to save her life, not, as with the condom-using couple, sex that is less risky. That this procedure will render her future conjugal acts unable to generate new life is completely accidental to why she is choosing this course of action.

The same cannot be said, however, of the condom-using couple that is trying to prevent infection. They are deliberately doing something that has the effect of destroying

the procreative potency of their conjugal act *precisely so that they will be able to have sex with each other*. If it were not for the fact that they want to have sex, the issue we are debating would never arise. Thus, the choice to do something which necessarily renders their sexual activity infecund is chosen so that they can have sex without the risk that one of them might become infected in the process. The choice to have sex is first. Doing it in such a way as to minimize infection is a consequence and means to realizing this initiating motive.

Thus, unlike the woman who must have her ovaries removed in order to avoid dying from ovarian cancer, the condom-using couple is impeding insemination in order to have sex that is not excessively risky. In this way it can be seen that one cannot dissociate the sexual act from the intention of the latter couple in the same way that one can from the intention of the woman needing a hysterectomy.

There remain several claims leveled against me in Fr. Rhonheimer's article to which I have not been able to respond here. These will have to await some future opportunity for further dialogue. Nevertheless, I would like to thank Fr. Rhonheimer for judging it worth his while to respond to my earlier reflections. I continue, however, to think that his understanding of the licitness of condom use within HIV-infected marriages is unsound.

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¹ Rev. Martin Rhonheimer, "Contraceptive Choice, Condom Use, and Moral Arguments Based on Nature: A Reply to Christopher Oleson," *National Catholic Bioethics Quarterly* 7.2 (Summer 2007): 273–291; Christopher Oleson, "Nature, 'Naturalism,' and the Immorality of Contraception: A Critique of Fr. Rhonheimer on Condom Use and Contraceptive Intent," *National Catholic Bioethics Quarterly* 6.4 (Winter 2006): 719–729.

² Benedict Guevin, O.S.B., and Martin Rhonheimer, "On the Use of Condoms to Prevent Acquired Immune Deficiency Syndrome," *National Catholic Bioethics Quarterly* 5.1 (Spring 2005): 43.

Rev. Rhonheimer replies: Christopher Oleson's reply does not seem to me to address the central points I raised in my response to his article. Rather, he diverts attention from them. What follows are my reasons for having this impression. (By listing them as shortly and clearly as possible, I intend both to honor Oleson's challenging reactions and to properly canalize the debate so that it may be fruitful.)

Reply to I. Oleson fails once more to distinguish between *description* and *evaluation*. This omission, as I said in my article, was the reason why he had misrepresented my argument against contraception and falsely charged me with not relating the evil of contraception to any physical behavior of the body. He now repeats this charge without giving any further evidence. Instead of a further response, I refer to what I wrote in my first reply to Oleson.

Reply to II. In his first article, Oleson used the term "natural species" as I reproached him, i. e., in a naturalistic sense, and not only to designate a type of human act independently from *further* intentions as he now contends. The point Oleson tried to make (i.e., that some acts, like adultery, can be defined simply on the level of natural species) seems to me, at least from a Thomistic point of view, refuted by the texts I quoted from Aquinas's *De malo*. I am surprised that Oleson nevertheless continues to insist on his point and even seems to blame me for his misusing the term "natural species." I did not invent it, but simply follow Aquinas's well-known distinction between the *species naturae* and the *species moris* of a human act.¹

Reply to III. Of course I do hold, and have extensively argued, that certain physical patterns of behavior are always wrong, *because they are in a fundamental and necessary sense opposed to reason*.² There is nothing inconsistent in what I wrote in my article, as Oleson suggests. I am instead disappointed that Oleson does not address my insistence that mere "nature"—as in this case the fact of insemination—can be understood as morally normative only through an ethical argument based on *reason*. In Oleson's account, I think, such an argument is lacking. Although

he says—and I believe him—that he intends not to hold a simplistic naturalism that would be indefensible on Thomistic grounds, he has not yet convinced me that he has totally resisted succumbing to such a view.

Reply to IV. What is said in this passage does not undermine my position, but rather that of other of my critics (like Luke Gormally and John Finnis). It is certainly in opposition to the traditional interpretation of the expression *per se aptum ad prolis generationem* as it is generally adopted by canon lawyers and ecclesiastical tribunals regarding the consummation of marriage (which I challenge as well, but in the opposite sense).

Reply to V. I had already repeatedly conceded (in my response to Father Guevin and in my reply to Oleson) that according to me these two cases are actually not identical, but analogous. I never denied the *difference*. But, as I noticed, they also have *something* in common. Oleson continues to emphasize only the difference, and seems oblivious to the way *Humanae vitae* n. 14 defines the sin of contraception through an intentional description. Unfortunately, Oleson has restated his original position that I challenged rather than addressing my counterarguments.

Instead of focusing so much on the disputed question about condom use in pastorally very special cases—a question which is actually not, and never was, my main concern—I wish Oleson and other critics would try to understand what I have argued about a proper retrieval of Thomistic ethics in light of the postconciliar crisis in moral theory, about how to address more generally the moral relevance of bodily nature, and about how to make defensible arguments in support of the contested moral encyclicals.

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¹See, for example, Thomas Aquinas, *Scriptum super libros sententiarum*, lib. 4 d. 26 q. 1 a. 3 ad. 5: "Ad quantum dicendum, quod quamvis sint idem specie naturae, tamen differunt in specie moris, quam una circumstantia variat, scilicet accedere ad suam vel non suam; sicut etiam occidere hominem per violentiam vel per justitiam,

facit diversam speciem moris, quamvis sit una species naturae; et tamen unum est licitum, aliud illicitum." See also *Summa. theologiae*. I-II, Q 1.3, reply 3.

²See, for example, "The Moral Significance of Pre-Rational Nature In Aquinas: A Reply to Jean Porter (and Stanley Hauerwas)," *American Journal of Jurisprudence* 48 (2003): 253–280, esp. 268; and *Natural Law and Practical Reason: A Thomist View of Moral Autonomy* (New York: Fordham University Press, 2000), esp. 94–107.

To the Editor: One of the major moral conundrums if not inconsistencies with Pope Pius XI's designation of contraceptive intercourse as intrinsically evil (*Casti connubii* nn. 54 and 61) is that there are exceptions according to the Pope himself and according to at least two bishops' conferences later in the history of this question. First, in *Casti connubii*, Pius XI makes it clear that when a husband approaches his wife with a contraceptive, the woman is not sinning but sinned against when she engages in intercourse with him: the "Holy Church knows full well that not infrequently one of the parties is sinned against rather than sinning, when for a grave cause he or she reluctantly allows the perversion of the right order. In such a case, there is no sin, provided that, mindful of the law of charity, he or she does not neglect to seek to dissuade and to deter the partner from sin" (n. 59). One spouse can obviously cooperate with the other according to Pius in these special circumstances. This assertion also overturns the teaching that immediate material cooperation in evil is gravely wrong, because the spouse who does not want to contracept is doing precisely that. One spouse may wish that the other not use a contraceptive, but if one is using it in their marriage, then the other can morally allow this practice provided that the innocent party does not promote it. From the encyclical letter, it is clear that a husband can approach his wife for "conjugal relations" even if she is wearing a contraceptive. There was no "pill" to act as a contraceptive in the 1930s, but once invented it caused other moral problems, such as a possible abortifacient effect.

The Church next speaks about intrinsically evil acts with regard to this issue in a summary way in *Gaudium et spes* n. 51: "Relying on these principles [those set out previously concerning objective criteria, etc.], sons of the Church may not undertake methods of birth control which are found blameworthy by the teaching authority of the Church in its unfolding of the divine law." Footnote 14 of that section then continues by referring to magisterial sources which explicitly disapprove of—indeed, unequivocally condemn—contraceptive methods as ways of regulating birth, namely, Pius XI's *Casti connubii*, Pius XII's "Address to the Midwives" (October 29, 1951), and Paul VI's "Allocution to the Cardinals" on June 23, 1964.

Much later, in the 1990s, we find the problem and a solution further refined in the Pontifical Council for the Family's *Vademecum for Confessors concerning Some Aspect of the Morality of Conjugal Life*, but it seems to be vague:

Special difficulties are presented by cases of cooperation in the sin of a spouse who voluntarily renders the unitive act infertile. In the first place, it is necessary to distinguish cooperation in the proper sense, from violence or unjust imposition on the part of one of the spouses, which the other spouse in fact cannot resist. This cooperation can be licit when the three following conditions are jointly met:

1. when the action of the cooperating spouse is not already illicit in itself;
2. when proportionally grave reasons exist for cooperating in the sin of the other spouse;
3. when one is seeking to help the other spouse to desist from such conduct (patiently, with prayer, charity and dialogue; although not necessarily in that moment, nor on every single occasion).

Furthermore, it is necessary to carefully evaluate the question of cooperation in evil when recourse is made to means which can have an abortifacient effect. (nn. 13–14)

These numbers and in particular the second condition come close to suggesting that some sins are not sins if there is a proportionally grave reason.

If Pius XI is correct in his teaching, and if the *Vademecum* is likewise in tune with the official teaching of the Church, then it seems that there is a disconnect. If an act is intrinsically evil, then any use of contraceptives is always and everywhere intrinsically evil. But such is not the case in *Casti connubii* or the *Vademecum*.

The alleged contraceptive marital action is really composed of two actions with two different moral species: one that is morally evil when there is consent to the immorality by one partner, and the action of the other partner who chooses not to contracept in intention but tolerates the moral evil of the contracepting partner. Following the teaching of Pius XI and the *Vademecum*, only the person who willfully uses a contraceptive is committing sin, not the unwilling contraceptive party to the act.

Given these moral teachings, therefore, it is easy to argue that a physical or chemical contraceptive could be used in case of a partner with AIDS in a marriage, as Rhonheimer opines in his article (Summer 2007), provided it is not an abortifacient. Similar to Pius XI's teaching, the special circumstances (possible death to either partner or the potential child) seem to render the marital act so morally different that it too may not be intrinsically evil. The contraceptive is used not contra life but to protect against death and preserve a marriage—great goods indeed.

The same conclusion would hold for rape cases either in marriage or outside of marriage. Protecting oneself from sexual assault outside of marriage is more easily defensible, morally speaking, because it defends against an unjust placing of semen in the vagina of a woman (the position of American and British bishops). Circumstances, too, have changed the teleology of the act, both naturally and by intention, since an intrinsic aspect of rape is perpetrated violence.

In other words, if contraceptive use is always and everywhere intrinsically evil, then the teaching of Pius XI and the *Vademecum*

may be wrong in light of a rediscovered vision of the essence of the marital act as a total gift of self. But, if these teachings are correct, then due circumstances can so change the act that the use of a contraceptive is not always and everywhere sinful and can become tolerated by one party. Then its place in the act is not sinful to the innocent party, since the act on his or her part is beside the intention to willfully contracept, even though the physical nature of the act possesses a deep privation and seems like mutual masturbation.

Since the Church is highly reluctant to correct or refine previous papal teaching, it seems unlikely that Rhonheimer and others will ever be declared in error, though many think they are in error. But until these apparent confusions are cleared up with a certain consistency by the magisterium, it is difficult at present to know the full truth.

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Health Care Ethics Review

To the Editor: In his review of the fifth edition of *Health Care Ethics: A Catholic Theological Analysis* (Summer 2007), of which Kevin O'Rourke, O.P., Jean K. DeBlois, C.S.J., and myself are authors, William E. May writes from the viewpoint of Germain Grisez' moral system, which has been adopted by certain theologians, such as May and Basil Cole, O.P., and is favored by some philosophers, such as John Finnis, Joseph Boyle, and Robert P. George.

The Catholic Church historically has always permitted more than one moral system. Throughout much of post-Reformation theology, until Leo XIII revived Thomism in 1879, the standard moral theology manuals were generally based on voluntarism. After 1968, proportionalism was tolerated until it was condemned by John Paul II's *Veritatis splendor* in 1993. Today the main Catholic rival of the traditional Thomistic moral system is Grisez' plurifinalism, first

formulated in 1983 in his first volume of *The Way of the Lord Jesus*.

This new school of moral theology made common cause with more traditional Thomists against proportionalism, but the two schools have not been able to solve their differences, as certainly both sides would like to do. To continue the dialogue in hope of strengthening orthodox Catholic moral teachings, especially on the so bitterly contested and widely dissented pro-life cause, I want very briefly to answer the objections raised to our textbook in May's review, stressing that while we do have a very wide area of practical agreement, our disagreements result from our two *essentially* different moral systems. The Church has not decided between them, although, while the Thomistic system has received consistent papal approval, Grisez' system has not.

May gives a very fair and detailed account of what he regards as the text's major strengths (409–411). He then discusses what he considers its three major theoretical weaknesses (412–414): (1) We do not admit that Grisez' system is simply a development Aquinas's views, but rather classify it with Kantianism and other deontological rather than teleological systems. (2) We do not grant that ethics is based on self-evident practical principles, but rather assert that it is based on the needs of human nature, which are ordered hierarchically in subordination to a single ultimate end. (3) Our term "prudential personalism" conceals a failure to apply the self-evident practical principles to the solution of cases. He also identified four clinical weaknesses in our solutions to the Terri Schiavo case, rape protocols, stem cell research, and the definition of death, especially in relation to the views of Alan Shewmon, M.D.

We grant that some of these matters could have been treated more fully, but we do give references to the literature. Otherwise, the differences simply go back to our two essentially different moral systems. Because of this I will focus on clarifying our views and then suggest how these two systems might be reconciled to strengthen Catholic moral theology, which is so violently attacked today by secular humanists and pro-choice advocates.

The essential difference between Grisez' system and that of Aquinas adopted in our textbook is that Grisez holds that to admit a hierarchy of moral goods subordinated to a single good reduces the moral goods, such as the good of physical life, to mere means. Hence, to answer current proportionalist arguments for euthanasia, abortion, and contraception, Grisez replaced the traditional view by positing several "incommensurable goods." May calls this a "development" of Aquinas's view, but we think it contradicts Aquinas's first moral principle, namely, the unification of moral life by one ultimate end. Aquinas distinguishes two types of "means" to that end, (a) mere means that are not good in themselves and (b) what he calls *bona honesta*, which are good in themselves yet subordinate to the ultimate end. Grisez' system overlooks this distinction.

Grisez supports this central feature of his system by another difference from Aquinas, namely, that in view of the "is–ought" objection raised by modern analytical philosophers, he holds (and May emphasizes this point) that ethics is grounded not in the needs of human nature known in a theoretical way, but in "incommensurable goods" that are self-evident from human "inclinations." This seems to us to relate his system to modern deontologism, of which Kant is the most notable representative and which is common in current bioethics. We did not mean to say that Grisez agrees with Kant on other questions, which, as May notes, he does not.

We grant that the principles of ethics, like those proper to any discipline, are "evident," but we also hold, as we believe Aquinas holds, that because they are practical they also presuppose certain theoretical truths. That is why we use the term "prudential personalism" to show that ethical or prudential judgments presuppose a correct analysis of human nature, that is, the human person.

How then might these two current systems of Catholic moral theology be reconciled? What is common to both is that, in line with the Church's teaching in *Veritatis splendor*, both systems insist that there are concrete moral norms that forbid intrinsically evil acts such as euthanasia, abortion,

and contraception. Our differences will disappear if we all admit Aquinas's distinction between acts that are good only as means to the ultimate end, and others that are good in themselves (*bona honesta*) yet are subordinate to one supreme good, that is, the ultimate end of human life. Such goods include physical life, the family, and the common social good.

Our dialogue, of course, must be ultimately subject to the judgment of the Church, whose authority transcends that of theological debate.

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Dr. May replies: In his letter Fr. Ashley focuses on some important issues, chief among them the question whether man has one natural end, as St. Thomas taught, or more than one natural end, as Germain Grisez and others maintain. This was a topic that I did *not* take up in my review, nor do I intend to discuss it here. My problem with Ashley's reply is that he ignores major criticisms of the fifth edition of *Health Care Ethics*, in particular (a) its serious misrepresentation of Grisez' thought and (b) its use of Aquinas. He likewise ignores my serious criticism of the misinterpretation he and his co-authors make of Pope John Paul II's March 20, 2004, address on "Life-Sustaining Treatments and the 'Vegetative' State." Here I will consider (a) and (b) but will not repeat what I said about the misinterpretation of John Paul II's address.

As I noted in my review, Ashley and his colleagues, after calling the approach by Grisez et al. "plurifinalism," go on to assert that the natural law of this school is a species of *duty ethic*, which they identify as *rule voluntarism* and which they claim, following Kevin Wildes, S.J., is a species of Kantianism—claims repeated in Ashley's reply. In

my review I said that this charge, asserted with no attempt to prove it, was unjust.

Here I wish to point out that, beginning with his 1964 book *Contraception and the Natural Law* (Milwaukee, WI: Bruce Publishing), Grisez has consistently sought to develop the natural law thought of St. Thomas Aquinas. In the second chapter of that work, Grisez severely criticizes the kind of conventional natural law thought found in many textbooks as being unfaithful to Aquinas, as representing a kind of Thomism read through the eyes of Suarez. He criticizes the conventional thinking precisely because it is *voluntaristic*, it is an obligation-centered ethic that emphasizes *negative moral precepts*, and it fails to account for the role of intention, as Aquinas does, in moral action (*Contraception and the Natural Law*, 50–53). Grisez then turns to the "sounder moral theory" found in Aquinas. On this theory, which Grisez makes his own and seeks to develop in this and subsequent works, "reason is practical by nature just as really as it is theoretical by nature. And just as theoretical thought is by its nature is-thinking, so practical thought is by its very nature ought-thinking" (60).

Grisez continues: "Practical reason's function is to consider what is to be pursued and done—what 'is to be'—whether this refers to the minimum good or strict obligation or to the more adequate good which usually is possible and always is well to do. Obligation and counsel do not differ from one another as if the one *really* is to be done and the other not. Instead, they are merely different modes in which the prescriptive force of practical reason is expressed" (60–61). He then goes on to say that this theory of natural law (rooted in Aquinas) maintains that the circle of morally significant acts and of free human acts is one and the same. Deliberation about what is to be done in and through our freely chosen acts is the work of practical reason, "which can think only in modes of is-to-be" and is precisely about the free, self-determining choices we can make (61). He describes this moral theory—which he made his own and which he has consistently developed in many books and articles to the present day—in the following way:

Practical reason proceeds from principles, i.e., “starting points” for deliberating about what-is-to-be-done. These principles are not theoretical, speculative truths, nor facts of nature, nor imperatives laid down by some extrinsic authority. Rather, they are fundamental prescriptions—basic formulations in the mode is-to-be—which practical reason itself forms for its own starting point (cf. *Summa theologiae*, I-II, Q. 94.4), underived from facts or from some extrinsic will.

Since practical reason shapes action from within, it must require the minimal conditions without which action is not possible at all. The least condition for human action is that it have some intelligible object toward which it can be directed . . .

The objective which practical reason requires . . . need only be some form of intelligible good. Consequently, the first prescription [= principle, practical truth] of practical reason is that good should be pursued and that actions appropriate in that pursuit should be done; and also that actions which are not helpful in pursuit of the good or which interfere with it should be avoided. (61–62)

(Here Grisez refers to *Summa theologiae*, I-II, Q. 94.2, where Thomas says that the first precept of natural law or practical reason is that *good is to be done and pursued and that evil is to be avoided*: “*bonum est faciendum et prosequendum et malum vitandum.*”)

Continuing, Grisez says, “this is a liberal principle, open to everything really good for man to pursue” (62). Moreover, “this principle and other basic precepts of practical reason are not extrinsic imperatives but rather express the necessities which reason must determine for itself if intelligent human action is to be possible. Good is to be done not because God wills it, but because one must do something good if he is to act intelligently at all” (62).

I have cited Grisez at length on this matter to show that he is *not*, as Ashley et al. assert, a voluntarist who proposes a deontological duty ethic. I now wish to make further observations on Grisez’ affinity with Aquinas and faithfulness to him as distinct from Ashley’s.

Grisez, like Aquinas, emphasizes the role of the *good* and of *love for the good* in making moral choices. In *Summa theologiae*, Aquinas teaches that the twofold command to love God above all things and our neighbor as ourselves (Matt. 22:37, 39) constitutes “the first and common precepts of the natural law” and that therefore “all the precepts of the Decalogue must be referred to these as to their common principles” (I-II, Q. 100.3, reply 1). Grisez et al. fully agree that the primary moral principle of the natural law can be expressed properly in religious language by referring to the twofold command to love, and they are thus fully in accord with Aquinas on this point and with John Paul II as well (see *Veritatis splendor*, n. 12). Moreover, Grisez et al. agree with Aquinas, who said, in a text ignored by Ashley et al., that we offend God only by acting contrary to our own good (“*non enim Deus a nobis offenditur nisi ex eo quod contra bonum nostrum agimus.*” *Summa contra gentiles*, III.122).

I also criticized Ashley et al. for their understanding of Aquinas’s natural law. In their book they base their ethics on “innate human needs” (*Health Care Ethics*, 31, emphasis added). They claim that in *Summa theologiae*, I-II, Q. 94.2, Thomas argues that human persons have four goals “as our most basic and universal innate needs.” which they identify as “(1) bodily health and security supported by certain useful material possessions; (2) a good family in which to be born and raised . . . ; (3) a larger community than our family because this is required to meet all our needs; [and] (4) a true understanding of ourselves and the world in which we live in so we can (a) make free choices of means to satisfy our other needs and (b) find ‘meaning’ in life” (32). Ashley summarizes this presentation of Aquinas in his reply. He ignores, however, my criticism of this interpretation. I thus simply repeat here what I said in my review:

If one reads the text of St. Thomas one does *not* find the term “needs” employed. [Aquinas’s] point is that the precepts of *practical reason* or of the natural law, which *as law* are “universal propositions of practical reason ordered

to action” (*propositiones universales rationis practicae ordinatae ad actionem*) (*Summa theologiae*, I-II, Q. 90.1, reply 2), are underived and are rooted in the concept of the *good* just as the first underived principles of *speculative reason* are rooted in the concept of *being*, and that therefore the very first precept of practical reason is that *good is to be done and pursued* and that on this precept are based all other natural law precepts (I-II, Q. 94.2). He then writes, in a most important passage ignored by Ashley et al., “hence reason naturally apprehends as goods and consequently to be pursued in act all those things for which man has a natural inclination and their contraries as evils to be avoided” (*omnia illa ad quae homo habet naturalem inclinationem ratio naturaliter apprehendit ut bona et per consequens ut opere prosequenda et*

contraria eorum ut mala et vitanda) (I-II, Q. 94.2). While Ashley et al. later identify as *goods* the realities that meet our *needs*, they would have been more faithful to the text of Aquinas had they used the term *goods* rather than *needs* and emphasized, as does Aquinas, that the precepts of natural law, which govern the virtue of prudence, are precisely “truths” or “universal propositions of practical reason ordered to action.”

I could say more, but this suffices, I believe, to show that in his reply Ashley seems to me to be guilty of an *ignoratio elenchi*.

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