

Vital Conflicts and Virtue Ethics

A Response to Rev. Martin Rhonheimer

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Abstract. This is a response to criticism by Rev. Martin Rhonheimer of a critique by Rev. Benedict Guevin of Rhonheimer's book *Vital Conflicts*. Rhonheimer insists that Guevin both misunderstood and misrepresented his action theory. Rhonheimer claims that his understanding of "direct" versus "indirect" killing, as well his use of "intention" finds its warrant in the writings of Popes John Paul II and Pius XII. Having examined Rhonheimer's magisterial sources in detail, Guevin concludes that Rhonheimer's claim that the object of the moral act is found essentially in the "intention," that is, in what one intends to do by what one is doing, is baseless. Such a claim is idiosyncratic. The writings of John Paul II and Pius XII are clearly at odds with both Rhonheimer's analysis and his conclusions. *National Catholic Bioethics Quarterly* 11.4 (Winter 2011): 679–688.

I wish to thank Rev. Martin Rhonheimer for reading my critique of his book and for responding to it at such length. Having read his reaction to my critique, I remain as unconvinced as I was when I read his book. Likewise, I suspect that Fr. Rhonheimer will not be persuaded by my response. Space does not permit a detailed answer to every criticism of my critique, and so I will confine myself to dealing with what I believe to be the most pertinent issues raised both by his book and his response to my critique of it.

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Fr. Rhonheimer first asserts that I, along with other critics of his position, fail to deal adequately with his lethal blow to proportionalism. In doing so, I have missed the point of his position as rightly understood. Therefore, I wish to thank Fr. Rhonheimer for pointing out, as others have done, the errors of proportionalism (of which I am well aware) and for highlighting the irony of the fact that this methodology is as prone to the same charge of physicalism as are other methodologies. I suspect that the reason why Fr. Rhonheimer is so exercised by my and others' failure to deal with his lethal blow to proportionalism is that he considers those who oppose his views precisely to be proportionalists (as he said of me many times in his response to my critique),¹ who therefore espouse a physicalist view of how to analyze vital conflict situations. This is a gravely mistaken view of my position as I will make clear. My critique of his book centered, rather, on what I believed and still believe to be of more paramount concern than proportionalism, namely, Fr. Rhonheimer's idiosyncratic interpretation of words such as "direct," "indirect," "intention," and "object." It is our differences of interpretation on the use of these words to which most of his criticisms of me are directed. In my response to these criticisms, I will limit myself to examining the magisterial teachings of Pope John Paul II and Pope Pius XII on which Fr. Rhonheimer bases his claims for his understanding of "direct" versus "indirect" and of "intention" and "object."

Let us consider the issue of direct versus indirect. This distinction is at the heart of Fr. Rhonheimer's analysis of vital conflicts in medical ethics. What I and others call "direct," he calls either "non-direct" or "deliberate." What I and others mean by "direct" is the choice of a lethal attack on the life of the unborn. Any claim that the death of the fetus in cases of vital conflict is "direct" is, for Fr. Rhonheimer, a physicalist reading of the situation. I will show that this is not the case. Fr. Rhonheimer understands "direct" as referring to the intention of the doctor so that the killing is "indirect" if read in a non-physicalist way. The effect of this idiosyncratic reading of "direct" is that, while the doctor "deliberately" takes the life of the unborn child, he does not "directly" take it, for his "direct intention" is to save the life of the mother and not to kill the unborn child. By means of this reading, Fr. Rhonheimer concludes that the deliberate killing of the unborn child is not the "means" to saving the life of the mother. There is no violation of justice and, therefore, no morally culpable act. For Fr. Rhonheimer, the deliberate killing of the unborn child in cases of vital conflicts is a non-moral event. What I and others see as an unethical procedure, he sees as morally exculpable, even required. Fr. Rhonheimer claims that his understanding of "direct" vs. "indirect" finds its warrant in the writings of John Paul II and Pius XII. Let us examine the texts to which Fr. Rhonheimer refers.

Pope John Paul II

In *Evangelium vitae* we read the following:

- "The direct and voluntary killing of an innocent human being is always gravely immoral."

¹ Martin Rhonheimer, "Vital Conflicts, Direct Killing, and Justice: A Response to Rev. Benedict Guevin and Other Critics," *National Catholic Bioethics Quarterly* 11.3 (Fall 2011): 520–522, 524, and 540.

- “The deliberate decision to deprive an innocent human being of his life is always morally evil and can never be licit either as an end in itself or as a means to a good end.”
- “Procured abortion is the deliberate and direct killing, by whatever means it is carried out, of a human being in the initial phase of his or her existence, extending from conception to birth.”²

Fr. Rhonheimer comments as follows:

An action which does not include the deliberate decision to deprive an innocent human being of his life (a), and in which there is not a killing in which the death of a human being is chosen as a means to an end (b), is *not* a direct and procured abortion. . . . In other words, an action that admittedly causes the death of the fetus (in some way) *without, however, involving a decision to deprive the child of its life or the choice to kill it as a means to an end* is not a “direct abortion.” The criterion, however, for (b) not being met, i.e., that the killing is chosen as a means, is precisely that (a) has not been met, i.e., that the act was not done on the basis of a decision to deprive a human being of his life. If one chooses the death of a human being as a means to an end, one cannot avoid the decision to deprive that human being of his life. Otherwise, it would not be a choice of a means—at least insofar as human actions are defined as intentional actions and not as physical processes.

Therefore, it seems important to point out that EV 57.5 describes the act of killing in an intentional manner. “Killing” is not defined simply as causing the death of a human being, but as the expression of a deliberate decision to deprive someone of his life (either as an end or as a means to an end).³

Before commenting thus, Fr. Rhonheimer should have considered the audience to which the Pope’s encyclical is directed. He is writing to the bishops, priests and deacons, men and women religious, lay faithful, and all people of good will on the value and inviolability of human life. In other words, with a few exceptions he is writing to an audience who will certainly not be learned in the subtleties of moral philosophy and, therefore, will not read his words in the way in which Fr. Rhonheimer has analyzed them. Indeed, many experts in the field of moral philosophy and moral theology do not read them in the way that Fr. Rhonheimer does.⁴ Given the importance of this encyclical for its author and the weight which he gives to its

² John Paul II, *Evangelium vitae* (March 25, 1995), nn. 57 and 58.

³ Martin Rhonheimer, *Vital Conflicts in Medical Ethics: A Virtue Approach to Craniotomy and Tubal Pregnancies*, (Washington DC: Catholic University of America, 2009), 32–33, original emphasis.

⁴ In addition to my own critique, see also Edward J. Furton, “Ethics Without Metaphysics,” *National Catholic Bioethics Quarterly* 11.1 (Spring 2011): 53–62; Ronald L. Conte Jr., “The Phoenix Abortion Case: M. Therese Lysaught’s Grave Doctrinal Error,” December 23, 2010, <http://www.catechism.cc/articles/Phoenix-abortion-case.htm>; Nancy Valko, “Saving Catholic Health Care Ethics,” *Voices* 26.1 (Eastertide 2011): <http://www.wf-f.org/11-1-Valko.html>; and the reviews of *Vital Conflicts* by Basil Cole in *The Thomist* 74.1 (January 2010): 160–164, Kevin Flannery in *Gregorianum* 91.3 (2010): 641–643, and Nicanor Austriaco in *National Catholic Bioethics Quarterly* 10.1 (Spring 2010): 202–206.

teaching,⁵ can anything but a commonsense reading of the Pope's words (direct and voluntary, direct and deliberate) be understood? Rather than being guided by the text of the encyclical, it seems that Fr. Rhonheimer imposes on the text his own understanding of action theory. This imposition thus allows him to find warrant for his theory in the very words of the encyclical itself.

Fr. Rhonheimer argues that the basis for his reading of *Evangelium vitae* is to be found in an earlier work of the same pope, namely, *Veritatis splendor* n. 78. Let us examine what John Paul II means by "direct and voluntary" and "direct and deliberate" in this seminal document. There we read,

In order to be able to grasp the object of an act which specifies that act morally, it is therefore necessary to place oneself *in the perspective of the acting person*. . . . By the object of a given moral act, then, one cannot mean a process or an event of the merely physical order, to be assessed on the basis of its ability to bring about a given state of affairs in the outside world. Rather, that object is the proximate end of a deliberate decision which determines the act of willing on the part of the acting person.⁶

According to Fr. Rhonheimer, it is only the perspective of the acting person that allows one to distinguish between natural events, physical processes, and the operative effects of *actions* that are objects of the will.⁷ So far so good. Coming upon a couple making love (a process or an event of the merely physical order, i.e., the *genus naturae*) tells us nothing about the object, i.e., what is really happening (*genus moris*): fornication, marital intercourse, adultery, rape, etc. Only if one had the courage (or the lack of discretion) to interview the couple as to what was happening, could one even begin to formulate a moral analysis. How does *Veritatis splendor* describe the object?

The object of the act of willing is in fact a freely chosen kind of behaviour. To the extent that it is in conformity with the order of reason, it is the cause of the goodness of the will; it perfects us morally, and disposes us to recognize our ultimate end in the perfect good, primordial love. By the object of a given moral act, then, one cannot mean a process or an event of the merely physical order, to be assessed on the basis of its ability to bring about a given state of affairs in the outside world. Rather, that object is the proximate end of a deliberate decision which determines the act of willing on the part of the acting person. Consequently, as the *Catechism of the Catholic Church* teaches, "there are certain specific kinds of behaviour that are always wrong to *choose*, because *choosing* them involves a disorder of the will, that is, a moral evil."⁸

Commenting on this passage, Fr. Rhonheimer writes, "Moral good and evil actually lies in choices and further intentions, not in things and behaviors as merely exterior acts. To overlook that every choice of a concrete action includes a basic intentional

⁵For example, "Therefore, by the authority which Christ conferred upon Peter and his Successors, and in communion with the Bishops of the Catholic Church, I confirm that the direct and voluntary killing of an innocent human being is always gravely immoral." John Paul II, *Evangelium vitae*, n. 57.

⁶John Paul II, *Veritatis splendor* (August 6, 1993), n. 78, emphasis in original.

⁷Rhonheimer, *Vital Conflicts*, 33.

⁸*Veritatis splendor*, n. 78, original emphasis.

content shaped by reason is to fall into physicalism, which, as the case may be, appears either as the rigorism of so called ‘moral realists,’ or the subjectivist (utilitarian, consequentialist) laxism of proportionalism which is able to justify immoral choices by the beneficial state of affairs they bring about.”⁹

Fr. Rhonheimer’s analysis of *Veritatis splendor* n. 78 appears to be at odds with the words of the encyclical themselves: “*The object of the act of willing is in fact a freely chosen kind of behaviour.*”¹⁰ And yet as Fr. Rhonheimer points out how do these words square with what the encyclical states several lines later? “By the object of a given moral act, then, one cannot mean a process or an event of the merely physical order, to be assessed on the basis of its ability to bring about a given state of affairs in the outside world. Rather, that object is the proximate end of a deliberate decision which determines the act of willing on the part of the acting person.”¹¹ It seems as if the Pope is saying that the object of the act of willing is a kind of behavior and yet the object is not a process or event of the merely physical order. Fr. Rhonheimer understands this to mean that the object of the act of willing includes a basic intentional content shaped by reason. This is perfectly correct. But where Fr. Rhonheimer errs is in asserting that “moral good and evil actually lie in choices and further intentions, not in things and behaviors as merely exterior acts.”¹² To judge otherwise would be to fall into the snare of physicalism. Is Fr. Rhonheimer’s reading of *Veritatis splendor* n. 78 correct? I will argue below that it is not.

In order to show Fr. Rhonheimer’s error, it is important to examine the context in which n. 78 appears in *Veritatis splendor*.¹³ It can be found in chapter 2, part 4, titled “The Moral Act.” According to Stephen Brock, this section is meant to help correct certain errors previously surveyed in the chapter. The first is the erroneous notion that merely physical goods can be called “pre-moral.” Referring to such merely physical goods, such as the human body, in order to find in them rational indications with regard to the order of morality would be to expose oneself to the accusation of physicalism, or biologism.¹⁴ The encyclical, however, insists on the moral meaning of physical goods, such as the human body.¹⁵

A second erroneous view criticized by the encyclical is that concrete behaviors are judged only for the overall balance of premoral goods and evils that they produce. The encyclical does not deny that concrete behaviors can be evaluated from this perspective, but it is not the primary consideration in morally evaluating such behavior.¹⁶ To summarize in Brock’s words, “The choice of a concrete kind of behavior always has an intrinsic moral quality.”¹⁷

⁹ Rhonheimer, “Vital Conflicts, Direct Killing,” 539.

¹⁰ *Veritatis splendor*, n. 78, emphasis added.

¹¹ *Ibid.*

¹² Rhonheimer, “Vital Conflicts, Direct Killing,” 539.

¹³ In what follows, I am indebted to Stephen L. Brock, “*Veritatis Splendor* §78, St. Thomas, and (Not Merely) Physical Objects of Moral Acts,” *Nova et Vetera* 6.1 (2008): 1–62.

¹⁴ *Veritatis splendor*, nn. 48 and 75.

¹⁵ *Ibid.*, nn. 49 and 65.

¹⁶ *Ibid.*, n. 74. See Brock, “*Veritatis Splendor* §78,” 5.

¹⁷ Brock, “*Veritatis Splendor* §78,” 7.

A further help in understanding the meaning of *Veritatis splendor* n. 78 is to look at what immediately follows it. We read,

One must therefore reject the thesis, characteristic of teleological and proportionalist theories, which holds that it is impossible to qualify as morally evil according to its species—its “object”—the deliberate choice of certain kinds of behavior or specific acts, apart from a consideration of the intention for which the choice is made or the totality of the foreseeable consequences of that act for all persons concerned.¹⁸

In light of this analysis, it seems clear that *Veritatis splendor* n. 78 does not separate the choice of the will, that is, the intention, from what is chosen. Both the choice of the will and that which is chosen constitute the “object.” In short, an object of choice—that is, a freely chosen kind of behavior (also called the “intentional act”)—may be a moral object such that the choice of it is intrinsically apt for moral qualification.¹⁹ At least in terms of “vital conflicts,” this is precisely what Fr. Rhonheimer denies. He argues that the choice to use physical violence that “directly” causes the death of the fetus (which by definition is *intended*) is, in fact, not intended, meaning by this that the doctor is *only* choosing to save the life of the mother and not kill the fetus. I would even venture to claim that Fr. Rhonheimer sees the death of the child as a premoral evil made permissible by the “intention” of the doctor. This sounds like a proportionalist position to me.

Fr. Rhonheimer’s explanation of this is, it seems to me, the nub of the problem and, therefore, the source of our disagreement. Using craniotomy as his example, he writes,

It is absolutely clear that the lethal crushing of the skull is something deliberately and intentionally done, in the full knowledge that the act will immediately cause the baby’s death. But saying that the action which kills the baby *is done intentionally* is not tantamount to saying that it is done *with the intention of* killing the baby in the sense that this is the reason implied in the choice of that action. According to the above-mentioned notion of the moral object, to know what the object of an act of craniotomy is, we have to know what is “the good thing to do” that reason proposes to the choosing will when presenting it with the crushing of the baby’s skull. This is neither the crushing of the skull itself nor the lethal effect of this act, but rather the removing of the baby from the mother’s womb. That this is done by crushing its head (as the obese spelunker is blown out of the passageway with dynamite) does not imply that the natural effect of the baby’s death is the reason for which this is done. In the case of therapeutic abortion this same reasoning does not apply because, as was said above, the choice of the death of the baby in fact is implied in the action of its removal from the mother’s womb *because this act of removal is already preceded and thus informed by the choice of ending the baby’s life* (who otherwise could continue to live). This choice precisely

¹⁸ *Veritatis splendor*, n. 79.

¹⁹ Brock, “*Veritatis Splendor* §78,” 7. Aquinas spells this out quite clearly in *Summa theologiae* I–II, q. 18, a. 2, ob. 1; in II–II, q. 58, a. 3, ad 3; and in *De Malo*, q. 2, a. 5. I have added the parenthetical clause.

is not involved in the act of crushing the baby's skull in a case of craniotomy. . . . A craniotomy—done in a case of vital conflict and *in extremis* as an emergency intervention after everything has been done to save both mother and child—can be performed without having a will to end the baby's life which shapes the rationale of one's doing, despite knowingly ending it. This is why the baby's death can be considered *praeter intentionem* and why the bringing about of the baby's death is not to be considered a direct killing.²⁰

There are several issues that need to be addressed here. Fr. Rhonheimer makes a distinction between “what is intentionally done” and “what is intended in what is intentionally done.” The distinction is real enough. In more common parlance, these phrases refer simply to the intentional act and the motive, or the proximate end and the further end. For example, Mr. Smith gives one million dollars to a local charity. This is the intentional act or the proximate end. He chooses to give the money and does so. But Mr. Smith's motive (or further end or further intention) may be one of two things. He may be giving the money out of a genuine concern for the work of the charity, or he may be giving it in order to garner praise. Acts that look like the same act may be, in fact, quite different. In the first instance, Mr. Smith performs a good act. In the second instance, Mr. Smith performs a self-serving act. In either case the charity benefits. It receives the money. But only in the first instance can Mr. Smith be said to be performing an act of charity. In the second he is performing an act of self-promotion. We cannot know this as casual observers, of course. This can only be known from the perspective of the acting person, Mr. Smith. It is a common principle in moral philosophy and theology that for an act to be good, all parts of it must be good. If one part is not good, the entire act is vitiated. A bad motive can prevent a good act from being good. Likewise, a good motive does not make a bad act good. If I choose to steal in order to benefit a charity, my good motive does not make stealing a good thing. I assume Fr. Rhonheimer will agree with me up to this point.

In applying this distinction to the case of craniotomy, however, Fr. Rhonheimer arrives at an erroneous conclusion. In the case of craniotomy, the intentional act is the crushing of the baby's skull. It is intentionally and deliberately done with the knowledge that it will kill the baby. The motive is laudable: to save the life of the mother. But this motive does not make the act of the lethal crushing of the baby's skull the good act, the licit act, or the morally neutral act that may sometimes be required in extreme cases of vital conflict. Fr. Rhonheimer argues, however, that the death of baby, while intentional and deliberate, is *praeter intentionem*. But *praeter intentionem* does not refer to the motive, as Fr. Rhonheimer would have us believe. It refers to the choice of the will to do something. In other words, *praeter intentionem* means “outside of the intention” (i.e., the choice of the will to do something that reason presents to it as a good to be pursued) not “outside of the motive.” The lethal crushing of the baby's skull cannot be *praeter intentionem*. It is what one chooses to do. This conclusion is not based on looking only at what is physically the case or what physical effects one is causing as a result of one's doing; this conclusion is reached on the basis of what one *chooses* to do. In other words, the doctor *means* to crush the baby's skull; the

²⁰ Rhonheimer, “Vital Conflicts, Direct Killing,” 535–536, original emphasis.

crushing of the skull is not *per accidens*. What occurs *per accidens* is considered to be *praeter intentionem* and not what one means to do. John Paul II writes as much in *Veritatis splendor*: “As the *Catechism of the Catholic Church* teaches, ‘there are certain specific kinds of behaviour that are always wrong to *choose*, because *choosing* them involves a disorder of the will, that is, a moral evil.’”²¹

The lethal crushing of the baby’s head in the case of craniotomy is not analogous to the removal of a cancerous gravid uterus. Fr. Rhonheimer would have us believe otherwise. He writes,

In the case of the extirpation of a cancerous gravid uterus the physician *deliberately and intentionally* does . . . something which will *necessarily* and *knowingly* result in the death of the baby. Also in this case, if the mother were not cured of her uterine cancer by its extraction, the baby would sooner or later certainly die. As a natural effect of the hysterectomy, however, the baby dies *now* and *immediately*, and this as a necessary consequence of the physician’s deliberate and intentional extraction of the uterus. In spite of this fact, we do not consider the death of the baby to be intended as an end or chosen as a means; it is instead *praeter intentionem* (because of the reasons formulated in the principle of double effect). The case of craniotomy, I agree, is not a case for this principle, but is analogously a case of causing death *praeter intentionem*. Analogously to hysterectomy, that the action which causes the death of the baby is performed intentionally and with knowledge of its inexorably lethal effect does not prove that causing the baby’s death was the intention in doing this and that therefore the death of the baby was chosen as a means.²²

Even though craniotomy is not a case for the principle of double effect as is that of the removal of a cancerous gravid uterus, Fr. Rhonheimer sees them as analogous in that the death of the baby in both cases is *praeter intentionem*. As we saw above, these two cases are not in the least analogous. In the case of the hysterectomy, the choice of the will is the removal of a pathological organ. This is what the doctor *meant* to do. While one can foresee that the hysterectomy will end the life of the child; the child’s death is simply, but sadly, the consequence of the removal of the uterus. In the case of a craniotomy, while the motive is not the death of the child but the saving of the mother, the killing, while regrettable, is what one means to do and is therefore subject to moral evaluation.

Fr. Rhonheimer claims to find warrant for his position in the writings of Pius XII.

Pope Pius XII

In his 1951 address to the Association of Large Families, Pius XII said,

It has been Our intention here to use always the expressions “*direct attempt on the life of the innocent person*” (*attento diretto alla vita dell’innocente*), “*direct killing*” (*uccisione diretta*). The reason is that if, for example, the safety of the future mother, independently of her state of pregnancy, might call for an urgent surgical procedure, or any other therapeutic application, which would have as an accessory consequence, in no way desired or intended, but

²¹ *Veritatis splendor*, n. 78, original emphasis.

²² Rhonheimer, “Vital Conflicts, Direct Killing,” 536–537, original emphasis.

inevitable, the death of the foetus, such an act could not be called a direct attempt on the innocent life. In these conditions, the operation can be lawful, as can other similar medical interventions, provided that it be a matter of great importance, such as life, and that it is not possible to postpone it till the birth of the child, or to have recourse to another other efficacious remedy.²³

Fr. Rhonheimer notes that this text from Pius XII's allocution is the classical formulation of what we will later find in *Evangelium vitae*.²⁴ Commenting on this passage, Fr. Rhonheimer writes, "It should be stressed first that this text defines, in an intentional manner, certain ways of acting as being 'non-direct': a non-direct killing of the fetus is an act 'which would have as an accessory consequence, in no way desired or intended, but inevitable, the death of the foetus[;] such an act could not be called a *direct* attempt on the innocent life."²⁵

The meaning of Pius XII's statement and Fr. Rhonheimer's comment on it lies in the use and meaning of the word "intention." Fr. Rhonheimer is clear on what he understands it to mean:

The yield of Pius XII's teaching lies, first of all, in the fact that the category of "direct" is shown to be an intentional category. It shows that, under certain conditions, a human being can be killed as an immediate physical consequence of a human action (given that, in a hysterectomy, the fetus effectively dies immediately as a result of the operation), without the death of this person being an object of the will, including on the level of means, *and* that it is precisely and solely for this latter reason that the killing cannot be called direct. The reason, then, for the non-directness of the killing is not its physical indirectness, but the relationship of the will to the killing, which latter is nonetheless caused by one's own action. When the killing is not direct, the willing involved has neither the character of a choice of means, nor that of the pursuit of an end.²⁶

There is nothing particularly wrong with saying that the category "direct" is an intentional category, that is, intention understood as a choice of the will to do something. Rather, Fr. Rhonheimer's error lies in understanding "intention" here to mean "motive," thereby conflating the will involved with what one means to do with the will that lies behind one's motives. Nothing in Pius XII's text supports this reading. In fact, the words used in this context point to a hysterectomy of a cancerous gravid uterus or chemotherapy ("the safety of the future mother, independently of her state of pregnancy, might call for an urgent surgical procedure, or any other therapeutic application, which would have as an accessory consequence, in no way desired or intended, but *inevitable*, the death of the foetus") and not to a vital conflict situation envisioned by Fr. Rhonheimer. It is disingenuous of him, then, to argue that the effective death of the fetus immediately as a result of the hysterectomy supports

²³ Pius XII, Address to the Association of the Large Families (November 26, 1951) *AAS* 43 (1951): 855–860. The English translation appearing here is from *Official Catholic Teachings*, vol. 4, *Love and Sexuality*, ed. Odile M. Liebard (Wilmington, NC: McGrath, 1978), 126–127, as cited in Rhonheimer, *Vital Conflicts*, 34–35.

²⁴ Rhonheimer, *Vital Conflicts*, 34.

²⁵ *Ibid.*, 35.

²⁶ *Ibid.*, 40.

his extension of Pius XII's remarks to vital conflict situations. As I pointed out with respect to *Evangelium vitae*, the audience to which Pius XII was directing his remarks was not one trained in the subtleties of moral philosophy. They were midwives. It is highly unlikely, therefore, that the pope meant what Fr. Rhonheimer understands him to say. It is yet another example of his reading what he wants into the text.

Conclusion

Fr. Rhonheimer is clearly a man in the grip of a theory. As laudable as his motives are for espousing such a theory (what to do in the tragic cases of vital conflict), it finds no support in the magisterial documents that he uses in support of his action theory. I believe I have demonstrated that neither John Paul II nor Pius XII holds such an action theory.

Fr. Rhonheimer's attempts to find such a theory in their writings are *sui generis*. On the contrary, both popes explicitly condemn the kinds of actions that Fr. Rhonheimer proposes for our support. Fr. Rhonheimer's appeal to his readers' emotions by which he has the soon-to-be-killed baby thanking his or her mother for having him or her killed is both maudlin and inappropriate.²⁷ His theory has already been used in part, rightly or wrongly, to justify the D&C procedure performed at St. Joseph's Hospital and Medical Center in Phoenix, Arizona²⁸ for which the Archbishop has removed the designation of "Catholic" hospital.²⁹ Finally, Fr. Rhonheimer appeals to the traditional manuals of Catholic moral theology of A. Lehmkuhl, H. Noldin, and D. Prümmer, who advise confessors *to leave in good faith* doctors who performed a craniotomy, advice not given in the case of "therapeutic" abortions because they well recognized the difference between the two.³⁰ "Good faith" designates "the mental and moral state of honest, even if objectively unfounded, conviction as to the truth or falsehood of a proposition or body of opinion, or as to the rectitude or depravity of a line of conduct."³¹ A person acting wrongly but in good faith is said to labor under an invincible error. When the craniotomy has already occurred, and when the doctor had performed it honestly, he or she may be guiltless. Guiltlessness, however, should not be mistaken for liceity.

²⁷Rhonheimer, "Vital Conflicts, Direct Killing," 528; *Vital Conflicts*, 146.

²⁸M. Therese Lysaught, "Moral Analysis of an Intervention Performed at St. Joseph's Hospital and Medical Center" *Origins* 40.33 (January 27, 2011) 537–549. To my knowledge, Fr. Rhonheimer has not yet pronounced on the Phoenix case. Nonetheless, the case is clearly one of vital conflict.

²⁹The religious sister who sat on the ethics committee of the hospital incurred a *latae sententiae* excommunication as a result of the committee's approval for the procedure. She has since been reconciled with the Church. LifeSite News, <http://www.lifesitenews.com/news/phoenix-nun-that-ok-ed-abortion-no-longer-excommunicated-says-hospital-dioce/>.

³⁰Rhonheimer, "Vital Conflicts, Direct Killing," 6. Also *Vital Conflicts*, 18, note 31, and 20, note 32.

³¹J. Delany, "Good Faith," in *Catholic Encyclopedia* (New York: Roger Appleton Company, 1909), <http://www.newadvent.org/canthen/06642a.htm>.