

## Reply to Finnis on Embryo Adoption

*To the Editor:* In his recent contribution to the symposium on *Dignitas personae*, John Finnis has sought to undermine my objection to embryo adoption.<sup>1</sup> I have said that a woman who allows heterologous embryo transfer (HET) to be performed on her is herself performing an act of admission whereby she allows an intromission of impregnating kind and that this act of admission is too much like the female marriage act to be consistent with procreative integrity. He attacks this objection to HET as being based on the “alleged principle” that to engage in actions, or aim at bodily effects, which in their proper context have unitive and procreative significance is to deprive oneself of a due sense of the significance of these choices when they are aspects of the marriage act (477). He thinks that were this principle true, then, since pregnancy is a bodily effect which in its proper context contributes to the unitive significance of the marriage act, we would in any case be able to conclude that HET is wrong without mentioning any intromissions of impregnating kind.

I do not myself argue in this way from my “alleged principle.” Pregnancy was not one of the bodily effects I had in mind when I formulated it. It would also be wrong for me to argue in this way. By “in its proper context” I meant in the context of the performance of the marriage act. Supposing pregnancy to result from a marital act, it is a bodily effect which is subsequent to performance and not an effect one is even aware of in the context of the act, as one is aware of some bodily effects which do have unitive and procreative significance. These are not always sought, may indeed come as a surprise, yet do contribute to the unitive

significance of the act, which is why I make separate mention of them. I object to the woman’s submission to HET, not because it might produce such an effect, but because the woman is engaging in an action—the act of admission in question—to perform which is to carry out a function which is specific to the marriage act, one’s carrying out of which in the context of that act contributes to its unitive significance.

It might be objected that “aiming at pregnancy” was an action which, in the context of the marriage act, had unitive and procreative significance, but “aiming at pregnancy” is not the name of an action which is proper (i.e., specific) to the marriage act. Actions like marrying itself, eating wisely, or taking a fertility drug are aimed at pregnancy but do not occur in the context of the marriage act, and are not specific to it. But the act of admission by which a woman admits an intromission of impregnating kind does occur in that context, being identical with the woman’s own action.

It is important to Finnis to interpret my “alleged principle” in such a way as to make it imply a false and facile doctrine about the badness of aiming at pregnancy, for it enables him to discredit the principle altogether by showing that it would imply the further, absurd conclusion that Mary, in allowing herself to be made pregnant, was incurring the evils which I say are consequent upon aiming at bodily effects which in their proper context (i.e., the performance of the marriage act) have unitive and procreative significance. However, my principle does not have this implication about pregnancy, which is not a bodily effect occurring in the context of the marriage act.

My “alleged principle” is an attempt to explain what it is to imitate the marriage act

in respect of unitively significant function, a thing which Mary did not do, since the female marriage act is itself an imitation of the created person's submission to the loving approach of the Creator, a submission of which Mary's fiat is the paradigmatic case.

Finnis says that I know that the woman's act in HET does not have either unitive or procreative significance. In the passage which he cites to support this assertion,<sup>2</sup> the reason I give for believing my "alleged principle" is that the inseparability of the unitive and procreative significances of the marriage act makes it *impossible* to perform an act which has the one significance without the other. If a contracepted act had the unitive significance belonging to a marriage act, it would be capable of consummating the marriage union, but such an act is not a marriage act, does not signify the marriage union, and fails to consummate a marriage in which only such copulations have taken place.<sup>3</sup> Thus, to separate the unitive and the procreative, in the sense in which this is forbidden, cannot be to do something which actually has the unitive significance belonging to the true marriage act, but must be to do something which imitates the marriage act in respect of unitively significant function. One does this if one's action consists in an act which in its proper context (i.e., the marriage act) has unitive and procreative significance. The woman's laying herself open to an intromission of impregnating kind has such significance in the marriage act, not only because in that context the intromission is also of generative kind, but also because of the specifically feminine self-giving involved.

I suppose the principle that one should not separate the unitive and procreative was derived (in the way that first principles are derived from the facts which they explain) from the ancient teaching against sexual acts which are unfit for generation. These were traditionally regarded as contrary to chastity, which itself was seen as a part of temperance, but the principle was given as an objection to in vitro fertilization, and therefore does not only concern questions of chastity understood in this traditional

way. This principle is about any assault on the marriage act which separates the unitive and the procreative, whether the assault is committed from erotic motives or for some other reason.

A certain sort of unitive effect attaches to contracepted acts and to the acts of sodomites, who frequently remain together because of this. This unitive effect attaches to nonmarital acts because of their resemblance to the marriage act, a resemblance in respect of unitively significant function. The act whereby a woman who engages in HET admits into her body flesh which is not derived from her own flesh, and is of a kind to make her pregnant, also resembles the marriage act in a unitively significant respect, and for this reason would, like sodomy, have a disordered sort of unitive significance. Even if the embryo did not implant, the fact that the woman had allowed this thing to be done would make a sort of carnal bond, which she would feel if she knew the embryo's parents, flesh of whose flesh she had allowed to enter her genital tract.

I have long objected to HET as contrary to reproductive or procreative integrity, a virtue in which I believe because there is a single principle underlying the condemnations of contraception and of base methods of reproduction. More recently, I have realized that this principle, that we should not separate the unitive and the procreative, applies to HET as well, since the woman's act here, which is certainly not procreative, does resemble the marriage act in respect of unitively significant function, as do contracepted acts and other perversions which are condemned by the principle of inseparability.

That principle is the one on which I base my attack on HET, and it is for those who would defend this practice to show either that my interpretation of the principle is false, or that in the marriage act admitting an intromission of impregnating kind is not unitive under that description.

Finnis says that argumentation like mine goes wrong because its "abstractions" overlook the difference between accepting flesh which is a generative part of one's spouse

and accepting flesh which is that of a new, separate human person (477). Now every non-generative act imitating the marriage act in respect of unitively significant function is vastly different from the marriage act in some way. The question is whether the similarity which is isolated by my “abstraction” identifies a description of the marriage act under which what the woman does in that act contributes to its unitive significance. I say that it does and have elsewhere argued to show this.<sup>4</sup>

The virtue which causes a person to respect the integral significance of the marriage act is one for which I use the expression “reproductive integrity.” Finnis has some scorn for this phrase, which expresses a single disposition belonging to a well-ordered nature. In these matters, female nature is different from male nature, so only by “abstraction” can I tell a man why this proposal of embryo adoption is so unacceptable to feminine feeling. The revulsion which so many good women feel at the proposal is a manifestation of their well-ordered sexuality. This may be overridden by desire for children, or ignored either out of mistaken altruism or because of an excessively theoretical mind-set, but this would not be the first time that good feeling had been so overridden and ignored.

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<sup>1</sup>John Finnis, “Understanding *Dignitas personae* on Embryo Adoption,” in “Symposium on *Dignitas personae*,” ed. E. Christian Brugger, *National Catholic Bioethics Quarterly* 9.3 (Autumn 2009): 474–477.

<sup>2</sup>See Mary Geach, “The Female Act of Allowing an Intromission of Impregnating Kind,” in *Human Embryo Adoption, Biotechnology, Marriage, and the Right to Life*, ed. Thomas V. Berg and Edward J. Furton (Philadelphia and Thornwood, NY: National Catholic Bioethics Center and Westchester Institute for Ethics and the Human Person, 2006), 268.

<sup>3</sup>Canon 1061 says that to consummate a marriage, an act must be per se apt for generation. Although this judgment is contradicted by decisions of the Roman Rota, canonists recog-

nize that the wording of canon 1061, “seems to require the interpretation that a conjugal act (or even numerous conjugal acts) performed while practicing some form of artificial birth control does not result in the consummation of a marriage.” John P. Beal, James A. Conden, and Thomas J. Green, *New Commentary on the Code of Canon Law* (Mahwah, NJ: Paulist Press, 2000), 1258.

<sup>4</sup>Geach, “Female Act of Allowing,” 261.

## The Good Samaritan Problem

*To the Editor:* In his paper “My Criminal Mind Made Me Do It: Biogenetics and the Loss of Moral Responsibility,” in the Autumn 2009 issue of the *NCBQ*, J. Daryl Charles contends that “a biologically explained ethics cannot offer a satisfactory account of the Good Samaritan, since Good Samaritans are ‘maladaptive’ and would tend to be eliminated due to the fact that natural selection works against altruism” (494).<sup>1</sup> Charles cites my work as his authority for this: his footnote to the statement just quoted refers to my book *Evolutionary Intuitionism: A Theory of the Origin and Nature of Moral Facts*.<sup>2</sup> He comments in the footnote that “even when Zamulinski is willing to concede this, nevertheless as an evolutionary theorist he wishes to have the benefits and predictability of theistic ethics without the theism” (494 note 44).

I have never conceded it. On the contrary, I deny it. Moreover, I denied it plainly enough in my book, where I argued that evolution can create moral facts to which we have intuitive access and where I concluded that “evolutionary intuitionism can explain the Good Samaritan observations,” that is, the observations that some of us help strangers and that most of us approve of such helpers.<sup>3</sup>

I really did make an argument, or rather a series of arguments. Since he disagrees with me, I expected that Charles would point out what he thinks are errors in my reasoning. But he makes no attempt to demonstrate that I made any mistakes at all—and the unsupported assertion that I want “to have the benefits and predictability

of theistic ethics without the theism” is not an adequate substitute. Instead, he makes *a priori* declarations to the effect that “the extraction of moral principles from biology is a sheer implausibility and defies [credibility], requiring broad leaps of faith at the presuppositional level” (499).<sup>4</sup> Such declarations beg the question by discounting—without looking at—the evidence I have adduced for the contrary view. It appears that Charles is the one who is making “broad leaps of faith at the presuppositional level.”

The evolutionary explanation for Good Samaritans is straightforward. It is true that there is natural selection for their elimination. Given only individual selection, “‘Look out for Number One’ should be Mother Nature’s first and only rule.”<sup>5</sup> Moreover, kin selection, group selection, and reciprocal altruism would not alter things sufficiently to enable us to develop any sort of benevolence that extended to strangers except by mistake. On the contrary, like individual selection, those processes would tend to prevent us from developing a universal benevolence. But, as I said in the first sentence of my first chapter, there are two types of evolutionary ethics: adaptationist and by-product. While adaptationist theories cannot explain Good Samaritans, by-product theories are a different matter. They hold that morality is the by-product of an adaptation to which morality is inseparably linked. There is natural selection for the elimination of morality, but the selective processes never eliminate it. The reason they never eliminate morality is that, if they did, they would also eliminate the adaptation to which it is linked. The benefits of the adaptation to which it is linked outweigh the costs of morality *per se* and ensure that the combination persists. Because of the linkage, the selective processes cannot eliminate Good Samaritans.

Charles states that “moral intuition more often than not goes against rather than expresses biological impulses and predilections” (490). This is true if he means that the morally right action *per se* is often biologically costly and without compensating biological benefits. The observation does

undercut adaptationist evolutionary ethics. In contrast, it is precisely what we ought to expect if morality is the inseparable by-product of an adaptation that provides compensating benefits.

Failing to notice the differences between the two types of evolutionary theory, Charles infers that “at most, biological accounts of the human moral sense and human moral activity can only propose to search for ‘ultimate’ instincts” (490). Again, this is true only if we limit ourselves to adaptationist evolutionary ethics. As a by-product theory, evolutionary intuitionism explains moral facts and not merely moral “instincts.” Moreover, unlike adaptationist theories, evolutionary intuitionism is realist, cognitivist, and objectivist, does not involve any violations of Hume’s Law, and denies that morality develops out of the sociality that we share with other primates.

While I believe I have shown how evolution can create morality itself and not merely a belief in morality, Charles thinks it is impossible. He complains that

not infrequently, apologists for a biological, gene-based explanation of morality—wittingly or unwittingly—borrow the grammar of design and purpose, which their position, as a metaphysical principle, is required to debunk. Thus, for example, in *Evolutionary Intuitionism*, Brian Zamulinski displays a nagging tendency to refer to “moral facts,” “truth,” and “moral agents” as if these concepts are self-evident from a materialist’s standpoint. (491)

Again, Charles fails to substantiate his claims. In fact, I develop explicit and detailed analyses of the terms “moral facts” and “moral agents” and certainly do not assume that they are “self-evident.” As for “truth,” I use a standard correspondence notion. Moreover, I have in no way appealed to “design and purpose,” and I can think of nothing I wrote that might explain Charles’s belief that I did. And, if Charles thinks that the proponent of evolutionary ethics cannot explain morality in realist terms but must explain it *away* (“is required to debunk” it), he begs the question yet again. In sum,

Charles uses my views when they suit his purpose but tries to discredit them when they do not—without going to the trouble of coming to grips with them.

I did not discuss the nature of moral responsibility in my book. Contrary to Charles, however, I think that it can be readily explained if a theory like evolutionary intuitionism is true but that it is inexplicable if moralism is a matter of logic or of the commands of God. Unfortunately, there isn't the space to make the full case for that contention here. All I can say is that if morality were transcendental and if morality approves of Good Samaritans, as I think it must, the irresponsible would inevitably outbreed the responsible. Given the known processes of evolutionary selection, it is biologically impossible for an objective morality to persist unless it is the by-product of an adaptation to which it is inextricably linked. The same goes for moral responsibility.

As Charles quotes me in his article, “the surest way to avoid a conflict between a moral theory and our biological nature is to give the theory an evolutionary foundation” (488). The reason it is the surest way is that it is the only way. In his article, Charles basically runs a God-of-the-gaps line. Unfortunately for his project, the gap into which he wants to put God has already been filled.

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<sup>1</sup>J. Daryl Charles, “My Criminal Brain Made Me Do It: Biogenetics and the Loss of Moral Responsibility,” *National Catholic Bioethics Quarterly* 9.3 (Autumn 2009): 485–516.

<sup>2</sup>Brian Zamulinski, *Evolutionary Intuitionism: A Theory of the Nature and Origin of Moral Facts* (Montreal: McGill-Queen's University Press, 2007).

<sup>3</sup>*Ibid.*, 106.

<sup>4</sup>I have substituted “credibility” for Charles's “credulity” in the original. I am sure that this is what he meant. After all, making “leaps of faith” exemplifies credulity rather than “defying” it.

<sup>5</sup>Kim Sterelny and Paul E. Griffiths, *Sex and Death: An Introduction to the Philosophy of Biology* (Chicago: University of Chicago Press, 1999), 153.

*J. Daryl Charles replies:* I am grateful for Prof. Zamulinski's letter to the *NCBQ* because it indicates that the *NCBQ* is reaching well beyond a narrow audience and challenging the assumptions of its readers, and also because it allows the opportunity to offer a morally serious response to Zamulinski. His letter provides a useful illustration of the importance of presuppositions, in which every explanation of ultimate reality is anchored, whether they are explicit or hidden.

To assume that moral codes depend on and issue out of human biology, and to refer to “by-products” of biology as “moral facts,” as Zamulinski does, is not to draw conclusions from science *per se* but rather to proceed extra-scientifically on the basis of certain philosophical and theological precommitments. Let us be perfectly clear: Both positions—Zamulinski's and mine—are “religious” in character. That is, both Zamulinski and I pledge a particular philosophical commitment *by faith* to our respective positions, based on metaphysical assumptions about the universe, God, and human nature. And for both of us, these are binding (significantly, the Latin term for the verb “to bind” is *religare*) and all-encompassing. How we get to our respective positions is the interesting question.

From a philosophical standpoint, Zamulinski makes every bit as much a leap of faith as I, even when he would refuse to acknowledge such. For example, neither God's existence nor His non-existence has ever been “proved”; rather, *it is taken as a matter of faith* either that He exists or that He does not. Whether or not the secularist or evolutionary theorist is prepared to make this concession is immaterial. Metaphysically and physically, it is possible for an entity to exist whether or not we are aware of it. Thus, people like Zamulinski—and like me—may be mistaken, and for this reason epistemological humility is enjoined. Relatedly, one might ask whether it is possible to possess *certainty* that something does or does not exist.

Then there is the matter of evidence and plausibility for our faith, or our misplaced faith. While some forms of evidence con-

stitute “proof,” some clearly do not. Much “evidence”—what Zamulinski probably means by “facts”—*at best* might qualify as that which is possible, perhaps ostensible, even probable. To proclaim, however, that “evolution can create moral facts” and that “evolutionary intuitionism explains moral facts,” as Zamulinski does, is not only to leap wildly beyond the consensus view of our shared humanity (whether or not one presupposes the *imago Dei*) but also to cast a shadow on the very nature of the scientific enterprise. How precisely did this “evidence” acquire the status of “fact”?

If we presuppose so-called moral “facts” from evolution (properly, evolutionary *theory*), it is reasonable to inquire whether are these strictly scientific—as opposed to philosophical—in nature. Which is to ask, do these phenomena issue out of empirical testing, validation, and consensual interpretation of the evidence? Or are they philosophical and metaphysical in nature? Zamulinski’s position and mine, alas, are both pronouncements of faith. The difference is that I believe my position is the far more plausible. Zamulinski’s assumption that God and transcendent morality categorically do *not* (indeed, *cannot*) exist—and please notice that Zamulinski is absolute and resolute in this assumption—must be seen for what it is—a matter of faith.

As the reader will discover, I take great pains in my essay to argue that the leap from the physical to the metaphysical and meta-ethical must be understood for what it is: it is a theoretical move that is supra-scientific. Thus, Zamulinski would do well to ponder his own words—“*if* a theory like evolutionary intuitionism is true . . .” (emphasis added). Most human beings—in the past and in the present—have held an entirely different view from that of Zamulinski. They have understood morality to be discovered rather than derived, spiritually discerned rather than biologically spawned. Therefore, consensual thinking about human nature (regardless of our academic discipline) would seem to require that we retain the language of “theory” over against “fact” when, in probing the soul-ish dimension of the human

experience, we ascribe morality to biology. At the very least, it should help us recognize when metaphysics is masquerading as “science.”

Questions such as free will, moral agency, moral progress, and moral degeneracy remain, properly, the domain of philosophy and theology, not biology. This is to stress that natural science, of which biology is a part, cannot address—let alone settle as “fact”—the matter of morals. Epistemological humility, at the very least, might cause us to recognize this reality, as Zamulinski’s breezy concluding statement—“Charles basically runs a God-of-the-gaps line. Unfortunately for his project, the gap into which he wants to put God has already been filled”—usefully illustrates.

Zamulinski is understandably uncomfortable acknowledging the possibility that God, and thus a transcendent moral order, exists. His concession “I did not discuss the nature of moral responsibility in my book” is proper and necessary, for indeed this is the biologist’s Achilles heel. And this is the basic argument of my essay, namely, that an evolutionary-biological account of human morality, moral progress, vice and virtue, civil society, and even democratic deliberation is—and remains—implausible, utterly straining credulity. (In fact, my argument suggests more: not only does the materialist account strain credulity, it ends up spawning *inhumanity*, as the century just behind us tragically demonstrates.) In the end, the materialist account requires stubborn leaps of biological faith and attempts to fill gaps that are much larger than the theism which Zamulinski deplors.

From whence do we acquire our understanding of “the good”? In previous generations and in all cultures, this was viewed as a philosophical question. Now we learn that it is in fact a matter of biology. But it is proper to ask, at the most basic level, on what basis can the evolutionary theorist say that morality and our moral nature must *evolve*? Why not *devolve*? And on what grounds? It is not clear at all why the species should evolve progressively rather than be regressive in its “development.” And it is

not helpful—much less good “science”—to assert that our genes want to survive. How do we ascribe to them “desire,” and how do *they* know what to desire? At this juncture, surely much must be posited *by faith* by the evolutionary theorist. Evolutionary biology cannot serve as the philosophically proper foundation for right and wrong, justice and injustice, good and evil. There exists, quite simply, no convincing metaphysical explanation or justification for trusting our genes as indicators or guides of moral virtue or vice.

Take the illustration of caring for the weak and defenseless (such as the orphan and widow in the Judeo-Christian tradition), or the model of the Good Samaritan, as I suggested in my essay. Why might our gene pool not rather tell us to care for the strong and to dispose with the weak? Why go to the great bother of caring for the poor, the frail, the underprivileged, or the sickly? Would not the Good Samaritan’s example in fact be counterintuitive, both biologically and morally? After all, human history is littered with innumerable and grotesque manifestations (at least by Christian standards) of the powerful disposing of the weak. What is more, as evolutionary psychologists insist on reminding us, we are evolved from non-human animals and, chimpanzees aside, *they* are not known for their care, compassion, and aiding the weak of their own species (much less a commitment to justice, moral responsibility, and democratic deliberation). *Why* are *their* genes not desiring progressive moral development when contrasted with humans? And *where* are the philosophers among the great apes? The secularist and evolutionary theorist provides no viable explanations in the face of the persistent *why* questions that plague humankind. Nor will they be forthcoming. At the level of both science and philosophy, the proposition that the good can be grounded in the biological preservation of the species wholly lacks explanatory value. And this assessment is being charitable.

Zamulinski himself helps bring clarity, however, when he acknowledges, albeit begrudgingly, that the processes of natural selection “would tend to prevent us from developing a universal benevolence” (6). Tell-

ingly, but to his credit, Zamulinski concedes that (1) natural selection works for the elimination of Good Samaritans and (2) “moral intuition more often than not goes against rather than expresses biological impulses and predilections.” However, he does not explain the gaping “gap” that he leaves tantalizingly unfilled by evolutionary theory. Consider closely Zamulinski’s explanation:

morality is the by-product of an adaptation to which morality is inseparably linked. There is natural selection for the elimination of morality, but the selective processes never eliminate it. The reason they never eliminate morality is that, if they did, they would also eliminate the adaptation to which it is linked.

This, then, explains why a parent trains a child, a master mentors an apprentice, a society deliberates on policy matters, and a world of diverse cultures worships.

In sum, both Zamulinski and I argue on the basis of governing metaphysical presuppositions. Our positions differ markedly in terms of their plausibility and evidence. (Not surprisingly, the last decade has been witness to remarkably obsessive attempts by secularists and evolutionary theorists to understand the human mind in purely naturalistic and chemical terms.) At the same time, both Zamulinski’s position and my opinion require faith, given the fact that in both cases *comprehensive metaphysical assumptions* are at work. Because of the secularist’s deep antipathy toward formal religion and the transcendent, implausibility and broad leaps of quasi-religious faith characterize the secularist who insists on making metaphysical pronouncements about ultimate reality in the name of “science.”

In the final analysis, the secularist’s and evolutionary theorist’s dilemma is somewhat reminiscent of the opening scene from Albert Camus’s trenchant novel *The Plague*. Inhabitants of the city of Oran are in denial of the fact that rats are coming out of their holes in ever-increasing numbers and dying in the streets. This denial results in neglect by the townspeople until the stench of death can no longer be ignored. In the minds of Oranians, the problem at first does not exist. It does

not exist precisely because *it is not permitted to exist*. The supreme irony is that after dead rats and vermin are piled everywhere, collection and removal of the vermin by the Municipal Office become the actual vehicle by which the plague is spread.

In the end, one is left to wonder: For some, is there a need to “discover” a biological basis for morality for the simple reason that a transcendent moral order *may not be permitted to exist*? Given our quest for absolute human autonomy, is it a higher moral authority that we perhaps fear the most?

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### Further Response to Long

*To the Editor:* During the last several years of debate regarding Thomistic moral (and especially action) theory in the wake of *Veritatis splendor*,<sup>1</sup> I have always expected that a considerable consensus would eventually emerge—at least among those opposing revisionism—because the participants are appealing to the same primary texts and seeking to defend Catholic teaching and moral truth. In other words, I have anticipated as almost self-evident that the interlocutors will all say they have always followed the teaching of St. Thomas Aquinas. Based on my understanding of the literature, I further think that, when such consensus—God willing—emerges, what the interlocutors understand to be the teaching of Aquinas will not be far from what I have written in support of the encyclical<sup>2</sup> or what Fr. Martin Rhonheimer has written. Indeed, as indicated in the third part of my article in the Autumn 2008 issue of the *NCBQ*, “Developments in Thomistic Action Theory: Progress toward a Greater Consensus,” I think moralists who give careful attention to the primary texts and

recent secondary literature should already recognize considerable agreement on various aspects of this theory, which is not to deny the need for further studies, dialogue, and clarifications. For this reason, I think it is unfortunate that Steven Long’s article “The False Theory Undergirding Condomitic Exceptionalism” gave the impression of a much broader range of disagreement than actually exists, and I like to think that he would admit as much today.<sup>3</sup>

For some time, in response to approaches that are indeed deficient in this regard, Long has rightly insisted that the object of the moral act must not neglect its material dimension. As I wrote in my “Developments in Thomistic Action Theory,” it seems clear that, at the urging of various colleagues with similar concerns, Long got caught up in a much broader overreaction against Rhonheimer’s work in general because of the latter’s attempt to bring some much-needed clarity regarding the difficult case of the disease-preventative use of condoms.<sup>4</sup> Long’s “The False Theory Undergirding Condomitic Exceptionalism” seems to reflect the easily disproved assumption that if Rhonheimer thought there could be cases where the use of condoms was permissible (although he would always counsel that such couples abstain), then this allowance must be because Rhonheimer’s (and my) reading of Aquinas’s action theory neglects the material dimensions of human acts and is moreover guilty of a variety of “isms.”

I would also like to think that, if he had it to do over, Long would eschew the polemics of “The False Theory Undergirding Condomitic Exceptionalism” and instead take up the suggestion of the third part of my “Developments in Thomistic Action Theory” and refocus his discussion of Thomistic action theory in light of the recent literature regarding the interpretation of Aquinas’s texts.<sup>5</sup> This would mean, however, that he would have to distance himself from the thesis of his *Teleological Grammar* that “the correct understanding of the object and species of the moral act . . . depends wholly on natural teleology”<sup>6</sup> and from his textual claims that this thesis is established

by *Summa theologiae* I-II, q. 18, a. 7, and I-II, q. 64, a. 7.<sup>7</sup> It seems quite clear that Long will have to distance himself from this thesis and these textual claims on the basis of the arguments I specified in my Summer 2009 article “Thomistic Action Theory Revisited: Response to Steven Long,” arguments that he has not answered,<sup>8</sup> and because, as I also discussed, more than a few other serious scholars of Aquinas’s action theory also reject Long’s approach as indefensible in light of the texts.<sup>9</sup>

Assuming that we can move beyond the charges that Rhonheimer and I are advancing some false theory in opposition to that of Aquinas, it would be good for Catholic moral theology if there could be—in a range of journals—a thoughtful discussion of the retrieval of Aquinas’s moral theory in the wake of *Veritatis splendor* and its application to the various difficult questions that face contemporary moralists. In this context, marked by mutual respect and careful arguments from the texts, I would reiterate the remark in my “Developments in Thomistic Action Theory” that the reading of Aquinas’s moral theory I was proposing could “accommodate either conclusion”<sup>10</sup> (i.e., permissive or restrictive) regarding the disease-preventative use of condoms. Perhaps someone like Long will even write an essay arguing that, all things considered (including a compelling argument in support of *Humanae vitae* and the complexities involved in Aquinas’s understanding of the “sin against nature”), a restrictive conclusion would be more consistent with Rhonheimer’s careful and extensive body of work than the permissive one.<sup>11</sup>

We should also be clear that—contrary to some recent assertions<sup>12</sup>—Rhonheimer’s reading of Aquinas’s ethics does not render indefensible the teaching of *Humanae vitae* or the Catholic teaching against homosexual acts. On the contrary, I think it is manifest that Rhonheimer has offered the most extensive and compelling defense of *Humanae vitae*, along with a powerful argument against homosexual acts.<sup>13</sup> More broadly, it seems that much of the over-reaction against Rhonheimer’s work has

been rooted in a lack of familiarity with his writings and the relevant arguments in the broader literature, which is part of the reason why I have invested the time to make the former writings accessible to English language readers.<sup>14</sup> My hope, therefore, is that the availability of these works will facilitate thoughtful dialogue in the service of the truth.

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<sup>1</sup>I refer to the most recent, Steven A. Long’s “Reply to William Murphy,” letter, *National Catholic Bioethics Quarterly* 9.3 (Autumn 2009): 418–419.

<sup>2</sup>I examine the main points under discussion, their textual bases, the positions of the different interpreters, and what seem to be the remaining points of disagreement in my “Aquinas on the Object and Evaluation of the Moral Act: Rhonheimer’s Approach and Some Recent Interlocutors,” *Josephinum Journal of Theology* 15.2 (August 2008): 205–242, [http://www.pcj.edu/journal/essays/15\\_2\\_Murphy.pdf](http://www.pcj.edu/journal/essays/15_2_Murphy.pdf).

<sup>3</sup>Steven A. Long, “The False Theory Undergirding Condomitic Exceptionalism: A Response to William F. Murphy Jr. and Rev. Martin Rhonheimer,” *National Catholic Bioethics Quarterly* 8.4 (Winter 2008): 709–731.

<sup>4</sup>I sketched the emergence of this overreaction as leading to Long’s *Teleological Grammar* in the first part of my “Developments in Thomistic Action Theory,” especially pp. 510–511; I summarize Long’s book as reflecting it on pp. 521–523. Among the obvious and important points that Rhonheimer helped clarify was that the disease-preventative use of condoms by married couples was certainly not the question treated by *Humanae vitae*.

<sup>5</sup>I refer to pp. 523–527 of my “Developments in Thomistic Action Theory,” which suggested the need for a thoughtful argument regarding the state of the question in light of the latest literature. In light of the previously mentioned overreactions, it remains difficult to find venues for such dialogue, but perhaps this is changing.

<sup>6</sup>Steven A. Long, *The Teleological Grammar of the Moral Act* (Naples, FL: Sapientia Press, 2007), 137.

<sup>7</sup>For q. 18, a. 7, see *Teleological Grammar*, 25, 33, and note 29, which builds on his prior claim—in his “Response to Jensen on the Moral Object,” *Nova et Vetera* 3.1 (Winter 2005): 103—that St.

Thomas Aquinas's *Summa theologiae* I-II, q. 18, a. 7, is "a foundational teaching without which the other texts will be misunderstood." *Summa theologiae* II-II, q. 64, a. 7, is even more central to *Teleological Grammar*, especially from the end of chapter 1 through the third and final chapter.

<sup>8</sup>In his letter to the editor in the Autumn 2009 issue of the *NCBQ*, Long does not respond to my substantive objections, but repeats (twice more) his earlier charges of logicism and transcendentalism, chides me for saying that I do not understand what he means by his use of terminology (here ignoring my arguments that he has not established this meaning from Aquinas's texts), and finally reiterates his theory, again without textual support.

<sup>9</sup>See my "Thomistic Action Theory Revisited: A Response to Steven A. Long," in the *National Catholic Bioethics Quarterly* 9.2 (Summer 2009): 263–275. On pp. 272–273 of this essay, I also summarize the critiques of Steven J. Jensen in his "The Role of Teleology in the Moral Species," *Review of Metaphysics* 63.249 (September 2009): 3–28, and those of Kevin Flannery in his review of Long's *Teleological Grammar of the Moral Act*, *Thomist* 72:2 (2008): 321–325.

<sup>10</sup>Murphy, "Developments in Thomistic Action Theory," 511.

<sup>11</sup>Regarding sin against nature, see chapter 6 of Martin Rhonheimer, *The Perspective of the Acting Person: Essays in the Renewal of Thomistic Moral Philosophy*, ed. William F. Murphy Jr. (Washington, D.C.: Catholic University of America Press, 2008). See also Martin Rhonheimer, *Natural Law and Practical Reason: A Thomistic View of Moral Autonomy* (New York: Fordham, 2000), 94–107.

<sup>12</sup>I refer especially to some unfortunate and, in my view, mistaken remarks in the recent piece by Anthony Fisher, "HIV and Condoms within Marriage," *Communio* 36.2 (Summer 2009): 329–359. Bishop Fisher here suggests that Rhonheimer is a "condom proponent," and—in a way that will again arouse the irascible passions of readers and provoke articles like that of Long—the bishop claims that "admitting this 'Trojan horse' would make the Church's continued opposition to other forms of nonmarital intercourse (such as homosexual acts) and to contraception unsustainable" (359). I would reiterate, however, that Rhonheimer has written repeatedly that he always counseled against condom use in these cases, so he is clearly not a "condom proponent."

<sup>13</sup>See, for example, part 1 of Martin Rhonheimer, *Ethics of Procreation and the Defense of Human Life: Contraception, Artificial Fertilization, Abortion*, ed. William F. Murphy Jr. (Washington, D.C.: Catholic University of America Press, 2010). See also my "Forty Years Later: Arguments Supporting *Humanae vitae* in Light of *Veritatis splendor*," *Josephinum Journal of Theology* 14.2 (Summer–Fall 2007): 122–167, and my forthcoming "A Virtue-Oriented Explanation for *Humanae vitae* in Light of *Veritatis splendor*: On the Integration of Action Analysis, Anthropology, and Virtue Theory." For Rhonheimer's Thomistic argument against homosexual acts, see his forthcoming "The Sexual Inclinations and their Reasonableness."

<sup>14</sup>Besides the works already cited, see also Martin Rhonheimer, *Vital Conflicts in Medical Ethics: A Virtue Approach to Craniotomy and Tubal Pregnancies* (Washington, D.C.: Catholic University of America, 2009).