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BETWEEN PHYSICALISM AND THE NEW DUALISM:
THE MORAL RELEVANCE OF THE HUMAN BODY FOR CATHOLIC ETHICS

A Dissertation

Submitted to the McAnulty College and Graduate School of Liberal Arts

Duquesne University

In partial fulfillment of the requirements for
the degree of Doctor of Philosophy

By

David Demboski

August 2021

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David Demboski

2021

BETWEEN PHYSICALISM AND THE NEW DUALISM:
THE MORAL RELEVANCE OF THE HUMAN BODY FOR CATHOLIC ETHICS

By

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ABSTRACT

BETWEEN PHYSICALISM AND THE NEW DUALISM: THE MORAL RELEVANCE OF THE HUMAN BODY FOR CATHOLIC ETHICS

By

David Demboski

August 2021

Dissertation Supervised by James P. Bailey, PhD

One could argue the remarkable changes to the landscape of Catholic moral theology over the course of the twentieth century were unparalleled in the history of the Church. Animated by anthropological and pastoral concerns, competing schools of Catholic ethicists introduced novel interpretations of natural law that sought to do greater justice to the entirety of the human person, not merely the physical dimension that tended to be emphasized throughout the manualist era. These unique and competing perspectives that emerged in the middle of the 1900s, found in the revisionist school and the New Natural Law Theory school, shaped the topography of Catholic moral theology in unprecedented ways. Previously unknown methods of moral decision-making came to dominate works of Catholic scholars; this was accompanied by radically new conclusions reached by the dominant revisionist school.

It is these changes that are of interest to the current project. More precisely, this work seeks to reevaluate the present situation within Catholic moral theology through an anthropological lens. Both revisionist and traditionalist scholars alike explicitly operate with the intention of providing ethical systems that correspond to the holistic (i.e., nondualist) picture of the human person emphasized at the Second Vatican Council. But do these theories actually meet their nondualist anthropological standard? This work argues that they do not. It will be argued that the concern to avoid physicalist mistakes caused an overcorrection. In the revisionist school in particular, there has arisen a new dualism whereby the moral body has become irrelevant for Catholic ethical theories. The goal of this project, then, is to examine this dualism and propose modest but necessary principles required for finding a morally relevant place for the human body within Catholic moral theology. If the human body makes up an essential aspect of the human person, then this ought to be reflected in the methodological structure of Catholic ethics. By integrating the principles offered in this work into modern ethical theories, the diversity of thought reflected within Catholicism can remain while simultaneously finding a moral relevance of the human body.

DEDICATION

To my wife, Stephanie, who is my rock. Your sacrifices throughout this journey have made this possible. I cannot express what your unfailing love and support have done for me. This is only the beginning of great things to come. I love you.

Also, to my children: Matthias, Samuel, and Rose. The joy and life you bring to me is impossible to describe. Thank you. Here is to the rest of your lives without your father as a student!

ACKNOWLEDGEMENTS

No one ever achieves anything alone. This may be truer for me than perhaps any other person. I would like to acknowledge and thank as many people as I can. I apologize to those that I forget.

First, to my family, thank you for persevering with me throughout this entire journey. Stephanie, you sacrificed more than anyone throughout my academic career. I could not have accomplished any of this without you. You deserve as much credit as I do for this accomplishment. I love you so much! To my children, Matthias, Samuel, and Rose: I love you. Your father is finally done! You have never known a time when I was not working on this degree. While I hope I have been the father you have needed me to be during all these years, I look forward to dedicating even more time to guiding you and helping you grow into the people God is calling you to be. Also, to my parents, thank you. Mom and Dad, you gave me life and have never ceased giving it to me. This has been a long and winding road, but you have always supported me. Your encouragement throughout this degree is a testament to your unfailing love. Thank you.

To the faculty of Duquesne University's Theology department, thank you. Your academic guidance and support have been greater than I ever could have dreamt before coming to Duquesne. But more than academic guidance, your personal and professional support throughout various personal trials, family emergencies, and job losses have meant so much to me. To Dr. Bailey, you have guided me from my first semester at Duquesne. There is no way I would be where I am without you. So, thank you. To my readers I also owe special thanks. Dr. O'Brien, you have supported me constantly – as professor, department head, reader, and member

of my comprehensive examination panel. You helped me navigate my degree during both of my sons' surgeries and trials during those periods of my life, and for that I am extremely grateful. Dr. Cochran, thank you for stepping in later in the process and for taking time during your sabbatical to help me finish my degree. God bless you.

To all of my other professors from Duquesne University, Benedictine College, and The Augustine Institute, thank you. I owe special thanks to Dr. Edward Sri. Your guidance and inspiration led me to Duquesne and gave me the hope of fulfilling this dream. I would not be here without your push to be a better student.

To the innumerable friends and fellow students from my many years of theological study, thank you. I learned as much from my time with all of you as I did in the classroom. Thank you especially to Mark Martinez, Julianne Miles, Ashley Crane, David Merrick, Dr. Lanny Wilson, Rev. Jeff Schooley, and many others.

To Fr. Patrick Henehan and Fr. Antonio Dittmer, without whom I would be much further from the Lord than I am now, thank you. Your spiritual and theological guidance has been instrumental in bringing me to where I am today.

And, of course, to my Lord and God who created me, cared for me, and drew me out of darkness into your marvelous light many years ago (1 Peter 2:9). You have strengthened me and been with me in everything I have ever done and will ever do. I hope this work brings glory to you.

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Chapter 1

An Anthropological Standard and an Unintended Dualism

We usually think of freedom as a capacity of the spirit, and free choice as an act of the spirit, with the body being simply the object or the instrument of our choice in some way. Yet choice is always of an action, and although action may sometimes seem to be wholly interior (as when we choose to accept a situation about which we can do nothing), it is always action that rises from and is realized by ourselves as embodied spirits, inspirited bodies. As I have been trying to show, our bodies are not purely passive, not appendages, not merely instruments for ourselves; they are intrinsic to ourselves. The body, inspirited, is therefore intrinsic to ourselves as subjects.

- Margaret Farley, *Just Love*, 129

All approaches accept the same basic Catholic anthropology: the goodness and dignity of the human person, the social nature of the human person, and the goodness of the body. Human beings are good because they are created in the image of God. The concept of the human being as the image of God goes back to Genesis and has been a central part of the Catholic tradition.

- Charles Curran, *Catholic Moral Theology in the United States*, 222

1.1 Introduction

It seems appropriate to begin a work concerning the human body – the material, physical, sensible dimension of the human person – with the *Logos*; the Word become flesh (Jn 1:14). The fact of the Incarnation is perhaps the most mysterious and yet transformative event in human history. It was what distinguishes Christianity most sharply from other religious traditions. Each religion seeks the transcendent – the divine, the good, the true – but how incomprehensible it is that the divine should take on flesh and live in the world it created. As impossible as it would have seemed prior to its happening, it is the incomparable fact of the Incarnation that has shaped Christianity into the unique religious system it is. It was for this reason that the Gnostic thesis could not take root in orthodox Christianity. The truth of this mystery was too foundational and ubiquitous among the early Christians for Gnosticism to be taken as anything but a perversion,

an error that would corrupt essential cornerstones of the Gospel – the goodness of creation, the sacraments, and, of course, the atonement by which Jesus sacrificed His life for the world, giving up His body for humanity. St. Augustine of Hippo speaks eloquently about this divine mystery,

In the bosom of His Father, He existed before all the cycles of ages; born of an earthly mother, He entered upon the course of the years on this day. The Maker of man became Man that He, Ruler of the stars, might be nourished at His mother's breast; that He, the Bread, might hunger; that He, the Fountain, might thirst; that He, the Light, might sleep; that He, the Way, might be wearied by the journey; that He, the Truth, might be accused by false witnesses; that He, the Judge of the living and the dead, might be brought to trial by a mortal judge; that He, Justice, might be condemned by the unjust; that He, Discipline, might be scourged with whips; that He, the Foundation, might be suspended upon a cross; that Courage might be weakened; that Healer might be wounded; that Life might die.¹

He, the Word become flesh, experienced the totality of human life as every other human has – as an embodied and incarnate person.

These paradoxical contraries expounded by Augustine in the above passage also reveal the mystery of embodied human life for each individual as well. As humans, we, too, seek our mother's milk, grow hungry, grow tired, suffer physical pain, and ponder the mystery that surrounds death. Upon reflection, it is indisputable that we belong to this world. And yet, there are also innumerable experiences, both positive and negative, which draw us up and outwards towards transcendence. Margaret Farley accurately describes the human person's experiences of our materiality and spirituality as those of "disunity and unity."² She says, "On the one hand, we experience our bodies as burdens, limits, adversaries of ourselves," but "...Sometimes we experience a kind of total unity of body and spirit, as when...our experience of bodily union with another person transcends our divided self and our divided selves in loving gesture and joy of

¹ St. Augustine sermon 191, quoted in *Message of the Church Fathers, Vol 4*. By Thomas Halton (Eugene, Oregon: Wipf and Stock Publishers, 2002), 214.

² Margaret Farley, *Just Love: A Framework for Christian Sexual Ethics* (New York: Continuum, 2010), 118.

mind and body.”³ Living with such divergent experiences encompasses what it means to be human.

These experiences of unity and disunity of the body and soul also raise provocative questions for the ethicist. The embodied⁴ nature of human beings is woven throughout Catholic dogma and is most poignantly found, as has already been discussed, in the central mysteries of our faith: the Incarnation, the Eucharist, and the Passion, Death, and Resurrection of Christ. In the movement from dogma and anthropology to morals, however, how does this translate? What difference does it make for the moral life that human beings possess one unified nature with two components, the physical body and the spiritual soul? If both dimensions – the physical and spiritual – constitute *essential* aspects of the human person, what does this mean for the way our ethical principles are constructed?

It seems clear from within the nondualist anthropological paradigm possessed by Catholicism, as well as from basic and universal human experience, that it is in our freely chosen bodily acts that humans manifest our inner selves to the world. We are bodily creatures, but a unique and integral part of the person cannot be known solely from empirical investigation or the scientific method. Rather, one must reveal themselves willingly if their true self is to be known, and this takes place through external, integral acts chosen by the individual. These human acts constitute the subject matter of moral theology, and, therefore, the constitution of the human person (anthropology) is of utmost interest to the Catholic ethicist. In one sense, the inner life of the person is “incarnated in external action,” as Fr. Martin Rhonheimer put it.⁵ The meaning,

³ Ibid.

⁴ The specifics of the terminology used to describe the nature of the human person will be addressed early in this work. For now, loose employment of this terminology will do no harm.

⁵ Martin Rhonheimer, *Natural Law and Practical Reason: A Thomistic View of Moral Autonomy* (New York: Fordham University Press, 2000), 328.

therefore, of the human body with the framework of the human person is of central importance for the ethicist, particularly when addressing sexual ethics.

This, then, is the central task of my work. My focus in this dissertation is to explore the relevance of the human body for Catholic sexual ethics. Quite simply, I will attempt to provide some answers to the question asked by the feminist scholar Michelle Gonzalez (and, undoubtedly, countless others – theologian and layperson alike), “What difference does it make that human persons are embodied?” Gonzalez says that this question has “plagued” feminist scholars.⁶ My message to her would be that feminist theologians and ethicists are far from alone. Nearly every ethicist recognizes the importance of this question, even if only in an implicit way. My purpose is to explicitly and systematically address this question and find by beginning with common ground that all Catholic ethicists share.

1.1.2 Why this Topic?

It should go without saying that I view this topic – the moral relevance of the body – as carrying particular importance. But why? What is the impetus behind a project of this nature? Before progressing any further, I would like to address this question and explain what is, in my view, the significance of this topic.

Responding to a Need. The field of moral theology within Catholicism has made significant strides toward a more personalist approach to ethics since the Second Vatican Council. These advancements were accelerated by the debate and conversation provoked by Pope Paul VI’s 1968 encyclical, *Humanae Vitae*. This is not to say everything that came before

⁶ Michelle A. Gonzalez, *Created in God’s Image: An Introduction to Theological Anthropology* (Maryknoll, NY: Orbis Books, 2007), 121.

in the long and distinguished moral tradition of the Catholic Church was wrong or deeply impersonal; far from it. However, the second half of the twentieth century was a unique era within the history of Catholic moral theology. While it is difficult to demarcate precise dates for such transitions, it can nevertheless be stated with accuracy that the twentieth century marked the end of the Manualist Era of moral theology.⁷ This period was dominated by manuals created for confessors to help them adjudicate the sins of the faithful that came to them in the confessional. Unfortunately, the moral theology of this era emphasized the external acts and physical dimension of the human person to the detriment of the spiritual.⁸ For this reason, the development of a personalist emphasis in ethics, particularly regarding sexual morality, was a significant advancement. The attention given to the theme of “conjugal love” with regards to sexual morality in *Gaudium et Spes* exemplifies the beginnings of this change (although this inclusion in the council’s document reflects changes that had been underway in the years leading up to the council).

However, in my estimation, an overcorrection was made by a large number of Catholic moralists. Perhaps because of the fierce desire to escape the error of “physicalism,”⁹ many scholars could seemingly no longer find an ethically relevant role for the physical dimension of the human person within their moral theories. They did not explicitly accept a dualistic view of the human person or deny the essential character of the body. Instead (as I will argue in fuller detail later), their moral theologies developed in ways that did not correspond to this truth. It

⁷ See Servais Pinckaers’ chapter, “Moral Theology in the Modern Era of the Manuals,” in *The Sources of Christian Ethics* (Washington D.C.: The Catholic University of America Press, 1995).

⁸ Todd A. Salzman, “The Human Act and Its Moral Evaluation in the *Catechism of the Catholic Church*: A Critical Analysis, in *Ethics and the Catechism of the Catholic Church*, ed. Michael E. Allsopp (Scranton, PA: Scranton University Press, 2005), 66-67.

⁹ A subject to be fully examined in chapter 3.

was, therefore, a germane desire sparked by this recognition that caused me to reflect more deeply on the relevance of the human body for ethics.

Moreover, if scholars can come to recognize that the holistic anthropological truth of the human person is not reflected in certain ethical theories, this, in turn, can inspire reflection on the theological positions implicit behind these views.

An Occasion to find Common Ground. The debate and discussion between revisionist and traditionalist¹⁰ scholars is marked by profound differences in both methodology and conclusions reached within the field of ethics. While generally amicable, less than charitable statements regarding the work and intentions of scholars holding opposing viewpoints were not uncommon.¹¹ I view this particular angle on the topic, however, as an opportunity to analyze the issues up for discussion through a lens that is shared by both sides: a nondualist anthropology. It appears evident that scholars on both sides desire to do justice to the full truth of the human person, body and soul, so I believe it would be mutually enriching to analyze the ethical methodologies employed from that specific vantage point. I believe there is common ground here to serve as a launching point for further dialogue and more appropriate development within Catholic moral theology.¹²

¹⁰I will make use of the terms “traditionalists” and “revisionist” in the manner consistent with a majority of the Catholic intellectual literature of the last thirty years. Perhaps not all scholars would prefer to be ushered under either of these labels, but generally there seems to be an acceptance on both sides of the usage of these terms. See usage in Todd A Salzman and Michael G. Lawler, *The Sexual Person: Toward a Renewed Catholic Anthropology* (Washington, D.C.: Georgetown University Press, 2008). Traditionalists tend to be those whose ethics remain closer to the Magisterial teachings of the Catholic Church, while Revisionists tend to be more willing to hold moral conclusions and employ systematic methodologies that have been rejected by the Magisterium. This is the broadest possible way of categorizing different thinkers. These labels do not do full justice to the diversity of thought on both sides of spectrum, but they will accomplish their purpose for the sake of this discussion.

¹¹ To see some of the less friendly statements fired across the bows, see the introduction to *Proportionalism: For/Against*, ed. Christopher Kaczor (Milwaukee: Marquette University Press, 1999).

¹² My goal here is not to give the illusion of having no biases or predispositions when it comes to the revisionist/traditionalist debates. I would place myself firmly on one side over the other. That being said, I have tried

1.1.3 The Scope of this Project

As previously stated, the aim of my dissertation is to explore common methodological assumptions and theories employed in Catholic moral theology through an anthropological lens. This project does not, then, propose to introduce a novel ethical system to rival natural law theory, proportionalism, or the New Natural Law Theory (NNLT). By using the nondualist anthropological lens, the goal is to make apparent potential flaws in the systems already existing for the purpose of their refinement. I will also propose a positive contribution that delineates in what manner the body can be incorporated into moral theology, which will require, in some cases, removing tenets that hold a prominent place in certain theories. But this project is limited to its anthropological scope and so will not operate under the pretense of dismantling any one theory or of constructing a new one. Moreover, evaluations made and criticisms leveled regarding the works of many Catholic scholars should not be read as a wholesale dismissal of the contributions of these scholars or the specific works that are analyzed. Indeed, every scholar referenced in this work should be greatly respected for their contributions to Catholic moral theology and the debates that continue to unfold within it. The anthropological evaluation of these ethical works only treats one aspect of their composition and is not intended to go farther than that.

1.1.4 Difficulties of the Project

I view the challenges for my dissertation as threefold. Firstly, the views scholars hold concerning the relevance of the body are often implicit in their works. Rare is the book or

to (as I hope any scholar would) analyze the data as objectively as I can, constantly bearing in mind my own biases. Moreover, positions from both camps will be scrutinized during my analysis. The revisionist/traditionalist binary method of identification is useful to a certain extent but is limited in its value, particularly for examining the moral relevance of the human body in these ethical theories.

chapter that explicitly addresses one's view of the human body within Catholic morality. It is generally accepted that creation is essentially good and that the body makes up an integral part of the human person, but how the material dimension of our nature is to be incorporated into ethics is often implicit or unclear. An example of this can be found in Todd Salzman and Michael Lawler's book, *The Sexual Person: Toward a Renewed Catholic Anthropology*, which will be examined in this work. At one point, they state, "Should not personalism begin with a holistic understanding of the human person ... emotional...spiritual, and biological...? If this is so, then the biological is only one aspect of the person, which should not be given inordinate import in the hierarchy of being or as a foundation for sexual anthropology."¹³ However, upon a careful reading of the rest of the book, one finds that it is never actually made clear what import the biological aspect of the person *actually has* within their own theology. The issue is never explicitly addressed, and so their view of the subject must be deduced from their treatment of the body in constructing their ethical norms for sexual ethics. This issue is not unique to Salzman and Lawler's work.

The second challenge concerns terminological misunderstandings and imprecision regarding important terms such as "nature," "natural," and "physicalism." For example, some critics of NNLT view its foundation on self-evident basic goods instead of natural inclinations as an attempt to construct "natural law without nature."¹⁴ This, however, could give the impression that what is "natural" is merely physical because NNLT is centered on basic goods grasped by the intellect, whose powers are associated with the spiritual dimension of human nature. Rather,

¹³ Salzman and Lawler, *The Sexual Person*, 88.

¹⁴ Pauline C. Westerman, *The Disintegration of Natural Law Theory: Aquinas to Finnis* (New York: Brill, 1998), 231.

human nature possesses a physical and spiritual dimension, inescapably united but still capable of being analyzed separately. Or is what is “natural” to humans that which corresponds to reason, as many leading Thomistic scholars argue?¹⁵ Terminological difficulties such as this will need to be overcome with precise use of language and by carefully defining the terms that are employed.

The final challenge is primarily one of semantics embedded in the nature of this subject. It is common and not necessarily incorrect for a person to refer to “my body” as though we were spiritual beings in possession of a body. Rather, the truth lies somewhere between the concepts captured by phrases such as, “my body” and “I am a body.” As such, treating the relevance of the material dimension of human nature for ethics will necessarily involve certain phrases and discussions that might, if taken out of context, relay the message that a dualistic paradigm lies behind this work, which is not the case. For this reason, I will continually bring the body back into the proper context of the entire human person.

1.1.5 Preliminary Definitions

While other terms will need to be fleshed out throughout this work, here are three that require clarification before proceeding.

Moral Relevance. The primary concern of this work is to understand how to properly integrate the physical dimension of the human person within sexual ethics. In other words, I want to explain how the body can be morally relevant without being the sole or primary factor within ethical reasoning. The reason the body should be relevant for Catholic sexual ethics is because humans are inherently *bodily* beings. We are not only bodies, but we would not be human persons at all without the bodily dimension of our nature. To have significance or relevance is to

¹⁵ See Rhonheimer, *Natural Law and Practical Reason*, Ch 2.

mean something, to point to something beyond itself. Therefore, by “morally relevant” I mean that the body should be considered as data for ethical reasoning because it can *inform* our moral considerations somehow.

Body. By stating that I seek to develop a proper understanding of the human “body” for Catholic ethics, I do *not* mean the mere physical structure, shape, or appearance of the human person. That aspect of the human body will be of interest when addressing the topic of complementarity, but it is not the main concern. Rather, “body” is meant to refer to the physical dimension of the human person – the material, biological, sensual, etc. Therefore, when I employ a diversity of terms – the body, the physical/material/biological dimension of our nature – it should be noted that I am referring to the same basic concept.

Dualism. One of the foundational contentions of this work is that certain ethical theories possess an unintended dualism in their moral methodologies, so it should be made clear precisely what is meant by “dualism.” Confusion could arise because the term can refer to the position held by Thomas Aquinas, for example, depending on the context of the claim. For example, J.P. Moreland and Scott Rae speak of both “Cartesian” and “Thomistic” dualism.¹⁶ For many, to speak of Thomistic dualism would be a contradiction in terms. However, Moreland and Rae employ this term to contrast the Thomistic (and Aristotelian) position with what they call physicalism, “the view that all properties, events, relations, individuals and so on are strictly physical entities.”¹⁷ On the other hand, dualism, in their articulation of the theory within the context of the philosophy of mind debates, refers to views that include both a soul and a body. It

¹⁶ J.P. Moreland and Scott B. Rae, *Body and Soul: Human Nature and Crisis in Ethics* (Downers Grove, IL: InterVarsity Press, 2000), 21.

¹⁷ *Ibid.*, 20.

is for this reason they include the Aristotelian/Thomistic position and the Cartesian under the same category despite their differences.

In fact, the Thomistic theory of the relationship between body and soul, hylomorphism, is usually *contrasted* with Platonic and Cartesian dualism. The dualism in these theories is instantiated by the view that the body is essentially a vehicle for the soul, and it is in the soul that the true “I” or self is found. The body does not constitute an essential part of what it means to be human in this view. In the words of the scholar Richard L. Wilson, “If physicalism sees humans as bodies without souls (matter only) and substance dualism sees humans as souls with bodies (form primarily), then hylomorphism sees humans as a body and soul unity (matter *and* form).”¹⁸ It is this unified view of the human person, then, that will be contrasted with dualism. In terms of my anthropological position, I will refer to it as unified, holistic,¹⁹ and nondualistic.

1.2 The Nondualist Anthropological Standard

1.2.1 The Precedent set by *Gaudium et Spes*

In response to *Humanae Vitae*, dozens (and later, after its publication, hundreds) of American Catholic theologians signed a statement dissenting from the teachings presented in the encyclical; it was printed in the Washington Post on July 30th, 1968.²⁰ In the statement, the theologians express concerns over the encyclical’s implicit treatment of papal authority and both the methods used and conclusions reached. What would become a common complaint against the

¹⁸ Richard L. Wilson, *Techno-Salvation: Developing a Christian Hermeneutic of Enhancement Technology*, 118.

¹⁹ Salzman and Lawler, *The Sexual Person*, 137.

²⁰ “Statement by Catholic Theologians, Washington D.C., July 30th, 1968. In *Readings in Moral Theology No. 8: Dialogue About Catholic Sexual Teaching*, eds. Charles E. Curran and Richard A. McCormick (New York: Paulist Press, 1993), 135-137.

Magisterium's official positions on sexual matters is articulated later in the document. It reads, "Other defects include: overemphasis on the biological aspects of conjugal relations as ethically normative; undue stress on sexual acts and on the faculty of sex viewed in itself apart from the person and the couple."²¹ Bernard Haring, an influential German theologian from that period, expresses similar concerns regarding the overemphasis on biological laws in the encyclical, "In spite of the unreliability of biological laws and rhythms, the encyclical seems to consider them as a part of the human person. It seems to go so far as thoroughly to subordinate the whole human person...to the absolute sacredness of biological laws..."²² Examples of these types of complaints against *Humanae Vitae* would fill volumes if compiled together, and the physicalist criticism continues to be levied against the encyclical to this day.

Catholic ethicists saw Paul VI's argumentation as fundamentally physicalistic. In other words, the encyclical was perceived to give inordinate weight to the physical dimension of the human person at the cost of the personal and spiritual dimensions. More than twenty years later, Rhonheimer published an article defending *Humanae Vitae* of the physicalist accusations.²³ Rhonheimer's arguments on this issue are, in my opinion, potent and decisive. I know of no response or refutation of the analysis offered in the article. His response to the physicalist critique will be examined more in chapter three.

Regardless, these criticisms of the encyclical would later be applied to nearly all aspects of the Church's teaching on sexual morality, as well as against traditionalist theologians and their

²¹Ibid.,136.

²² Bernard Haring, "The Inseparability of the Unitive-Procreative Functions of the Marital Act" in *Readings in Moral Theology No. 8: Dialogue About Catholic Sexual Teaching*, eds. Charles E. Curran and Richard A. McCormick (New York: Paulist Press, 1993), 158.

²³ Martin Rhonheimer, "Contraception, Sexual Behavior, and Natural Law," *The Linacre Quarterly* Vol. 56, No. 2 (1989): 20-57 (Accessed April 7th, 2012).

own arguments and methodologies. Casting aside whether or not these criticisms are valid, my larger point is that concern for the proper weight to be given to the human body in moral accounts began to be emphasized around the middle of the twentieth century arising out the debate over contraception. It would become one of the chief concerns in Catholic sexual ethics during the 1960s and the decades to follow.

In many ways, Vatican II took up the concern of addressing human beings in their full form and dignity. It provided statements that would encourage this kind of thinking and set a precedent for infusing all disciplines of theology with a properly formed anthropology by its own treatment of the subject. This sentiment is expressed and given a place of priority in the early paragraphs of *Gaudium et Spes*,

The council brings to mankind light kindled from the Gospel, and puts at its disposal those saving resources which the Church herself, under the guidance of the Holy Spirit, receives from her Founder. For the human person deserves to be preserved; human society deserves to be renewed. Hence the focal point of our total presentation will be man himself, whole and entire, body and soul, heart and conscience, mind and will.²⁴

Moreover, in the section of the document on marriage and the family, the authors connect conjugal love with the good of the family and the flourishing of the entire person,

This love is an eminently human one since it is directed from one person to another through an affection of the will; it involves the good of the whole person, and therefore can enrich the expressions of body and mind with a unique dignity, ennobling these expressions as special ingredients and signs of the friendship distinctive of marriage... The actions within marriage by which the couple are united intimately and chastely are noble and worthy ones. Expressed in a manner which is truly human, these actions promote that mutual self-giving by which spouses enrich each other with a joyful and a ready will. Sealed by mutual faithfulness and hallowed above all by Christ's sacrament, this love remains steadfastly true in body and in mind, in bright days or dark.²⁵

²⁴ Second Vatican Council, "Pastoral Constitution on the Church, *Gaudium et Spes*, 7 December 1965," http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_cons_19651207_gaudium-et-spes_en.html (accessed April 10th, 2016), sec. 3 (hereafter cited as GS).

²⁵ *Ibid.*, 49.

We must be careful to take note of the integral and nondualistic vision of the human person presented in this document. The concept of the human person, “whole and entire,” is presupposed in the Council’s teachings.

The Council Fathers go on to address the moral concerns facing family life, specifically issues of sexual ethics and reproduction. Moral standards, they say, cannot be based on subjective intention alone. Rather, they must be based on “objective standards” that correspond to “the nature of the human person and his acts.”²⁶ This challenge lies at the heart of the present work and, as will be argued in the next section, is a goal shared by Catholic moral theologians of all kinds. They seek to offer a moral vision that corresponds to the whole person, undivided and oriented towards our final good, God, who reveals to humankind its true meaning and purpose.

It is this vision of the human person – body and soul united in one nature, both intrinsic to what the human person is – that is reflected in reference to a nondualist, holistic, or integral anthropology. As it will be shown in the next section, Catholic scholars working in the field of ethics share this vision of the human person and do so explicitly.

1.2.2 The Nondualist Agenda in Catholic Moral Theology

It has already been shown how *Gaudium et Spes* is concerned in a special way with incorporating an integral anthropology into the Church’s mission and the moral life of her members. This same concern, we saw, was reflected in the criticisms of *Humanae Vitae* by theologians who found its methodology and conclusions deficient. We now turn to demonstrating that there exists, to borrow a phrase from Lisa Sowle Cahill, a “nondualist

²⁶ Ibid., 51.

agenda”²⁷ regarding the human person in Catholic theology. The anthropological vision expressed in *Gaudium et Spes* has taken root in the minds and hearts of theologians and ethicists alike. The reasons for this are many, but it should come as no surprise because of the foundational place the doctrine of the Incarnation has within the hierarchy of truths of the Catholic faith.

In fact, it would not be mistaken, in my view, to argue that this nondualist agenda has always existed within orthodox Christianity. I mean this in the sense that the human body has always been accepted as an essential part of what it means to be human despite the fact that many important figures early in the Church were influenced by Platonic philosophy. In the Church Fathers, one finds a tension between their preference for the soul over the body and their recognition of the importance of the body to the atonement and to the final resurrection of the dead. Take, for example, St. Ambrose’s work, *On the Death of Satyrus*. In one instance, he compares the soul’s relationship to the body as to that of a prison.²⁸ This passage occurs in Book II chapter 20 on the belief in the resurrection, wherein the very same work he emphasizes multiple times that the body is raised from the dead along with the soul, thereby showing that the body will always be a necessary and good part of what it means to be human.²⁹

This tension, common in the Patristic era, never breaks under the weight of Gnostic influence. The resurrection of the body is consistently defended by figures such as Methodius, Basil, Gregory of Nyssa, Ephraim the Syriac, Macarius Magnus, Ambrose, and Augustine.³⁰ In

²⁷ Lisa Sowle Cahill, *Sex, Gender, and Christian Ethics* (New York: Cambridge University Press, 1996), 74.

²⁸ St. Ambrose of Milan, *On the Death of Satyrus*, <http://www.newadvent.org/fathers/34032.htm> (Accessed January 10th, 2018).

²⁹Ibid.

³⁰ Caroline Walker Bynum, *The Resurrection of the Body* (New York: Columbia University Press, 1995), 61.

describing this phenomenon, Caroline Walker Bynum depicts the situation in this way, “Each – in rhetoric and metaphor, and sometimes (but not often) in logical argument – simply clung to both sides of the paradox. There must be something that rises; there is no resurrection without identity. We know we are body; therefore body must rise.”³¹ Traces of dualism are undeniably present during this period, yet the body is still treated as an essential aspect of the human person.

In any event, this is not primarily a historical work. What concerns us are the advances made in anthropology and sexual ethics that correctly inform the work that is done today. It is not my intention to defend or rationalize mistakes from the past. Rather, these will be examined to the extent that they can aid in the understanding of the present situation as well as help to avoid repeating those same errors. Moreover, these mistakes only remain relevant if they undergird, explicitly or implicitly, arguments and ethical theories employed today. The reason for treating the views of the Church Fathers at all was to demonstrate how theologians and moral systems within the Catholic tradition that are often considered dualistic still maintain that the human body is an integral part of what it means to be human. That is not to say, however, that the ethical theories of these figures properly corresponded, in their totality, to a holistic model of the human person.

When attention is turned to Catholic moral theology of the twentieth and twenty-first centuries, one finds a clear nondualist agenda concerned with faithfulness to an integral view of the human person.

To begin, two especially notable works will be examined. *Just Love* by Margaret Farley and *The Sexual Person* by Todd A. Salzman and Michael G. Lawler stand out within their respective moral tradition. Their depth and sophistication make them fitting representatives of

³¹Ibid., 62.

the revisionist branch of moral theology since Vatican II. They can rightly be seen as the fruit and capstone, in a sense, of revisionist ethics. For this reason, these two works will be given special attention in this chapter.

The anthropology Farley presents as her own is undoubtedly nondualistic and closely resembles Thomistic hylomorphism, although she does not label it in those terms. She addressed the hylomorphic view in her survey of anthropologies, but she chooses instead to label her own view “transcendent embodiment.”³² Regarding this subject, she says, “I will ultimately propose a view of ourselves as humans whereby our bodies and spirits are one – distinguishable as aspects of our personhood, but unified in a way that they are neither mere parts of one whole nor reducible one to the other.”³³ It is not entirely clear how this differs in a significant way from Aquinas’s view, but that need not be parsed out at the moment. The importance of the body for Farley is all that needs to be noted.

One of the key concerns Farley expresses before articulating her norms for just love is determining what is meant by “justice.” Generally, it means rendering to others what they are due. But how is that decided? Giving others what they are due coincides “with what they *are*.”³⁴ Following this line of reasoning, Farley formulates this principle, “*Persons and groups of persons ought to be affirmed according to their concrete reality, actual and potential.*”³⁵ Persons are, however, multifaceted, and their identity is bound up with numerous levels of meaning, relationships, and realities. The complex reality of the human person includes its embodied or

³² Farley, *Just Love*, 116.

³³ *Ibid.*, 117

³⁴ *Ibid.*, 208 (emphasis in original).

³⁵ *Ibid.*, 209 (emphasis in original).

inspired existence³⁶, as well as autonomy and relationality.³⁷ These provide “obligating features” for the locus of justice in Farley’s schema.³⁸ Her concern is to ground her norms in essential features of the human person that rule out the possibility (at least on principle) of persons being treated as a means to an end. They must always be viewed as ends in themselves.³⁹ She concludes her introductory remarks leading up to her norms with the declaration that she intends her norms to respect “an embodied as well as inspired reality.”⁴⁰

Turning to Salzman and Lawler’s book on sexual ethics and anthropology, one finds a strong emphasis on a holistic understanding of the person and of the human act.⁴¹ This perspective recognizes the complexity of the individual and the acts they choose. As quoted above, such a holistic view of the person takes into account the human person in all of his or her emotional, psychological, relational, spiritual, and biological complexity.⁴² Salzman and Lawler invoke the nondualistic vision found in *Gaudium et Spes* in the chapter where they articulate their foundational principles for sexual ethics.⁴³ They attempt to flesh out what the document means by “truly human” sexual acts in a way that is more inclusive of homosexual relationships.⁴⁴

³⁶ Ibid., 210.

³⁷ Ibid., 211-213.

³⁸ Ibid.

³⁹ Ibid., 212-213.

⁴⁰ Ibid., 216.

⁴¹ Salzman and Lawler, *The Sexual Person*, 81 (which they refer to as “the human act adequately considered”).

⁴² Ibid., 88.

⁴³ Ibid., 137.

⁴⁴ Ibid., 137-38

The treatment of morality and anthropology in the writings of feminist scholars are closely related. Correcting the understanding of women within theological anthropology is the first step towards developing an ethical theory that adequately takes into account women's experiences. Feminist anthropology first and foremost attends to the issue of equality. Rather than presenting a radically new philosophical or theological anthropology that diverges significantly from the nondualist views we have been considering, the works of feminist scholars express direct concern for deconstructing dualistic influences on the Catholic tradition because of the way women were cast into a lower status than men.

The feminist scholar Michelle A. Gonzalez, for example, does not engage in philosophical debates regarding Thomistic hylomorphism and alternatives to it (such as Cartesian dualism and physicalism, as discussed above in Moreland and Rae's work). She focuses, instead, on different models of the unified view of human nature held by the Catholic Church. Referring to the work of Mary Ann Hinsdale, she notes two models of theological anthropology: "the dual-nature and single-nature models."⁴⁵ The dual-nature model emphasizes complementarity between the sexes; the gendered differences are viewed as part of God's creative design. She associates this model with "biological determinism."⁴⁶ (A view that holds onto some form of complementarity between the sexes need not succumb to biological determinism nor place women on a lower anthropological level than men, sexually or otherwise. Gonzalez is careful to point this out, drawing attention to the view of Lisa Sowle Cahill expressed in her work, *Between the Sexes*.⁴⁷) The single-nature models deemphasize the role of

⁴⁵ Gonzalez, *Created in God's Image*, 110-111.

⁴⁶110, Hinsdale being quoted by Gonzalez.

⁴⁷ Gonzalez, *Created in God's Image*, 115-116.

biology, thus removing the potential for male superiority based in a hierarchical ordering of the sexes grounded in gender roles.

Both views have been found problematic by feminist scholars, however, and some have offered alternatives. For example, Elizabeth Johnson's anthropological framework "emphasizes six elements that are intrinsic to human identity: embodiment, personal relationships, structural relationships, time and spatial context, culture, and orientation towards the future."⁴⁸ As Gonzalez progresses through the contributions of feminist scholars to theological anthropology, a pattern emerges. At the fundamental level, there is never an attempt to construct a dualistic framework. The body is consistently included as essential to the human person in the anthropological framework offered by these scholars. They always return to the concern for an egalitarian vision of the human person. The harm done by Catholic theologians in the past, particularly the way in which women are cast in the role of complementing men in a hierarchical fashion, is steadfastly avoided. Gonzalez summarizes this issue eloquently:

Unfortunately, too often Christian understandings of the sexes are grounded in a hierarchy that values men over women... Women are associated with everything that is lesser, most often the body, sensuality, and emotion. Men, in contrast, are associated with rationality and spirituality. Given that the image of God becomes more closely linked to those attributes that are connected to men, women are seen as reflecting the image of God in a deficient or defective manner. Their bodies, in particular, come to be linked to that which impedes the fullness of the image within them.⁴⁹

The task of feminist anthropology, according to the feminist theologians working on the task, is to correct the deficient understanding of women as lesser with an egalitarian framework while maintaining the goodness of the body within a non-patriarchal holistic vision of the human

⁴⁸ Ibid., 111.

⁴⁹ Ibid., 85-86.

person. As Gonzalez states, “Through their [feminist theologians] constructive work, feminists present an authentic vision of the human, one in which both male and female reflect God’s image in its fullness.”⁵⁰ This authentic vision of the human person views the body as redeemed and good, not as a detriment to human flourishing.⁵¹

The same concerns can be found in an essay on theological anthropology by Teresa Delgado. In it, she criticizes the way the Christian themes of atonement and sacrifice and have been abused in Latin American communities at the expense of women. “I will explore,” she says, “what it means to be human in the physical bodies that women inhabit, especially when the particularity of ‘woman bodiliness’ entails the religious and cultural mandate to ‘give up’ our bodies for the sake of others.”⁵² This abuse affects women in Latin America, specifically when women are given up for the sake of human trafficking and suffer HIV infection at a disproportionate rate to men as a result. This issue is Delgado’s primary concern.⁵³ She claims to be offering a new anthropology, but once again, this does not take place at a foundational or fundamental level. She isn’t offering an alternative to a nondualist anthropology such as those formulated by Aquinas or Cahill. Some of her anthropological choices are questionable at best, in my evaluation (such as the call to “resist a theology of the cross that glorifies or exemplifies the sacrificial suffering of Jesus as a means to a salvific end.”⁵⁴), but she still presents a coherent

⁵⁰ Ibid., 109

⁵¹ Ibid., 123.

⁵² Delgado, Teresa, “This is My Body Given for You: Theological Anthropology Latina/Mente” in *Frontiers in Catholic Feminist Theology: Shoulder to Shoulder* (Minneapolis: Fortress Press, 2009), 26.

⁵³ It should go without saying that treatment of women in this way is never to be justified. The redemptive power of sacrifice is central to Catholic teaching, but suffering is never to be intentionally imposed on a person against their will, even if it is supposedly for their sanctification. Retributive punishment is to be distinguished from harming the innocent in this way.

⁵⁴Delgado, “This is My Body Given for You,” 44.

vision of the human person in which body and soul are essential: “Her body...can be seen as an affirmation of God’s goodness in creation, a reflection of the image of God in the flesh. Both relationality and grace, as constitutive elements of a new anthropology, are precisely about the giving and receiving of an incarnate gift.”⁵⁵ The goodness of the body⁵⁶, as well as the need to view sexual ethics beyond the biological functions of the body, are themes consistently found in feminist moral theology and anthropological literature.⁵⁷

Turning to the views of prominent theologians from the traditionalist perspective, we find a similar emphasis on acknowledging the truth of the whole person, body and soul. Similar to Salzman and Lawler, many of these scholars appeal directly to the texts of *Gaudium et Spes*. Many traditionalists explicitly take Thomistic hylomorphism as their anthropological foundation, thus conceiving of the soul and body in a relationship of profound unity.

Rhonheimer is one such traditionalist scholar. He expounds his Thomistic views throughout numerous works, but we will focus on his work, *Natural Law and Practical Reason*. Explicitly citing Aquinas, he calls the soul the “form of the body.”⁵⁸ Furthermore, Rhonheimer says human persons experience themselves as material beings constituted intimately in their bodiliness.⁵⁹ His purpose in relation to ethics and anthropology is clear: he intends to adhere to

⁵⁵ Ibid., 46.

⁵⁶ See, for example, the collection of essays in *The Good News of the Body: Sexual Theology and Feminism*, ed. Lisa Isherwood (New York: New York University Press, 2000). Not all of the essays are from a Catholic perspective, but many are.

⁵⁷ Gonzalez, *Created in God’s Image*, 109.

⁵⁸ Martin Rhonheimer, *Natural Law and Practical Reason: A Thomistic View of Moral Autonomy* (New York: Fordham University Press, 2000), 45.

⁵⁹ Ibid., 96.

the “personal and integral anthropology and ethics of St. Thomas.”⁶⁰ Rhonheimer tries to treat the human person as a united entity in all of its dimensions within his ethical framework.

Proponents of the NNLT also participate in what I have described as the nondualist agenda. John Finnis, Germain Grisez, William E. May, Ronald Lawler, and Joseph Boyle, Jr., among others, overtly state that one objective of their work is to defend Catholic teaching on marriage and sexuality.⁶¹ In their treatment of the basic human goods that lie at the heart of their moral theory, they explain that these correspond to human nature, “Since human beings are complex creatures made up of intellects and wills, minds and bodies, emotions and convictions, it is part of human perfection to harmonize and integrate these elements.”⁶² Ethics constitute the human contribution to that project, so it is natural for ethics to recognize and reflect this integral structure of the human person. Moreover, they appeal to Pope Benedict XVI’s *Deus Caritas Est* to explain the bodily and spiritual dimension of love, which is most perfective of human beings. They quote this encyclical, which states,

man is a being made up of body and soul...[and] is truly himself when his body and soul are intimately united; the challenge of *eros* can be said to be truly overcome when this unification is achieved...[In addition] Christian faith...has always considered man a unity in duality, a reality in which spirit and matter conpenetrate, and in which each is brought to a new nobility.⁶³

The vision of the human person expressed by the former pope is that which they profess in their theological anthropology as well.

⁶⁰ Ibid., 102.

⁶¹ Joseph M. Boyle, Ronald Lawler, and William E. May. *Catholic Sexual Ethics: A Summary, Explanation, and Defense* (Huntington, Indiana: Our Sunday Visitor, 1985).

⁶² Ibid., 122.

⁶³ Pope Benedict XVI quoted in Boyle, Lawler, and May, *Catholic Sexual Ethics*, 37.

To conclude this section, let us summarize and clearly define what is meant by the nondualist agenda that I have argued is present in Catholic theological circles of every persuasion. I have sought to demonstrate that there exists a broad yet significant and foundational vision of the human person among Catholic ethicists that consists of the whole person, body and soul, emotions and intellect, experiences and relationships. While ethical theories may emphasize differently which parts of human nature should be treated in the construction of moral norms, it would be a rare occurrence to find a Catholic scholar who would seriously entertain the possibility of striking any of the facets of the person from their anthropology.

The reason for this, I would argue, is rather simple. The fact is, one would have great difficulties harmonizing overtly naturalistic or spiritualistic worldviews with Catholic and Christian understandings of creation, the Incarnation, the crucifixion, and the resurrection without ignoring or dismissing almost the entirety of the Catholic theological tradition. Thus, Charles Curran can accurately describe the situation we have been exploring in this way: “All approaches accept the same basic Catholic anthropology: the goodness and dignity of the human person, the social nature of the human person, and the goodness of the body. Human beings are good because they are created in the image of God...the human being as the image of God...has [always] been a central part of the Catholic tradition.”⁶⁴

The nondualistic anthropological standard will be employed in the examination of Catholic moral theories to determine if these systems of ethics correspond to a holistic vision of the human person. But first, more precision is needed regarding the structure of the human person. In the next section, I will explicate the ontological hierarchy within human nature.

⁶⁴ Charles Curran, *Catholic Moral Theology in the United States: A History* (Washington D.C.: Georgetown University Press, 2008), 222.

1.2.3 Ontological Hierarchy in the Constitution of the Human Person

If, as it has been argued, unified human nature consists of various dimensions or elements, how are these aspects of the human person to be treated in terms of their moral significance for ethics? Are all parts to be weighted the same when constructing a sexual ethic? I think the clear answer to this question is “no.” Salman and Lawler were quoted above, saying, “the biological is only one aspect of the person, which should not be given inordinate import in the hierarchy of being.”⁶⁵ Contained in this assertion is a recognition of the hierarchy within the human person. Some scholars – I have in mind feminist scholars in particular – might be wary of acknowledging an ontological hierarchy within a Catholic vision of the human person. This hesitancy is understandable in light of the way women were sometimes associated with the parts of human nature considered of lesser value. As Gonzalez points out, “The body is both vilified and glorified within the Christian tradition. When it is vilified, however, it is most often linked to women.”⁶⁶ Despite the validity of this concern, it is an obstacle easily overcome, at least in terms of logic and argumentation.

The simple solution is to recognize that there is no logical necessity connecting the hierarchy of being within the person and the association of women with the “lesser” dimensions of the human person. Moreover, there is nothing inherent in this argument necessitating a negative view of materiality. Given the theological progress made up until our time, we are more capable of affirming the goodness of the created world, including the human body. In fact, I would contend that we understand the lesser or lower characteristics associated with our

⁶⁵ Salman and Lawler, *The Sexual Person*, 88.

⁶⁶ Gonzalez, *Created in God's Image*, 124.

physicality in an analogous, not literal or absolute, sense, for the human body is an essential characteristic of the human person.

Let us examine the reasons for a hierarchical ordering within human nature. In the first place, human persons most closely resemble God through our intellect and will, the human faculties that grant autonomy and self-determination. It is these that grant personhood and distinguish humans from the rest of the creatures in the physical universe. According to Servais Pinckaers, this point is consistently made by the Church Fathers and also by other major figures, such as St. Thomas. Explaining Thomas's position, Pinckaers states, "The latter [free will] confers on a human being mastery over her actions and enables her to collaborate in the work of providence, for herself and for others. Following St. John Damascene, St. Thomas believes that the image of God in human beings lies precisely in their free will."⁶⁷ Free will is made possible by the intellect and will. According to Pinckaers, Aquinas places this question addressing the *imago Dei* purposefully between God's work of creation and before his treatment of human action and morality, which is understood as the human participation in his or her own return to God.⁶⁸

Technically speaking, then, the human body is not included in Aquinas's view of the *imago Dei*. This need not be a point of scandal, however. Nor does this signal a radical dualism in Aquinas's thought. Indeed, it is difficult to argue with the logic of his argument. That which distinguishes persons from mere animals is our capacity for self-determination. Again, this does not mean the human body is bad or that our animalistic natural inclinations are ordered to evil.

⁶⁷ Servais Pinckaers, "Ethics and the Image of God" in *The Pinckaers Reader: Renewing Thomistic Moral Theology*, ed. John Berkman and Craig Steven Titus (Washington D.C.: The Catholic University of America Press, 2005), 132.

⁶⁸ *Ibid.*, 132-33

On the contrary, within Aquinas's anthropological framework, the human person in its fullness is oriented to its final end and fulfillment, God. For Aquinas, the human body reflects God's likeness in certain ways but is not technically included in his definition of *the imago Dei*.⁶⁹ All of that being said, one should remember that for Aquinas, the soul is the form of the body, so the intellectual capacities never operate separately from the body.

Another fact aimed towards establishing ontological priority of the soul over the body in the human composite is that the human person can go on living without the body. According to Aquinas, this state is unnatural, but it nevertheless supports the thesis giving priority to the immaterial capacities of human nature.

Lastly, I will note that there are no serious proposals for giving the same weight to the human body along with the soul and the personal dimension of the human person within modern Catholic ethics. If anything, the trend has been moving in the other direction. This is, as I have said, the impetus for undertaking this study at all. Given all that has been said about the importance of the body for Catholic anthropology and ethics, we will see if this nondualistic anthropology has been fully integrated into Catholic moral theories.

1.3 Unintended Dualism in Contemporary Catholic Ethics

The foregoing examination of prominent thinkers in modern Catholic ethics revealed a shared concern for treating the human person according to his or her entire being, body and soul. Following the example of *Gaudium et Spes*, we saw how each of these scholars and the schools of thought they represent articulated a holistic approach to anthropology and ethics, treating the

⁶⁹ Ibid., 134-35.

person, “whole and entire, body and soul, heart and conscience, mind and will.”⁷⁰ For the rest of this chapter, I will examine the ethical methodologies taken in the revisionist school of thought, represented by Farley and Salzman and Lawler, and the proponents of NNLT, represented by Finnis, Grisez, and others. I will argue that the works examined do not stand up to the anthropological standard we have established. Though in different ways, these two approaches to ethics do not, despite their stated intention to do so, find a morally relevant place for the human body in their ethical theories. The body is, at best, accidental to their moral theology in actuality. In other words, although these scholars profess the intention to do justice to the whole human person, their ethical theories have failed to include the human body as relevant to the ethics they propose.

At the outset of this discussion, it would be wise to remind the reader that the criticism leveled here as an unintended dualism is not meant to, and surely does not, negate the importance of the works examined or the contributions made to the field by these scholars. It is my hope that the following evaluations will enable scholars to learn from these errors and make the proper adjustments to their moral systems.

1.3.1 The Revisionist School

Earlier it was noted that Farley’s own anthropological view was called Transcendent Embodiment, which includes the material dimension of human nature as essential to what it means to be human. Furthermore, she addresses this issue immediately prior to explicating her norms for just love. She says that her norms, in accordance with embodied and inspirited nature of the human person, will necessitate “respect for an embodied as well as inspirited reality.”⁷¹

⁷⁰ *GS*, sec. 3.

⁷¹ Farley, *Just Love*, 216.

Farley's framework for just love within Christian ethics contains the following norms: (1) do no unjust harm; (2) free consent; (3) mutuality; (4) equality; (5) commitment; (6) fruitfulness; (7) social justice.⁷² It is an impressive catalog of norms and is rightfully praised among Christian ethicists. The interests of this study, however, concern not whether these norms possess morally upright contents; indeed, they do. The question most pertinent to our interests is whether the human body is relevant to these ethical norms. In Farley's words, do they respect the embodied reality of the person? In short, no. Farley's norms do not incorporate the physical dimension of the human person in any meaningful or significant way.

Only one of Farley's norms is an obvious candidate for the inclusion of moral relevance for the body. That norm is the one concerning fruitfulness. Traditionalist and Magisterial formulations of sexual ethics nearly always include, as *Humanae Vitae* does, a norm stating each and every act of sexual intercourse must be, in some sense, open to procreation. Farley's norm concerning fruitfulness takes a different approach. She expands the expectation to be fruitful in a way that includes "all sexual relationships."⁷³ The fruitfulness she has in mind is capable of encompassing "all interpersonal love."⁷⁴ The claim that all interpersonal relationships should be fruitful in a broad sense of the term is not controversial. But the formulation of her norm in this way neglects any component that includes the physical dimension of the human person and thus is not specific to sexual morality. The fruitfulness imagined in Farley's work is purely spiritual.

The same evaluation applies to the other six rules. The first, do no unjust harm, is applied to sexual relationships, which, of course, involve bodily expression in a unique way that other

⁷² Ibid., 215-232.

⁷³ Ibid., 227.

⁷⁴ Ibid.

relationships do not.⁷⁵ But this does not change the fact that this norm could be applied equally to every other human relationship and could even apply to angelic beings insofar as the physical dimension of the human person plays no intrinsic part in its formulation. Likewise, the remaining five norms for just love do not treat the human body as the subject of ethics in any morally relevant sense.

It must be concluded, on the basis of the foregoing analysis, that Farley's work is unintentionally dualistic. To drive this point home, let us imagine Farley operated under a Cartesian dualist anthropology, and the body was viewed more as a temporary vessel for the soul rather than being in intimate union with it. Would this affect the formulation of Farley's norms in any way? I cannot think of any way that it would.

The Sexual Person by Salzman and Lawler is a work of great depth and sophistication. These two scholars articulate a revisionist sexual morality with more intricacy than perhaps any other. But does their treatment of the human body provide any more moral relevance than *Just Love* did?

Before examining their work according to the nondualistic anthropological standard, I would like to address one perplexing aspect of this work. In my opinion, the subtitle of Salzman and Lawler's book (*Towards a Renewed Catholic Anthropology*) and their repeated emphasis on a "sexual anthropology" (the term occurs 63 times in the book) are difficult to understand. How can one have, technically speaking, a specifically distinct *sexual* anthropology? How does it differ from a normal anthropology? This is not to deny their contribution to the field of sexual ethics, only to critique their use of these terms. I am unaware of any Catholic scholar who would deny that a person who is constituted by a body and soul also has experiences, relationships,

⁷⁵ Ibid., 216-218.

desires, etc. Their contribution, rather than being something to Catholic anthropology, is to be found in the distinctive emphases they lay on the relational and experiential aspects of the human person. They have not discovered a new dimension of the human person, but instead have only argued for the importance of some aspects of the person over others for the evaluation of moral acts. For example, their examination of complementarity does not deny that the male and female bodies are constituted in a way that makes them apt for sexual intercourse and begetting offspring. Rather, they deny that the bodily complementarity of men and women is morally relevant in any way.

Moreover, their affirmation of the anthropological vision of *Gaudium et Spes* is hardly a renewal. It has already been demonstrated that Catholic scholars espousing different ethical principles share this common vision of human nature, one where the human person is considered in his or her totality.

As has already been recounted, Salzman and Lawler's stated purpose is to formulate a sexual anthropology/ethic that does justice to the holistic view of the person. The key to understanding their position is found in their analysis of the concept of complementarity. They scrutinize and evaluate various definitions offered by the Magisterium for what it means for two people to possess sexual complementarity. They find heterogenital and reproductive complementarity lacking because, in their view, these forms include or exclude certain types of relationships in an inconsistent manner.⁷⁶ Based on the criteria for moral sexual acts, these categories cannot account for the inclusion of permanently infertile couples, but the exclusion of homosexual ones as Church teaching attempts to do. Ultimately, their foundational principle for sexual ethics is an integration of various forms of complementarity, "The foundation for our

⁷⁶ Salzman and Lawler, *The Sexual Person*, 140-145.

definition of a truly human sexual act and its moral evaluation rest, then, not primarily on heterogenital or reproductive complementarity but on the integrated relationship between orientation, personal, and genital complementarity.”⁷⁷

Near the end of chapter 4 of their book, Salzman and Lawler provide broad but absolute “holistic relation-centered norms”⁷⁸ (in contrast to act-centered norms). Their formulation is as follows:

Formal absolutes are norms that emphasize character and/or virtue in relation to acts. A formal absolute norm, for instance, might state the following: a not-truly human, abusive, dishonest, uncommitted, unjust, unloving sexual act, heterosexual or homosexual, is morally wrong; a truly human, caring, honest, committed, just, loving, sexual act, heterosexual or homosexual, is morally right.⁷⁹

The characteristics of truly human acts for these writers – honesty, love, justice, commitment – are, like Farley’s seven norms, praiseworthy, but they are not specific to acts of a sexual nature, nor do they derive their rationale from the physical dimension of the human person in any way. Like Farley’s norms for just love, this moral norm could be applied equally well to nearly any interpersonal relationship. However, this norm (or norms) does not include the human body, the physical nature of the human person, in any meaningful or relevant way despite Salzman and Lawler’s repeated assertions that their holistic anthropology and fully human sexual ethic does integrate the physio-biological aspect of the human person into their paradigm.

Beyond the quotes already used to demonstrate this, one other stands out as particularly perplexing. Shortly before presenting their formula for absolute norms, they state, “Genital complementarity is relevant in determining the morality of truly human sexual acts, but it is not

⁷⁷ Ibid., 156.

⁷⁸ Ibid., 160.

⁷⁹ Ibid.

the primary factor.”⁸⁰ In what sense, then, is it a factor? And to what degree? Can any sexual acts be ruled on positively or negatively because they lack or possess genital complementarity?

In order to make this determination, Salzman and Lawler’s definition of genital complementarity needs to be clarified. For them, genital complementarity is distinct from heterogenital complementarity, the physical type shared by men and women. Instead, genital complementarity is dependent upon the person’s sexual orientation. It can be male-male, female-female, male-female, or both male-male (or female-female) and male-female if the person is bisexual. Genital complementarity depends completely on the agents’ sexual orientation and is reducible to it.⁸¹

Based on this definition of genital complementarity, there do appear to be two scenarios in which it *could* prove relevant in rendering sexual acts not-fully human. To avoid putting words in their mouths that are not their own, it is worth quoting Salzman and Lawler at length,

The integration of holistic complementarity— that is, the integration of orientation, personal, and biological complementarity— determines whether or not a sexual act is moral or immoral. In the case of a person with a homosexual orientation, a truly human, caring, honest, committed, just, loving, sexual act will be expressed personally with male–male or female–female genitalia. In the case of a person with a heterosexual orientation, a truly human, caring, honest, committed, just, loving, sexual act will be expressed personally with male–female genitalia.⁸²

If I understand this statement correctly, sexual acts between a homosexual man and a heterosexual man or homosexual woman and heterosexual woman would not be considered fully human and, therefore, immoral, regardless of the presence of personal complementarity, love,

⁸⁰ Ibid., 159

⁸¹ Ibid., 152.

⁸² Ibid., 160.

justice, commitment, and every other virtue or quality included in Salzman and Lawler's paradigm.

However, it has already been established, according to Salzman and Lawler, that genital complementarity is completely dependent upon orientation complementarity. If orientation complementarity is present, then so will the genital. For this reason, genital complementarity is rendered completely irrelevant to all moral considerations, as is any treatment of the physical dimension of the human person within this paradigm. Contrary to their stated intention, genital complementarity is *not* morally relevant in any sense under any circumstances.

In summary, Salzman and Lawler's reduction of biological complementarity to genital complementarity, and their redefinition of genital complementarity, which makes it completely dependent upon orientation complementarity, renders the human body superfluous to consideration of the morality of sexual acts. Similar to Farley's norms, their work does not pass the Cartesian test. Their moral framework for sexual ethics would operate equally as well within an explicitly dualistic framework.

1.3.2 The New Natural Law Theorists

Germain Grisez and John Finnis launched a new interpretation of Aquinas's natural law theory in the 1960s.⁸³ They were joined by others such as Joseph Boyle, William May, Ronald

⁸³ Steven J. Jensen, *Knowing the Natural Law: From Precepts and Inclinations to Deriving Oughts* (Washington D.C.: The Catholic University of America Press, 2015) 4.

Lawler, and others in the task of developing this “new” natural law theory, as it would later be identified.

The role of the human body in the works of the NNL theorists in determining moral norms is less clear than the revisionist scholars we have surveyed. Their view of the human body (and human nature) is bound up in their theory of natural law that could be described accurately as intricate and, in places, convoluted. Natural law scholars such as Russell Hittinger⁸⁴, Pamela Hall⁸⁵, and Pauline Westermine⁸⁶ have all, using various descriptions, accused NNLT of attempting to be a theory of natural law without nature. Finnis, one of the foremost proponents of NNLT, is infamous for his comment lamenting “the rather unhappy term ‘natural law,’”⁸⁷ which has provided critics of the theory more ammunition for accusing NNLT of disregarding the normative element of human nature in natural law theory, particularly for an authentic reading of Aquinas.

The response of the NNL theorists against such accusations has been forceful and straightforward. They argue their detractors have utterly misrepresented their views and provide affirmations of the role of human nature in their theory. Take, for example, the words of Grisez in response to such criticisms,

Moral thought must remain grounded in a sound anthropology which maintains the bodiliness of the person. Such moral thought sees personal biological, not merely generically animal biological, meaning and value in human sexuality. The bodies which become one flesh in sexual intercourse are persons; their unity in a certain sense forms a single person, the potential procreator from whom the

⁸⁴ Russell Hittinger, *A Critique of the New Natural Law Theory* (Notre Dame: University of Notre Dame Press, 1987).

⁸⁵ Pamela M. Hall, *Narrative and the Natural Law: An Interpretation of Thomistic Ethics* (Notre Dame: University of Notre Dame Press, 1994).

⁸⁶ Pauline C. Westerman, *The Disintegration of Natural Law Theory*.

⁸⁷ John Finnis, *Natural Law and Natural Rights* (New York: Oxford University Press, 1980), 374.

personal, bodily reality of a new human individual flows in material, bodily, personal continuity.⁸⁸

Moreover, May and Finnis both have said the basic human goods that are perfective of human persons would be different if human nature was different than it is.⁸⁹ It is clear, therefore, that these scholars not only intend for their ethical norms to accurately reflect human nature, but they believe their norms are, in fact, informed by it. At the same time, however, it has already been noted how the NNL theorists are wary of associating their paradigm too closely with “nature.”

What this means for the physical dimension of human nature, however, is unclear. In order to elucidate their view, I will focus primarily on two works, *Natural Law and Natural Rights* by Finnis, and a collaborative work, *The Teaching of Humanae Vitae: A Defense*, by John Ford, Grisez, Finnis, Boyle, and May.

In *The Teaching of Humanae Vitae*, these scholars describe the moral failing, in their view, of contraception in this way,

Even when based on good reason, the contraceptive choice by its very definition is contralife. It is a choice to prevent the beginning of the life of a possible person. It is a choice *to do something*, with the intent that the baby not be, as a means to a further end: that the good consequences of the baby’s not-coming-to-be will be realized and the bad consequences of the baby’s coming to be will be prevented.⁹⁰

The contralife will is evident when one intends to prevent a person from being created, and this is evil because it goes against the human good of life, one of the NNLT’s self-evident basic

⁸⁸ Quoted by May in *Aquinas and the Natural Law Tradition*, 147.

⁸⁹ *Ibid.*, 151.

⁹⁰ John Ford, Germain Grisez, Joseph Boyle, John Finnis, and William May, *The Teaching of Humanae Vitae: A Defense* (San Francisco: Ignatius Press, 1988), 356.

human goods.⁹¹ The question remains, though, as to how the basic human goods are derived. In other words, what is the foundation for these goods (in the case of contraception, life)?

In *Natural Law and Natural Rights*, Finnis provides answers to this question. In regard to the role of human nature as a foundation for moral principles, he says, “Thus it is simply not true that ‘any form of a natural-law theory of morals entails the belief that propositions about man’s duties and obligations can be inferred from propositions about his nature.’”⁹² This reflects one of the primary concerns of the NNLT – perhaps the chief reason for its conception – the concern not to violate the naturalistic fallacy by deriving an ought from an is. Human nature is the primary fact NNLT attempts to avoid deriving moral precepts or obligations from. One cannot, then, observe or recognize God’s design, intention, or purpose in the natural inclinations that accompany human nature and reason to moral norms from them. Moral precepts stem from the first principles of practical reason. According to Finnis, “They are not inferred from speculative principles...not...from facts... not...from metaphysical propositions about human nature...nor are they inferred from a teleological conception of nature. They are not inferred or derived from anything. They are underived (though not innate).”⁹³ Moreover, Finnis claims that Aquinas held this view as well. According to him, Aquinas viewed nature as a mere “speculative appendage” to moral theory.⁹⁴

For NNLT, the principles of practical reason that form the basis of human morality cannot be inferred from anything. They are not inferred from a set of theoretical (i.e., understood

⁹¹ Finnis, *Natural Law and Natural Rights*, 124.

⁹² *Ibid.*, 33.

⁹³ *Ibid.*, 34.

⁹⁴ *Ibid.*, 37.

by the speculative reason) facts. Instead, the principles are experienced, according to Finnis, “from the inside, in the form of one’s inclinations.”⁹⁵ For this reason, Finnis says Aquinas would agree that the goods the practical reason natural comprehends and seeks would be different if our nature were different.⁹⁶ Grisez does as well. He indicates this when he says that “our understanding grasps in the inclinations the possibilities to which they point.”⁹⁷ The principles are derived non-inferentially through one’s inner experience of his or her natural inclinations. Though NNLT rejects natural teleology as a source for deriving or inferring principles of the natural law, it recognizes the role of human nature in the natural law as providing an ontological foundation, not an epistemological reference for deriving the rightness and wrongness of moral acts.⁹⁸

Finally, to what role can we ascribe the body in their moral theories? Without a doubt, it has anthropological and personal significance in their theory, but the insistence of the epistemological independence from human nature causes difficulty in evaluating the moral relevance of the body in their work. It seems these scholars reject the ethical relevance of the body for their moral theory for fear of committing the naturalistic fallacy. They do not appear to *want* their theory to be dependent upon the natural inclinations, including those accompanying the human body and its material nature. However, their theory would be foundationless without it. In this sense, they are attempting to have their cake and eat it too. In a stringent attempt to

⁹⁵ Ibid., 440.

⁹⁶ Ibid., 34.

⁹⁷ Germain Grisez, quoted by Janet E. Smith, *Humane Vitae: A Generation Later* (Washington, D.C.: The Catholic University of America Press, 352 fn 35).

⁹⁸ Jensen, *Knowing the Natural Law*, 14.

avoid the charge of physicalism and navigate the naturalistic fallacy, the NNL theorists have constructed their theory with some level of cognitive dissonance.

Ultimately, it seems NNLT is not unintentionally dualistic but is rather begrudgingly holistic. The theory cannot maintain internal coherence without relying upon the ontological facts of human nature and natural inclinations. The natural inclinations point to some possibilities, and this is meaningful, presumably, because God's design is morally significant. But they have also tried to distance themselves from the metaphysical significance of God for establishing the first principles of their moral theory because that would, supposedly, provide another "is" from which "oughts" are derived. NNLT finds itself in the odd place of insisting the first principles of the theory do not rely on anthropological (or metaphysical) knowledge out of fear of committing the naturalistic fallacy, and yet the entire theory rests upon an understanding of the human person and inclinations that point to certain ends, ends which allow us to know what the basic goods are. The NNL theorists try to make the body only *ontologically* relevant, but it is, in fact, *morally* relevant in a convoluted way.

That being said, this theory will receive further examination in later chapters. Moreover, the impetus for NNLT will be greatly weakened if one can, in fact, derive an ought from an is without committing a logical fallacy. So, the question to be considered in chapter four will bear heavily on this subject.

1.4 Conclusion

As Catholic moral theology emerged from the manualist era, there was a greater emphasis on the goodness of both the body and sexuality. And yet, simultaneously, Catholic ethicists began to frantically disassociate their work from the error of "physicalism" and the

biological aspects of the human person. The more important the human body and sexuality became for the human person, the less relevant it became for moral theology, particularly in the revisionist tradition. Scholars such as Charles Curran and Richard McCormick (among others) led the revisionist march away from traditional natural law theory and its physicalist components. One of the foremost complaints levied against the moral theologies of the manualist era, the newer traditionalists, and the Magisterium is that of physicalism. They think the human body and its functions are given too much weight in these moral theories. It makes sense, then, that the ethical works stemming from the revisionist tradition, as we saw with Farley and Salzman and Lawler, cannot find a morally significant place for the human body in their works. They recognize the goodness of the body and profess the intention of taking the embodied state of human persons seriously in their respective moral theologies, but they fail to include the physical dimension of the human person in a morally significant way.

In response to both the physicalism of the manuals and the rise of the revisionist school of thought, traditionalist ethicists also attempted to move away from the errors of physicalism. As we saw, NNLT attempted to do this by constructing a theory of natural law that avoided the naturalistic fallacy by asserting the independence of practical reason from any metaphysical or anthropological considerations. According to this theory, the derivation of the first principles of morality cannot rely on human nature for their reference point without committing the naturalistic fallacy.

In this first chapter then, we have established the nondualist anthropological standard and seen how the revisionist school and NNLT stand up to it. Revisionist moral theologies do not have a relevant role for the material component of the human person. NNLT, on the other hand, has tried to distance itself from human nature so as not to be dependent on it but ultimately fails

to do so. In the next chapter, we will explore theories of human action and their relationship to this issue. Action theory does contain a physical component in the sense that all human action is a bodily act of the entire human person. The focus, then, will not be solely on the external act, but rather on the ways in which accounts of human action manifest a unitive view of the person and his or her action.

Chapter 2

Anthropology and Action Theory: Overcoming Dualistic Moral Analysis

Morality is a characteristic of human *action*. That means, in the final analysis, a characteristic of the human *will*, which becomes “incarnated” in an external action, or which, if only an inner act, does not become manifest on the outside.

- Martin Rhonheimer, *Natural Law and Practical Reason*, 328

So, the acting human subject is always a body-spirit-*unity*: Human acts are not *either* spiritual *or* bodily acts; nor are they acts of a spiritual substance that makes use of a body as its ‘instrument’. Human acts are always, although in different ways, acts of body *and* spirit *co-operating*.

- Martin Rhonheimer, “Contraception, Sexual Behavior, and Natural Law,” 13

2.1 Introduction

In the previous chapter, it was discussed how, for Aquinas, the *imago Dei* is primarily located in a human being’s intellect and will. The body is included in the *imago* in the sense of “likeness.” The intellect and will do not come into being or operate apart from the body, but they are, properly speaking, the aspect of the human person which most closely reflects God. It is in the free and deliberate action of human beings whereby we move towards good or evil, closer to God or further away from Him. The ends to which our acts are ordered are constructed by the practical reason. Possible states of affairs are perceived as good, and various means for achieving

the desired end(s) are deliberated upon, with one being chosen and carried out in action. The end sought by the acting subject is that which is *intended*. Moral acts are always, then, intentional action. And that which is intended – aimed for morally by the agent – is decisive for determining the moral goodness or badness of moral acts.

Catholic moral theologians, both revisionist and traditionalist, are in agreement on the intentional nature of human moral acts. Differences are made apparent, however, when one attempts to describe how to determine *what precisely* is intended when a person performs an action. In other words, what is the proper description of what one is doing in the moral (intentional) sense? From the observer's vantage point, the purpose of a person's human action is not always obvious. Take, for example, a surgeon removing a kidney from a live organ donor. The kidney will be put on ice and shipped to another hospital, where it will be transplanted into a person in need of a healthy kidney by another surgeon. What act does the first surgeon perform? Is his, properly speaking, an act of kidney removal? Is it an act of organ transplantation (even though he is not the one doing the transplanting)? From the position of an observer, it is impossible to know.

Or take another example where more is at stake. Paul Touvier, a French Nazi collaborator, executed seven Jews because he and his commanding officer knew the Gestapo commander had planned to kill one hundred. At their trial, he and Werner Knab, his commanding officer, argued: “that *what they did in reality (the morally relevant ‘object’ of their doing) was not kill seven Jews, but save the lives of ninety-three of them.*”¹ Is that claim true? Would their act of shooting those seven people most accurately be described in the moral sense

¹ Martin Rhonheimer, “Intentional Actions and the Meaning of Object: A Reply to Richard McCormick” in *The Perspective of the Acting Person: Essays in the Renewal of Thomistic Moral Philosophy* (Washington, D.C.: Catholic University Press, 2008), 78 (emphasis in the original).

as “saving ninety-three lives”? In that case, the killing of the seven innocent people would not fall within their intention; it would fall outside of their intentional action. Or, on the other hand, would it be more accurate to say that by killing the seven, they intended their deaths for the sake of – as a further intention or motive – saving the other ninety-three? Under the former description of the object, the action would be morally acceptable, but under the latter, it would be morally wrong.

Action theory, therefore, is crucial for one’s moral methodology. It lies at the heart of ethical reasoning. If theologians are not even capable of defining *what constitutes moral choice itself*, then the entire enterprise of moral theology is hopeless.

One might wonder how action theory is relevant for the topic at hand. Why address the theory of human action in a work considering the moral relevance of the human body? There are at least two reasons. In the first place, human action, properly defined, always involves (a) deliberation and (b) execution, corresponding to internal and external activities, respectively. The first takes place through inner self-dialogue using our rational faculties, faculties that distinguish the human (rational) soul from every other earthly creature. The resulting choice is then manifested in some form of external bodily act. Therefore, every single morally relevant choice humans make and carry out reflects the anthropological unity of the human person as body and soul. What’s more, the way one defines the relationship between moral deliberation and action reveals a great deal about that person’s anthropology. Understanding a theologian’s action theory will go a long way towards understanding their true views of the human person.

Second, the beginnings of the revisionist school took place in the context of debates about action theory. These debates were concentrated primarily around the issue of contraception in the beginning, but the same reasoning was also applied to every other moral issue because

action theory undergirds all moral analysis. It is in the moral methodology developed by the early revisionist thinkers – often called consequentialism or proportionalism – that continues to inform revisionist thinkers today, such as Salzman and Lawler and Farley, whose works we examined in the first chapter.

The primary purpose of this chapter is to demonstrate that the proportionalist/revisionist way of analyzing and describing human action is dualistic. This, it will be argued, will get to the root cause of the unintended dualism found in many modern works of Catholic ethics. This task will help explain why the body is irrelevant for the vast majority of Catholic theologians and ethicists today; namely, because the revisionist understanding of human moral action was accepted nearly across the board. Moreover, by presenting a non-dualistic theory of human action, developed by Aquinas and recently re-explored by Rhonheimer and Kaczor, we will have taken the first steps in overcoming the irrelevance of the human body for Catholic ethics.

2.1.1 Dualistic Action Theory

In the previous chapter, we saw that the human body does not inform the work of revisionist ethicists in any morally relevant way. The body contributes nothing to the theological and ethical analysis of an act as either good or bad. In fact, revisionists believe that any attempt to find moral meaning from the body results in the error of physicalism, a topic that will be explored in the following chapter. In action theory, however, one does not seek the relevance of the body in the same manner. This mode of analysis concerns the very structure and description of the moral act. Only after one can accurately describe that which is chosen in human action (i.e., the content of the object of action) can we begin to discuss the body's moral relevance in the other sense. Action theory precedes the kind of moral relevance discussed in the first chapter.

What is of interest in this chapter is the attitude taken towards the human body in the description of human acts. Is it treated as a mere vessel or instrument that the person acts through? Or is the acting subject properly considered a body-soul unity? As Rhonheimer describes it, “Human acts are not *either* spiritual *or* bodily acts; nor are they acts of a spiritual substance that makes use of a body as its ‘instrument.’ Human acts are always, although in different ways, acts of body *and* spirit *co-operating*.”² Though not a simple task, the purpose of this chapter is to describe the proper relationship between the intentional content of action – acts are subject to moral evaluation to the extent that they are intentional – and the effecting or physical manifestation of that choice in action. In other words, a unified action theory will not allow the intention to be radically separated from the physical action itself.³

To demonstrate what I mean, consider a situation where John knowingly and intentionally points a loaded gun against the head of Harry and pulls the trigger, killing him. In a unified action theory, I contend that one should never be able to claim that the death of Harry was outside of the intentional element of action (the object) of John. To be clear, “John shot Harry in the head” is not a complete description of the action, and this action could still be judged as good or evil depending on what the proper description of the action is. The point I am making is that an accurate description of the object of the act cannot exclude the death of Harry. This will be explored later in this chapter. It is sufficient to say for now that a unified action theory will not separate the basic intentional element (object) from the physical activity in a way that separates the intention of the will from the act performed.

² Martin Rhonheimer, *Ethics of Procreation and the Defense of Human Life* (Washington, D.C.: Catholic University of America Press), 72.

³ The difficulty of this kind of language rears its head again. When I speak of a “physical action,” it is meant to be understood as one aspect of the unified body-spirit act that is analyzed or referenced separately, even though it never occurs separately in truly human (moral) acts.

Lastly, it should be noted that the conclusions reached through a particular form of ethical reasoning are not primarily what I am concerned with. Sometimes the revisionist and traditionalist schools are in agreement on moral determinations. For example, revisionist theologians are famous for denying the existence of intrinsically evil acts. At the same time, however, they unequivocally state that rape can never be justified as morally good in any situation.⁴ It is an obvious good that all Catholic moral theologians can agree on this. That does not mean, however, that the means by which they arrive at such conclusions are all created equal. Therefore, the evaluation of moral action theories as unitive or dualistic will not ultimately depend on the conclusions reached by these theories, but the form their argumentation takes.

2.1.2 The Basics of Thomistic Action Theory

Before getting to the heart of this chapter, it will first be helpful to recount the basic distinction Aquinas makes between “human acts” and “acts of a human.” These concepts lie at the heart of ethical reasoning in the Catholic tradition and are agreed upon, at least in theory, by all contemporary Catholic scholars.⁵

Despite the shifts in emphasis in moral theology since Aquinas, Christopher Kaczor argues that Aquinas’s account of *human action* is the central item of his moral theory, not law, conscience, duty, or even virtue.⁶ Kaczor writes, “The *Prima secundae* begins in its prologue

⁴ Richard McCormick, “Some Early Reactions to Veritatis Splendor,” *Theological Studies* 44 (1994) 487. <http://cdn.theologicalstudies.net/55/55.3/55.3.3.pdf> (accessed September 8th, 2017). I am unaware of any exceptions to this.

⁵ Kaczor’s helpful summary of this topic will be employed, but see also Salzman’s account if it as well. Todd Salzman, “The Human Act and its Moral Evaluation in the Catechism of the Catholic Church,” in *Ethics and the Catechism of the Catholic Church* (United States: University of Scranton Press), 63-65.

⁶ Kaczor, Christopher Robert, *Proportionalism and the Natural Law Tradition* (Washington, D.C.: Catholic University of America Press, 2002), 45.

with a quotation from St. John Damascene, ‘Man (*homo*) is made in the image of God.’ Just as God acts freely, so also the image of God, having free choice, is the source of his or her own works, having dominion over personal acts.”⁷ As already noted, this ability to choose and act freely is what distinguishes humans, rational animals, from all other creatures who possess materiality. Kaczor articulates the same point like this: “God’s providence works in the lives of men and women through their reason and will.”⁸ This insight is what causes Thomas to distinguish between “human acts” and “acts of a human.” Human acts are those that proceed from deliberate and free acts of the will. One acts because a perceived good is set before the will by the intellect and is pursued in action.

Acts of a human, conversely, are precisely those that are not willed and therefore are not subject to moral evaluation at all. Acts, processes, or functions that are not free and deliberate, though they are attributable to human persons, *cannot* be moral by definition. These kinds of acts include physical processes like digestion, circulation, and the beating of the heart.⁹

Kaczor notes that some acts viewed only in their physical description, such as “breathing,” could be an act of human or a human act depending on the circumstance, “When a person breathes helium to alter her voice, *this* breathing is a human act. Other times, such as during sleep, her breathing is an act of a human.”¹⁰ Similarly, if a baby kills someone by

⁷ Ibid., 45-46.

⁸ Ibid., 46.

⁹ These are undoubtedly vital and essential for human life and even for what it means to be human, but these are not *unique* to humans. Other animals share in these “acts.” Recall the distinctions made in the first chapter concerning the ontological hierarchy within human nature.

¹⁰ Kaczor, *Proportionalism and the Natural Law Tradition*, 47.

knocking a hairdryer into a bathtub, there is a reason the child would not be charged with a crime. It is because the act was not freely and rationally chosen.

Moreover, acts perpetrated against an unwilling party are not attributed to them as sins. If a married woman is raped, she has not committed adultery, nor would an unmarried woman be a fornicator. Kaczor says, “For Augustine, ‘There cannot be sin if there is not voluntariness.’ In Thomas’s language, the intercourse, on her part, was not a human act.”¹¹ Moral acts must proceed from reason and will. Therefore, if one unknowingly acts – assuming the ignorance is invincible – or does not do it freely, then it is not a moral act.

This distinction between human acts and acts of a human will be important for the analysis when the definition of the object of human action is examined.

2.2 Revisionist Moral Methodology

It has been over fifty years since Peter Knauer published perhaps the most significant and influential essay in Catholic moral theology of the twentieth century. In 1965, Knauer’s article, “The Hermeneutic Function of the Principle of Double Effect,” made public a moral theory focused on “proportionate reason,” the concept at the heart of what would eventually be called Proportionalism.¹² The essay brought this theory, which was just beginning to be explored among Catholic ethicists in the 1950s and 60s, seemingly to the forefront of the minds of theologians in the Church. Following the release of Knauer’s paper, proportionalist theory would sweep its way through the Catholic intellectual world and become the preferred form of moral

¹¹ Ibid.

¹² Knauer, Peter, “The Hermeneutic Function of the Principle of Double Effect,” in *Proportionalism: For/Against*, ed. by Christopher Kaczor (Milwaukee: Marquette University Press, 1999), 25-59.

evaluation among Catholic ethicists, specifically amongst revisionist theologians, up until and including the present.

For this reason, Knauer's essay will be examined along with other influential publications by Joseph Fuchs, Louis Janssens, and others. The works of these scholars formed the foundation of proportionalist theory by crafting an expanded understanding of the object of human action.

2.2.1 Knauer, Fuchs, and Janssens on the Importance of Proportionate Reason

Prior to Knauer's essay, "The Hermeneutic Function of the Principle of Double Effect," double-effect reasoning was only employed by Catholic ethicists for extremely difficult moral cases. When an act had both a good and bad consequence, such as the removal of a cancerous uterus containing an unviable human fetus, the principle of double effect was used to determine whether the act is ethically permitted despite having a bad effect. In the case of the cancerous uterus, is the death of the fetus an acceptable consequence in this situation? This is determined by applying four criteria. Joseph Mangan sums up the Principle of Double Effect (PDE) this way,

A person may licitly perform an action that he foresees will produce a good and a bad effect provided that four conditions are verified at one and the same time: 1) that the action in itself from its very object be good or at least indifferent; 2) that the good effect and not the evil effect be intended; 3) that the good effect be not produced by means of the evil effect; 4) that there be a proportionately grave reason for permitting the evil effect.¹³

To continue with our example, the PDE has traditionally been applied to the cancerous uterus dilemma in the following way. Since the uterus is cancerous and not healthy, the removal of it

¹³ Mangan, Joseph T., *An Historical Analysis of the Principle of Double Effect*, <http://cdn.theologicalstudies.net/10/10.1/10.1.2.pdf>, 43 (accessed September 5th, 2017).

can rightly be called the object of the act, so the first criterion is met. The removal of a diseased organ is good or indifferent. The second standard refers to the remote intention or motive. As long as the acting subject removes the uterus *in order to* save the life of the woman and not for the purpose of killing the unborn child, then this standard is met. Is the evil effect a result of the good effect? In other words, is the death of the child that which restores health to the mother? No, it is the removal of the diseased organ, not the death of the child, that restores the health of the woman. Therefore, the third criterion stands. Lastly, the loss of human life, the evil effect, must be equivalent to the good effect that is accomplished. In this case, the life of the mother that would otherwise be lost due to cancer is comparable to the bad effect.

This analysis demonstrates how Knauer, Fuchs, and other moral theologians from the mid-twentieth century would have been trained to apply double-effect reasoning. The novelty¹⁴ introduced by Knauer is his contention that the moral reasoning employed by the PDE can be reduced to the fourth criterion alone, proportionate reason, and that it is not limited to rare and difficult cases. Rather, for Knauer, moral evil “consists in the last analysis in the permission or causing of a physical evil which is not justified by a commensurate reason.”¹⁵ In fact, the principle of proportionate reason turns out to be, according to him, “*the fundamental principle of all morality*.”¹⁶ It turns out that, according to Knauer, commensurate reason has to be applied to every moral situation in order to determine whether it is good or evil.

¹⁴ Make no mistake, Knauer’s application of the proportionate reason principle is new. It was not anticipated by Aquinas or any other Catholic ethicist prior to Knauer’s time, despite claims made by him and other revisionist theologians. See Patrick Tully, *Refined Consequentialism: The Moral Theory of Richard A. McCormick* (New York: Peter Lang, 2006), 47ff.

¹⁵ Knauer, “The Hermeneutic Function of the Principle of Double Effect,” 26.

¹⁶ *Ibid.*, (emphasis added).

Why, for Knauer, is proportionate reason the fundamental principle for ethics? Recall that double-effect reasoning was traditionally applied to situations in which there was both a good and bad effect. It was tolerable to cause the bad effect if the object was good or neutral, the bad effect was not intended, and if the good effect was comparable to that which was lost. According to Knauer, however, *every* choice we make carries with it good and bad consequences. He says, “Every human act brings evil effects with it. The choice of a value always means concretely that there is denial of another value which must be given as a price in exchange.”¹⁷ Kaczor sums up Knauer’s position in this way, “Since every act is necessarily an omission of goods that could have been realized, the non-realization of these goods is a premoral evil. Each and every action, then, is governed by double-effect reasoning.”¹⁸ Knauer’s elevation of the principle of proportionate reason follows logically from his view that every act involves premoral goods and evils.

What, then, happens to the four conditions of the PDE? For Knauer and the revisionists who would follow him, the first three conditions collapse into the fourth. If all acts cause (by omission or commission) premoral evils and goods, then the first condition becomes unnecessary. It cannot be determined to be morally good or evil until the premoral values have been weighed, which takes place under the fourth condition. The second and third conditions rely on an account of intention. However, “It is Knauer’s account of intention that allows him to reduce the second and third conditions to the fourth: proportionate or commensurate reason.”¹⁹ Put another way: acts chosen by humans are moral insofar as they are intentional. For Knauer,

¹⁷ *Ibid.*, 37.

¹⁸ Kaczor, *Proportionalism and the Natural Law Tradition*, 30.

¹⁹ *Ibid.*, 31.

what one intends in any given action is determined *by the weighing of* premoral values and disvalues. “I say that an evil effect is not ‘directly intended’ only if there is a ‘commensurate ground’ for its permission or causation.”²⁰ Patrick Tully summarizes the point like this, “...if an agent pursues a good in a manner that promises to cause evil which is disproportionate to that good, then one must judge this evil to have been intended by the agent, and this intention of evil makes the act morally wrong.”²¹ If the premoral evil caused in an act outweighs the premoral good, then it is the evil that is intended, and vice versa.

This account of intention was truly revolutionary. Intention no longer depended on judgments made by the practical reason concerning means and ends. Means became understood to be merely the causation of premoral goods and evils. Knauer states that one may “psychologically” intend something – a premoral evil like the death of a fetus – without *morally* intending it.²² What traditionally would have been described as a morally evil means towards achieving some good end could now be said to be only psychologically intended. According to Kaczor, “The moral intention here is not defined in terms of the agent’s practical reasoning, the means chosen to achieve various chosen ends. This phenomenon is merely psychological. Instead, the presence or absence of commensurate reason will determine what one morally chooses, what one intends morally.”²³ Proportionate reason, for Knauer, determines one’s intention.

²⁰ Knauer, “The Hermeneutic Function of the Principle of Double Effect,” quoted in Tully, *Refined Consequentialism*, 48.

²¹ Tully, *Refined Consequentialism*, 47.

²² Kaczor, *Proportionalism and the Natural Law Tradition*, 32.

²³ *Ibid.*

Prominent moral theologian Joseph Fuchs continues the analysis begun by Knauer in his work on moral norms and the possibility of intrinsically evil acts. According to Tully,

Fuchs's 'The Absoluteness of Moral Terms' is significant in that it presented an engagement of Knauer's position on commensurate reason as the criterion for morally assessing acts, with the Catholic moral tradition's set of exceptionless material moral norms. In doing so, Fuchs indicated the sort of norms that proportionalist thought would and would not support. Fuchs maintained that only formal norms, not material ones, may be genuinely exceptionless, since a formal norm includes what a material norm leaves out, viz., a judgment of the agent's intention.²⁴

An example of a formal norm that would always hold in all times and places would be "do not murder." According to Fuchs and other revisionist thinkers, the illegitimacy of the moral act is already included in the description. For Fuchs, the issue of *what actually constitutes* murder still needs to be established. To state that murder is morally wrong is axiomatically true because it is defined as the unjust killing of a person. But since "unjust" is already included in the description of the act, one must still examine the act in its concrete circumstances in order to know if it is moral or not. "Thou shall not commit murder" is an example of a formal norm that is always intrinsically evil. But this formal norm cannot be applied to all moral acts *a priori* because circumstances could arise that might allow for the realization of premoral values that would not be commensurate under other conditions.²⁵

Like Knauer (and the entire tradition before them), Fuchs argues that the agent's intention determines the morality of the act. "When...is man in his action (morally) good? Must not the answer be: When he intends and effects a human good (value) – in the premoral sense, for example, life, health, joy, culture, etc....but not when he has in view and effects a human non-

²⁴ Tully, *Refined Consequentialism*, 52.

²⁵ *Ibid.*, 55.

good, an evil (non-value) – in the premoral sense, for example, death, wounding, wrong, etc.”²⁶

The question then becomes, what does he mean by intention? It turns out that he follows Knauer in this as well. He says, “if the realization of the evil through the intended realization of the good is justified as a proportionately related cause, then in this case only good was intended.”²⁷ Again, the fundamental criteria for ethics according to these thinkers is to be found in proportionate reason.

It would be a mistake, in Fuchs’s view, to understand his (or Knauer’s or any other proportionalist’s) position as one that violates the traditional ends-means principle, that one may do evil in order to achieve good. He unequivocally denounces that view. This claim needs to be understood in light of his view of intention and proportionate reason’s determinative role. For example, traditionalists understand the prohibition against doing evil to accomplish good in a different way. Traditionalist scholars would argue that the object itself can be understood as good, evil, or indifferent *prior* to analyzing whether the good and bad consequences of an act are proportionate. This is because they view the object as already containing an intentional element. In this way, they would say, for example, that the intentional killing of an innocent person is evil, regardless of the other consequences beyond the death of the person. Fuchs, on the other hand, would not be willing to evaluate the death of the person killed apart from the other consequences of the act. Since the death of the individual is only a premoral evil, we cannot know if it is wrong to cause that evil without knowing all of the circumstances and consequences (the possible premoral goods that are caused as well). For Fuchs, then, the means (killing of the innocent person) cannot be known to be intended until every consequence of the act is properly

²⁶ Ibid., 53

²⁷ Ibid.

understood and the good and evil effects are judged to be commensurate or not.²⁸ It is within this framework that we should understand the compatibility of (1) the rejection of intrinsically evil acts and (2) the affirmation that evil means cannot justify good ends within a revisionist ethical methodology.

Looking at Fuchs's treatment of suicide serves as an elucidating example. According to Fuchs's proportionalist methodology, the material norm prohibiting the intentional killing of oneself (and others) does not address the intentionality present in the act of suicide. The loss of human life, even one's own, is only a premoral evil. Therefore, circumstances could arise when the premoral evil of death might not be greater than the premoral good to be achieved in the act of suicide. "Is there meanwhile no life situation that might justify suicide, as for example, the only means of preserving a state secret...?"²⁹ Presumably, this state secret would lead to a greater loss of life in the long run if it was divulged to the enemy; otherwise, the balance between the premoral good and evils would not be proportionate.

The esteemed scholar Louis Janssens furthers proportionalist analysis of moral action in his 1972 essay, "Ontic Evil and Moral Evil." Janssens's work will help us understand the meaning of proportionate reason. Is it merely the weighing of good and evil values? Not quite. For Janssens, Knauer was correct in his position that all human acts cause at least some premoral evil. That is part of the limitation of human action.³⁰ He concluded that actions cannot be considered immoral simply for causing premoral evils, otherwise it would be impossible to act morally. Like Knauer and Fuchs, he concluded that one is justified in causing/allowing premoral

²⁸ Christopher Kaczor, *Proportionalism and the Natural Law* (Washington, D.C.: The Catholic University of America Press, 2002), 19.

²⁹ Tully, *Refined Consequentialism*, 55.

³⁰ *Ibid.*, 56

evil “if one is seeking to realize a good, and if there is a due proportion between the evil in question and the good being sought.”³¹ The ontic evil, therefore, can never be willed as a means to the end. But how does one know if it is willed?

Since the very object of morality is to promote the truly human growth of the individual and the social communities, it is bad to will ontic evil which obstructs this growth. And this happens from the moment we bring about or tolerate more ontic evil than is necessary to make our actions into effective actions. If our actions contain more ontic evil than they must have to be the proper means, they are not ordered properly to the goals of man and Society. Consequently, they are immoral.³²

Is proportionate reason, then, reduced to the mere weighing of premoral goods and evils? It would seem so. However, Janssens introduces another seemingly different criterion for judging acts. He states that an act is proportionate if there be “no intrinsic contradiction between the means and the end may be found in the total act when the act is placed in the light of reason. Put into terms of the philosophy of values, this means that the means must be consistent with the value of the end.”³³ But this only leads to further questions. What does an “intrinsic contradiction” between the means and end look like? What does this mean? The example he provides to clarify the meaning of this phrase reveals that, again, the preeminent principle in ethics is proportionate reason. He says that stealing, taking from another against their will, causes premoral evil for the victim. If the item stolen is used to “enrich” the thief, then the act is immoral. Personal enrichment does not justify violating the right of ownership. If, however, the thief takes the item in order to relieve “utter misery,” then there is no contradiction between the

³¹ Ibid., 57

³² Janssens, “Ontic and Moral Evil,” *Louvain Studies* 4 (1972), 150.

³³ Tully, *Refined Consequentialism*, 57.

means (theft) and the end of relieving misery. “Reason” determines this in some vague way.³⁴

The point is that the value of saving a life from starvation (or some other misery) outweighs the premoral value of the right to ownership. It turns out, then, that an inner contradiction exists in the act if the value of the end sought is not proportionate to the evil means used to achieve the end.

In summary, according to proportionalism, in order to understand what is willed or intended by the acting agent, one must weigh the premoral goods and evils that would result from human action. If the act that is chosen will result in a greater amount of premoral/ontic goods, then what is willed – the object of the act – is morally justified. Revisionists, therefore, deny the existence of intrinsically evil acts on the material level. Formally, yes, intrinsically evil acts exist; but that only means that the analysis of proportionate reasoning has been completed and it is found that the evil consequences are disproportionately greater than the good sought.

2.3 The Object of Moral Action and the Reaction to *Veritatis Splendor*

The novel moral analysis provided by Knauer and the other revisionists was very controversial. However, by the 1990s, their proportionalist framework was firmly established in the revisionist school. Traditionalist scholars engaged in scholarly debate concerning the merits and accuracy of proportionalist reasoning, but the Magisterium had yet to weigh in on this highly

³⁴ “What ground underlies this different moral evaluation? Reason is fundamentally ordered to truth (appetitus veri). Given that I am sure that I have evidence of something or that it seems to me that I have it (because I can be mistaken in good faith). I cannot but register this evidence cognitively even when it concerns a truth which displeases me or which interferes with my own profit or pleasure. Reason is disinterested. Thomas calls it a *facultas liberelis*. It submits itself necessarily and gratuitously to the truth which it embraces as evidence or as something which has all the appearances of evidence. It affixes to the truth the strictest connotation of necessity, absoluteness and universality so that it rejects any suggestion of a negation of itself. When it is obvious to me that I, the subject of the whole action, use a means which is the negation of the value (or the principle) I am affirming in my idea of the end, I am forced to be aware of this contradiction. This contradiction is the source of my feelings of guilt: the awareness of the inner disunity of the subject which has turned its free will against its rational understanding when it aimed at an end it could not rationally sanction or when it used a means by which it negated the value it affirmed by the end.” Pg. 143

technical debate. That is until John Paul II released his 1993 encyclical, *Veritatis Splendor*. It sparked debate and rekindled discussion over the proper meaning of the object of the moral act in Catholic ethics. In the encyclical, the former pope criticized “teleological ethical theories,” proportionalism and consequentialism. Most significantly, he accused these theories of trying to justify “deliberate choices of kinds of behavior contrary to the commandments of the divine and natural law.”³⁵ Revisionist theologians saw this as a slanderous accusation.³⁶ As we have already seen, they do not view their position as one which tries to justify immoral means for the sake of good ends. Rather, within the proportionalist system, the means (pre-moral/ontic evil) is not morally intended if there is a proportionate reason for permitting the causing of the pre-moral evil. This is why Richard McCormick wrote, “In brief, the encyclical repeatedly and inaccurately states of proportionalism that it attempts to justify morally wrong actions by a good intention. This, I regret to say, is a misrepresentation, what I earlier called a caricature. If an act is morally wrong, nothing can justify it.”³⁷

Resolving the debate that was rekindled by *Veritatis Splendor* is not the purpose of this chapter. Rather, the debate over the definition of the moral object is relevant because of what it reveals about the unity or disunity of the moral act within the moral frameworks under consideration. It will not necessarily provide new elements of the methodology already examined above, but it will provide clarity by framing the issue more clearly around common terms, such

³⁵ John Paul II, *Veritatis Splendor*, encyclical letter, Vatican website, August 6, 1993, http://www.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_06081993_veritatis-splendor.html, sec. 76 (accessed October 15th, 2017).

³⁶ You can see the many reactions to the encyclical in Richard McCormick’s, “Some Early Reactions to *Veritatis Splendor*.”

³⁷ McCormick, “Some Early Reactions to *Veritatis Splendor*,” 491.

as “object,” “intention,” and “circumstances.” We will then be better equipped to show how the revisionist conception of human action is dualistic.

In *Veritatis Splendor* 78, John Paul II defines the object of moral action in the following way:

The morality of the human act depends primarily and fundamentally on the "object" rationally chosen by the deliberate will, as is borne out by the insightful analysis, still valid today, made by Saint Thomas.¹²⁶ 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. The object of the act of willing is in fact a freely chosen kind of behavior. 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.³⁸

There are a number of points to unpack from this definition. First is the importance placed on the object of the moral act. This is consistent with the tradition, and it is not undermined by either revisionist or traditionalist theories. In his lengthy essay in which he catalogs the reactions to *Veritatis Splendor*, McCormick states, “*Veritatis splendor* insists that the morality of an act depends primarily upon the object rationally chosen. I think there is very little controversy on that general statement.”³⁹ The definition of the object is not agreed upon by revisionists and traditionalists, but at the very least, this is a good starting point.

Second, John Paul II asserts that in order to specify an act morally, one has to place themselves in the perspective of the acting person. As will be discussed further below, this point is crucial for Rhonheimer. He believes that the failure to place oneself in the acting person’s

³⁸ John Paul II, *Veritatis Splendor*, sec. 78, emphasis in the original.

³⁹ McCormick, “Some Early Reactions to *Veritatis Splendor*,” 503.

perspective is one of the key mistakes made by the revisionist school in the development of their theory of proportionalist reasoning.

Finally, the object “is in fact a freely chosen kind of behavior” that cannot be reduced to a “process or an event of the merely physical order.” This statement addresses the more physicalist understanding of the object held in the manualist tradition as well as the attitude revisionists, such as McCormick, take towards the external act performed in human actions. Revisionists will agree that a physical understanding of the object performed is not sufficient to make a moral judgment of an act. But, as Rhonheimer argues, they do not correct the object by understanding it as a proximate intention (end), but instead collapse the proximate and remote intentions into one “expanded notion of object.”⁴⁰ We will address each of these points in turn.

2.3.1 Revisionist Definition of the Object

In response to *Veritatis Splendor*, James Hanigan correctly stated, “The real question is what must be taken into account in order to provide an adequate description of the object of an act before it can properly be labeled intrinsically evil.”⁴¹ Upon reading the reactions to *Veritatis Splendor*, the differences between the revisionist position and traditionalist position become apparent. John Paul II emphasized that the object could not be reduced to a merely physical description of what takes place in an act. McCormick agrees with this view, “An action cannot be judged morally wrong simply by looking at the material happening, or at its object in a very narrow and restricted sense.”⁴² Rather, the act needs to be understood in its totality, according to

⁴⁰ Ibid., 501.

⁴¹ James P. Hanigan, “Veritatis Splendor and Sexual Ethics,” in *Veritatis Splendor: American Responses*, ed. by Michael E. Allsopp and John J. O’Keefe (New York: Sheed and Ward, 2001), 216.

⁴² Quoted in “The Splendor of Truth (Veritatis Splendor),” by Peter J. Riga, *The Linacre Quarterly*, Volume 62, No. 3, 29.

McCormick and other revisionists. The intentions of the agent and all of the circumstances need to be taken into account.

Precisely defining our terms is important at this stage in our analysis. The pope said that an object is the “proximate end” of a deliberate will, meaning that the object itself contains an intentional element *apart from* a further intention or motive. McCormick likewise confirms the importance of intention for understanding the object. But if we recall that proportionalist reasoning determines the intention of the act based on proportionate reason for allowing or causing premoral goods and evils, then we can see how McCormick’s “expanded notion of object”⁴³ includes the further (remote) intention.

To do this, it will be elucidating to examine an example that McCormick gives, namely, an organ donation from a live donor. In his analysis, the removal of the organ by the surgeon cannot be separated from the transplantation into the recipient. “Organ donation from a living donor is not two acts, one a means to the other. It is a single act whose very object is saving the life of the recipient.”⁴⁴ And again, “...all elements in the act constitute the object of choice. I know of no way to solve this except by appeal to experience. Most people would not view the removal of a kidney from a living donor as an act separate from its transfer to the ill recipient. They would view the whole process as an act of organ transplantation.”⁴⁵ But would they?

This description of organ transplantation is, in my view, very curious. I think most would consider the entire process, *medically speaking*, an “act” (in a loose sense) of organ transplantation. But *morally speaking*, in terms of the object chosen, I think it can easily be

⁴³ McCormick, “Some Early Reactions to Veritatis Splendor,” 501.

⁴⁴ *Ibid.*, 499

⁴⁵ *Ibid.*, 504

demonstrated that this is not the case. First, it only needs to be pointed out that the same person is not the one who carries out or even directs each individual action. Regarding this example, Kaczor says the process could, at a minimum, be described as containing at least seven separate steps, “(1) a surgeon removed the organ, (2) a nurse packed it in ice, (3) a delivery man brought the package of ice and organ to the airport, (4) a pilot flew the organ across states, (5) an orderly unpacked the organ at the hospital, (6) a nurse reheated it, and (7) another surgeon reimplanted the organ in a needy patient.”⁴⁶ It seems absurd to attribute (7) as the object of the act of the first surgeon (1). Not only does the surgeon not perform all of the steps in this, he is not even responsible for organizing their completion. Moreover, Kaczor notes that it is entirely possible for the agents involved in (3) and (4) to be completely ignorant of the fact that they are involved in the process of organ transplantation.⁴⁷

How, then, is it possible for McCormick to not only view this moral analysis as correct, but also to believe that it is evident by appeal to experience? The answer lies in the very structure of proportionalist reasoning that informed his work for almost thirty years (at the time of that statement). His theological and philosophical training taught him to view the object as only a physical description of the event. Recognizing, correctly, the need to include an intentional element into the account of action (otherwise, it would be an action of a human, not a human act), he (and other revisionists) included the remote intention into the expanded object because of the principle of proportionate reason. For McCormick, then, the proper description of the object of action for the surgeon in (1) is “organ transplantation” because that is what the surgeon believes will be the ultimate destination of that organ, and also because, presumably, the evil consequences of the act do not outweigh the good.

⁴⁶ Kaczor, *Proportionalism and the Natural Law Tradition*, 98, fn 14.

⁴⁷ *Ibid.*

For comparison, let's examine how scholars such as Rhonheimer and John Paul II would describe the act of the surgeon in (1). In their view, a proper description of the object would be something like, "the surgical removal of an organ from a willing donor." That is the freely chosen kind of behavior presented before the will of the surgeon by his intellect, which is perceived as the good which is being acted upon. In other words, the end or proximate intention of his act is the removal of the organ from the willing donor. This would only be done *for the further (remote)* intention of providing a needy patient with a healthy organ. But the remote intention does not determine the object. The present example of organ donation perfectly illustrates why this is. Aside from the reasons given by Kaczor above, the object of the surgeon who performs the organ removal would also then have to be determined merely by what *the surgeon believes is going to happen*. He has no sure knowledge that anything in steps 2-7 will ever take place. If the goodness or badness of an act can be determined by acts and consequences that one does not organize or perform and that one merely *believes* will happen, then nearly anything could be justified.

It is important to note that the object of organ removal is an end in itself (proximate intention), but it is also a means to another end, namely the end sought as the remote intention. It cannot be emphasized too much that proportionalism fails to make the distinction between the proximate and remote intention. If the proximate end (object) is viewed only in its material element (killing, sexual intercourse, organ removal) to which an intention must be added to determine its moral goodness or badness, then an act one deliberately chooses to perform can be, and is, completely divorced from what is defined as "intended."

Let's return to an example employed earlier in this chapter, that of shooting someone in the head with a gun. According to the proportionalist understanding of the object of an act (prior

to its expansion), it is merely the physical description of an act. This is why Charles Curran can say, “Killing is a physical act which in some circumstances can be permitted.”⁴⁸ And Fuchs can likewise state, “One may not say, therefore, that killing as a realization of a human evil may be morally good or morally bad; for killing as such, since it implies nothing about the intention of the agent, cannot, purely as such, constitute a human act.”⁴⁹ Rhonheimer responds directly to this claim by saying, “The problem here is that ‘killing as such’ is not an act, not even an ‘act as such,’ because ‘as such’ it is not described as a *chosen* act, that is, as an act that is the object of choice... ‘killing’ as a behavioral pattern (putting another person to death) could also be the performance of a robot.”⁵⁰ Recall again the example given at the beginning of the chapter. If I point a loaded gun against another person’s head and pull the trigger, how would it be possible to say that the death of that individual resided outside of my intention? According to the revisionists, that would just be an act of “killing as such.” McCormick says of Rhonheimer’s position, “Rhonheimer (and presumably Finnis, Grisez, etc.) would say that ‘the choice to kill a person’... is a sufficient description of the object. In contrast to this, Knauer insists that the reason for the act must be included.”⁵¹ But the point John Paul II and Rhonheimer make is that to choose to kill a person already contains a reason because the choice is made from the perspective of the acting person. Viewed from an observer’s perspective, the behavior might be able to be described as “killing as such,” but not for the person acting. Why? According to Rhonheimer,

⁴⁸ Charles Curran, “Veritatis Splendor: A Revisionist Perspective,” in *The Historical Development of Fundamental Moral Theology in the United States*, ed. by Charles Curran and Richard McCormick (New York: Paulist Press, 1999), 232.

⁴⁹ Quoted in Martin Rhonheimer, “Intentional Actions and the Meaning of Object: A Reply to Richard McCormick,” in *The Perspective of the Acting Person: Essays in the Renewal of Thomistic Moral Philosophy* (Washington D.C.: Catholic University Press, 2008), 75.

⁵⁰ Ibid.

⁵¹ McCormick, “Some Early Reactions to Veritatis Splendor,” 504.

because “The point is that ‘killing as such’ is not conceivable as a describable action, as if this could be understood apart from intention. If John kills Harry, he already has, in *choosing* the killing, an intention: he wants Harry to be dead (this independently of whether he chooses “killing Harry” for its own sake [proximate intention] or as a means to a further end [remote intention].”⁵² In other words, the object, which involves a choice, also always involves an intention *in virtue of being chosen*, an end sought as good. Assuming the death of the person was chosen and did not happen by accident, the death of the individual cannot be related to as a premoral good and therefore does not fall lie outside of intention. This is what was meant in *Veritatis Splendor* when John Paul II said that moral choices take place from the perspective of the acting person. People make moral choices; choices are not made from an observer’s perspective.

The proportionalist account of human action would allow for something like the following scenario. If I knowingly and willingly point a loaded gun against the head of another human being and pull the trigger, according to proportionalists, we would not be able to know if the death of that individual was intended by me or not. One would still have to take into account all foreseeable consequences in order to determine the intention of the act I just performed. Like the surgeon removing the organ from the donor, the act of shooting someone in the head may be able to be part of a larger process culminating in the saving of another’s life, and therefore the death of the person I shot would lie outside of my intention. This seems to me to be problematic for the revisionist position because it reveals their moral action theory to be hopelessly dualistic. The physical act deliberately chosen by someone under this theory can be, and often is, completely unrelated to the morally relevant intention as defined by revisionists.

⁵² Rhonheimer, “Intentional Actions and the Meaning of Object,” 75.

The foregoing analysis allows us to answer a question posed by McCormick to Rhonheimer, “Why, in choosing to kill a person... does one necessarily ‘take a position with his will with regard to ‘good’ and ‘evil’? One could understand why if the description of the action already includes the wrong-making characteristics.”⁵³ The answer is this: because the object properly understood as the proximate end means that the person has already willed something as an end as good or evil regardless of whether it is also a means to some other end.

This is crucial for grasping what a unified account of human action should look like. Intrinsically evil acts are not material events or physical happenings that may or may not take place, like “killing as such.” Rather, they are deliberate and freely chosen acts – which therefore qualify as human acts – that will an evil proximate end. In other words, as Rhonheimer crucially states, “*Certain things cannot be done without willing them also.*”⁵⁴ Again, to be clear, “be done” means deliberate choosing. Put another way: we could say that God has created the very structure of moral reasoning for human beings in such a way that certain actions cannot be deliberately done without also intending them.

What about circumstances, though? Do they play no part in determining the object of the act? They do, but only when the moral act is considered from the perspective of the acting person. Just as the object also contains an intentional element (the proximate end), so too does this include the morally relevant circumstances. The object is formed by reason, or “informed by the judgment of the practical reason. Not simply what merely *happens* when someone does something... but what someone *wants to do* on the basis of a rationally formed intentionality.”⁵⁵

⁵³ McCormick, “Some Early Reactions to Veritatis Splendor,” 501-502.

⁵⁴ Martin Rhonheimer, *Natural Law and Practical Reason* (New York: Fordham University Press, 2000), 464.

⁵⁵ *Ibid.*, 461.

When an agent makes a choice to act, they do not choose “killing.” If killing were the proper description of what was willed, then further circumstances and intentions would need to be included in order to make it a human act. But if John kills Harry, he does so because he has already made a judgment formed by reason that includes an intentional element and the relevant circumstances. Whether John is a public official charged with carrying out executions and whether Harry is a convicted criminal are surely relevant circumstances.⁵⁶ But these are not “added to” the theoretical possibility of John killing Harry. Rather, John, in forming his object as a judgment of reason, *knows* if he is a public official and if Harry is a convicted felon. Recall that the proper description of the object chosen by the surgeon in the organ transplantation example was “the surgical removal of an organ from a willing donor.” We could add the clause, “I, a trained surgeon will perform,” to the beginning of the above description in order to make explicit an implicit element that includes one of the relevant circumstances.⁵⁷ Likewise, in John’s choosing to kill Harry, his status either as a person with the proper authority to carry out executions is known to him, and so is Harry’s status as an innocent victim or guilty felon. Therefore, when the practical reason forms its judgments with these elements already included.

Viewing the act from the perspective of the acting person also helps clarify why John killing Harry is not just a premoral evil brought about by bodily movements or physical effects. Considered abstractly, the loss of life could be considered a premoral evil, such as when lives are lost in a natural disaster. Deaths resulting from an earthquake are obviously not the result of moral action. Surely, though, the death of Harry willingly and knowingly caused by John is

⁵⁶ Technically, if the circumstances are included in the object they are no longer circumstances; they do not “stand outside” but are part of what is chosen.

⁵⁷ It should be obvious by this time, but I want to point out that the objects chosen are not consciously chosen in an articulated fashion like the formulations we are considering. This takes place at an unconscious but deliberate level.

different from the death of Harry caused by an earthquake. The death of Harry considered abstractly can rightly be called a premoral, ontic, or physical evil. But once Harry's death is considered by the practical reason as a good to be pursued and that death is brought about by John, it can no longer be considered premoral. It is impossible for the will to relate to something in a premoral way. What the will chooses might be morally neutral, such as a flavor of ice cream, but that is different from relating to it in a premoral way.

Let us consider one final example to clarify the difference between the unified action theory of Rhonheimer and Kaczor and the dualistic structure of the revisionist school. The example is taken from Fuchs's, "The Absoluteness of Moral Terms." While discussing theft, he says,

A judgment is legitimately found only under a *simultaneous* consideration of the three elements (actions, circumstances, purpose), premoral in themselves; for the actualization of the three elements (taking money from another, who is very poor, to be able to give pleasure to a friend) is not a combination of three human actions that are judged on an individual basis, but a single human action.⁵⁸

The problem with this example is not the conclusion reached – he rightly thinks stealing from a poor person for the sake of enriching a friend is wrong – but instead with the structure of the moral act as understood by Fuchs. The primary problem is "taking money from another" is not a good description of the act that is chosen by the individual. He does not view the act from the perspective of the acting person but instead merely from a theoretical perspective. In the abstract, it is conceivable to add the bad circumstance, "who is very poor," and the purpose (reason or remote intention), "to be able to give pleasure to a friend," to the physical event of "taking money from another." This analysis belies the failure on Fuchs' part to recognize the intentional nature of the action itself aside from any further intentions. In acting, the agent does not choose

⁵⁸ Quoted in Rhonheimer, "Intentional Actions and the Meaning of Object," 76.

the physical occurrence of taking money from another. Rather, the acting subject perceives as good the items rightfully (or wrongfully) possessed by another and aims their action towards possessing those items. In the words of Rhonheimer, “A better description would be: ‘appropriating money, taking it from its legitimate owner, against his will.’”⁵⁹ Notice that no further intention is required to evaluate the act as theft. Taking money from its legitimate owner against his will is bad in itself and can only be made worse by adding the remote intention. The circumstance “legitimate owner” is included in the object because this would be recognized by the practical reason, which forms the object that is chosen and sets it before the will.

To end our analysis of action theory and the intentional element of human action, I would like to look to the work of Kaczor to explicate more precisely how one determines what is intended when a person acts. In many cases, it is clear; but not always. Much of what has been discussed above in this chapter arose out of debates attempting to distinguish precisely what is chosen (intended) when a person acts. More specifically, the crucial question is this: do all foreseen consequences of an action carry the same moral weight? Proportionalists, as we have seen, argue that all possible consequences – physical, moral, or ontic goods and evils – must be weighed in order to determine the intention. We have shown above why this kind of action theory is problematic and dualistic, but it will be helpful to offer criteria for specifying what is intended, especially in hard cases. In his work, *Proportionalism and the Natural Law Tradition*, Kaczor does just that.

Kaczor offers four criteria for distinguishing what is intended in an act and what is merely foreseen by the agent. This is necessary because, as Kaczor says, “In the order of human action, intention, and not foresight, characteristically gives rise to deliberation about means to be

⁵⁹ Ibid.

taken in order to achieve the end.”⁶⁰ In other words, if intention is the determining moral factor in human action and intention is that which the person chooses in their process of deliberate acting, then it is essential for the ethicist to be able to distinguish between the consequences of an action – of which there are often many – that are intended and those which are merely foreseen.

The criteria presented by Kaczor are as follows. First, “if achievement of the evil effect presents a problem for the agent that results in deliberation about how to achieve the evil effect, the evil effect falls within intention.”⁶¹ To explicate all four criteria, Kaczor employs the contrasting examples of a “Strategic Bomber” and a “Terror Bomber.” In these examples, both bombers’ actions may result in the death of innocent lives (in the case of the Strategic Bomber, if some civilians have taken shelter within the intended target: a munitions factory). The Terror Bomber will consider (i.e., deliberate) the most effective weapons and locations for using them in order to kill civilian lives to serve his terroristic goals. He will consider the time children are in school or people are at work. The problem of locating them results in deliberation for achieving the evil effect of his bombs. For the Strategic Bomber, she deliberates concerning the most effective weapons for blowing up machinery. The death of civilians, even if some occur, “is not the problem the achievement of which occasions deliberation.”⁶²

Kaczor’s second criteria, called the “constraining condition,” states, “an evil effect is intended if bringing about the evil effect constrains one’s other intentions, limiting those options for which the agent can give consent.”⁶³ Suppose the Terror Bomber wants to blow up a school with children in it. He will have to be careful that other decisions he makes do not impede the

⁶⁰ Kaczor, *Proportionalism and the Natural Law Tradition*, 107

⁶¹ *Ibid.*

⁶² *Ibid.*

⁶³ *Ibid.*, 107-108.

accomplishment of the evil effect (the death of the civilians). For example, as Kaczor notes, if the Terror Bomber moves troops into the area, the school may be evacuated and his plan to blow up the school with the children in it would be thwarted. His initial goals constrain his other options. The Strategic Bomber, on the other hand, “is not constrained by the intention to blow up the school.” She can advance troops wherever she likes. If the school is evacuated, her goal of blowing up the munitions factory is not constrained at all.⁶⁴

The third criterion is the “endeavoring condition.”⁶⁵ Kaczor calls it this because the Terror Bomber endeavors to kill innocent civilians and alters his plans accordingly. If the school is evacuated, he will have to consider these new conditions in the carrying out of his plans. The Strategic Bomber does not take the location of civilians into account in the same way. If, for example, she learns that previously endangered civilians left the munitions factory before the bombing was carried out, this would in no way change her plans. The factory can still be destroyed, and she does not endeavor to find another way to bring about their deaths.⁶⁶

Lastly, what is intended is differentiated from what is foreseen based on what the actor considers as a success or failure. If the school is evacuated and the death of the civilians does not take place, the Terror Bomber will consider their action a failure. On the other hand, if the Strategic Bomber learns that no civilians were killed as a result of her bombing, and this diverges from her expectations, this would not be reckoned as a failure on her part. This is because “Failure to realize what one intends differs from failure to realize what one foresees.”⁶⁷

⁶⁴ Ibid., 108

⁶⁵ Ibid.

⁶⁶ Ibid.

⁶⁷ Ibid.

These four criteria help to give a fuller account of intention – of what one actually aims at as the goal of their action as differentiated from all the other many possible consequences that may be foreseen as a result of their action. Let's apply these principles to two other contrasting examples that often share a similar bad consequence: abortion by lethal injection and chemotherapy given to a pregnant woman. If both result in the death of the fetus, what is the intentional distinction between the two actions? Why is the death of the fetus intended in the abortion but not in the case of chemotherapy? Kaczor's criteria make answering these questions easier.

For the abortionist, the death of the fetus presents a problem that requires deliberation to achieve. The technique and instruments used will be chosen precisely to bring about this result. For the mother with cancer, the death of the fetus does not present the problem that requires deliberation. Rather, the technique and instruments chosen by the doctor will be the ones best suited for getting rid of the woman's cancer. Next, we can see that the abortionist is constrained by the goal of killing the fetus. If any method he were to use to reduce the pain of the woman would also make it less likely to successfully kill the fetus, then he would select a different method. For the doctor, if a method of destroying the cancer reduced the likelihood of the death of the fetus, this would in no way constrain her intention of destroying the cancer. Thirdly, the abortionist endeavors to kill the fetus. All of his plans are directed towards this end. He will monitor the fetus through ultrasound precisely to aid his effectiveness in bringing about its death. The doctor, however, does not make construct her plans around that end. She does not endeavor to bring about the fetus's death. Lastly, the abortionist will consider his procedure a success only if the fetus dies. If the unborn child continues to live in the womb or survives outside of it, the abortion will be reckoned as a failure. Not so, for the doctor. If the unborn child survives in the

womb or ends up alive outside the womb, this will not render the cancer treatment a failure. That will only depend on whether the cancer is destroyed or not. And so we can easily see, with the help of Kaczor, how two actions with identical results – the death of a fetus – do not share the same intention.

2.4 Alternative Perspectives of Human Action

The debates surrounding proportionalism and its influence on Catholic ethics are ongoing and will probably not find a final resolution any time soon. This, however, has not prevented scholars from tackling issues of human action from new angles. For our purposes, we will be evaluating these more recent approaches from the perspective of this chapter: do these accounts of human action help correct the proportionalist mistakes adopted by most revisionists? Can they provide a nondualist account of human action?

In her work, *The Acting Person and Christian Moral Life*, Darlene Fozard Weaver attempts to situate human moral action within the agent's relationship with God and how her acts affect that relationship. She writes, "How, in the light of Christian faith, should we understand the import of particular actions for the person's moral and religious identity? Is it possible to speak of moral actions impacting one's relationship with God— positively or negatively— without succumbing to a Pelagian works righteousness?"⁶⁸ The impact of the agent's actions on their character and orientation towards God is of fundamental interest to Weaver. In her exploration of these topics, she engages both revisionist and traditionalist scholars, particularly in

⁶⁸ Darlene Fozard Weaver, *The Acting Person and the Christian Moral Life* (Washington, D.C.: Georgetown University Press, 2011), 27.

regard to the act-oriented approach(es), favored by traditionalists, and the person-oriented approach(es), favored by revisionists.

Weaver clearly favors the person-oriented approach to ethics which she says is “generally more attentive to moral relations, social contexts, and the person’s moral life as a whole.”⁶⁹ The strength of her approach in this book, however, is her conviction to take more seriously the import that particular acts have on the human person. Weaver recognizes the deficiencies of the revisionist emphasis on the person in detriment to the acts, saying, “Much of contemporary Christian ethics distances moral actions from God, from the self who acts, and from the world.”⁷⁰ The deficiencies she detects are not limited to revisionist ethical theories, however. She also believes that traditionalist positions focus on specific actions in an atomist manner, failing to take into account the entire orientation of a person’s life, which, according to Weaver, cannot be constructed or destroyed in a solitary act.⁷¹ Moreover, such an atomist approach to moral action “breaks the moral life into discrete moments rather than casting it as an organic whole or an ongoing narrative.”⁷²

Weaver’s goal, then, is to find what she thinks is a middle position between the mainstream traditionalist and revisionist approaches. Human action should not be construed in a way that totally separates sin from concrete actions, but neither should morally culpability be the sole concern of ethical investigations at the expense of a total picture of the person constituted by their relationship to God, neighbor, and the complete narrative of their life. Weaver writes, “My overall aim is to account better for the relation between persons and their moral actions so as to

⁶⁹ Ibid., 22.

⁷⁰ Ibid., 27.

⁷¹ Ibid., 33.

⁷² Ibid., 31.

provide a more robustly theological understanding of our acting in relation to God and in the world.”⁷³ So, does Weaver accomplish these goals? Does she provide a better account for the relationship between a person and their actions? Yes, in the sense that her account of human action does improve upon the revisionist-proportionalist approach that separates what is chosen by agent’s will from the embodied action. Specifically, the strength in her approach lies in the way she is able to situate human action within the larger picture of the economy of salvation and the effects of sin and grace on the human person.

Weaver pushes back against the belief (or assumption) that human action takes place in an unconditioned manner, where one’s will is unconstrained from any influence. The choices we make are, instead, influenced by the sinful structures that make up the world we live in, conditioned and made possible by God’s grace, and they have real effects upon our true character, though individual acts do not completely shape it. As Weaver beautifully writes,

Indeed, whether we act rightly or wrongly in a given situation, because our wills are in the process of being unplugged from sinful dynamics and reoriented and integrated by grace, our striving can be sincere but sluggish. Prayerfully asking after the connection between my free wrongdoing and my striving refers that wrongdoing to my self-understanding in relation to God. My brokenness, my weakness, my mess then becomes an invitation into deeper intimacy with God, an occasion for accepting the grace God offers, for putting to death the old self and being born as a new creature in Christ Jesus.⁷⁴

Weaver’s true concern throughout her work is not to work out the specifying characteristics of the object of the moral act. No, she is, if I have read her correctly, first and foremost concerned with the way our moral systems account for the innate goodness or badness of each individual that lies at their “transcendental core.”⁷⁵ In contrast to recent thinkers in the Catholic tradition –

⁷³ Ibid., 33.

⁷⁴ Ibid., 112.

⁷⁵ Ibid., 32.

at least in her view – she believes that the inner core of the person is shaped and altered by one’s action (in contrast to some revisionist thinkers), but individual actions (in contrast to the views of some traditionalist thinkers) “are limited expressions of the person and as such do not disclose or determine the whole story about her before God.”⁷⁶ She is very concerned with avoiding the mistake of attempting to make a judgment about a person’s fundamental goodness or badness based solely on a single action. Rather, each action needs to be understood within the narrative of a person’s life as it has been conditioned by both sin and grace.

However, she avoids providing a specific account of action theory. In my view, the weakness of her position lies in the fact that her account of human action refrains from explicating precisely how individual actions relate to the good (and God). She provides insightful analysis of the debate between traditionalists and revisionists in chapter four, but she does not take a side. Rather, she uses what she perceives to be the strengths and weaknesses of both sides to frame her own position. For example, she writes,

traditionalists alert us to the importance of what happens to the person by virtue of these choices— her will is morally determined by the goods and evils to which it relates. Revisionists, of course, do not deny that the person’s choices are self-determining. The conceptual frameworks they sometimes use (particularly the goodness/rightness distinction and fundamental option theory) indicate that we should not understand this self-determination punctually or reductively. Whatever the rightness or wrongness of a person’s choices or her intentions or motives in choosing, she may strive to love God and neighbor as best she can, and, in any case, her particular choices are only partial expressions of the total freedom the person has and, to recall an insight from fundamental option theory, the freedom she finally is.⁷⁷

Weaver is to be praised for her insistence on the importance of connecting human action with the interior life of the Christian, but the vagueness of her position in regard to the object of

⁷⁶ Ibid., 33.

⁷⁷ Ibid., 111.

the moral act makes it unclear if her own theory can possess a holistic account of human action. Nonetheless, I can say with confidence that her approach comes closer to a unified theory of action than the revisionists that preceded her, and a refinement of her own views could lead to a theory that finds common ground between the revisionist and traditionalist camps.

Jean Porter is another scholar who also attempts to situate human action within a broader framework, but her interest lies in the way we understand the moral rules and the way we describe prescriptive human action. In her work, *Moral Action and Christian Ethics*, she provides an alternative way of understanding what is meant by “intrinsically evil acts.”⁷⁸ She affirms that, yes, there are “some kinds of actions that are never morally justifiable, whatever the circumstances, the foreseeable consequences, or the intention of the agent.”⁷⁹ This conclusion is not nearly as informative as most people think, argues Porter. Because while it is true that certain kinds of actions can never be done, such as the general concept of “murder,” moral language is such that it is not always clear as to what actions count as murder, as opposed to other forms of justified or unjustified killing. The ambiguity of moral language is unavoidable, she argues, and so one ought not to try to force moral rules to serve functions that they have never been able to serve: that of providing guidance of absolute certainty for every possible human action.⁸⁰ According to Porter, “there is no way that we can describe a particular (actual or contemplated) action so exhaustively that we can say that we have taken account of all the morally relevant details, and, therefore, have certainly arrived at the correct description of this action from the moral point of view.”⁸¹

⁷⁸ Jean Porter, *Moral Action and Christian Ethics* (Cambridge: Cambridge University Press, 1995), 7.

⁷⁹ *Ibid.*, 36.

⁸⁰ *Ibid.*, 34.

⁸¹ *Ibid.*, 39.

Depending on what she means by this statement, Porter could be correct. If she means that the prescription, “murder is wrong,” cannot be applied to every possible situation ahead of time, then she is correct. If that is what is meant, then she is in agreement with Rhonheimer and John Paul II that moral actions always take place from the perspective of the acting person. I am not certain that this was her intended meaning, however. In either case, her point about the indeterminacy of moral rules does hold in a certain sense. She notes that moral interlocutors do not typically disagree about general principles, like “murder is wrong.” Rather, they disagree on the specific instantiations of this principle in practical life. For example, people can, in good faith, disagree about the moral permissibility of euthanasia. They disagree, typically, not because one finds murder morally acceptable, but because they differ as to whether euthanasia is actually murder. Is it unjustifiable killing or not? No one believes in “justifiable murders,” as Porter notes.⁸² Rather, two people of goodwill can disagree on the specific application of moral principles because of the ambiguity of moral language.

In this way, Porter, like Weaver, does not give greater clarity to our definition of intention, nor does she explain how to determine what one intends in their choosing. But she still offers a helpful distinction between the goodness and badness of the will resulting from human action. She does this by “[discriminating] among the various ways in which it is possible to be mistaken or to misunderstand or to fail in moral judgement.”⁸³ In the case of euthanasia (or physician-assisted suicide), one might be mistaken in their rational judgement about whether the prohibition against murder applies in this situation, but the person does not thereby abandon the basic principle of the impermissibility of murder. In other words, even if it was wrong to end the

⁸² Ibid., 100.

⁸³ Ibid., 75.

patient's suffering by killing them unjustifiably, there need not be a defect in their will.⁸⁴ Porter's analysis in this section is particularly helpful for address similar issues raised by Weaver. Porter's work can help demonstrate how the transcendental core of the person is affected by deliberate action, but not necessarily negatively, even if the wrong action is chosen.

2.5 Conclusion

In summary, the proportionalist reasoning used by revisionist scholars to evaluate moral acts is dualistic in two ways. First, this understanding of the object as a purely material element and not as a deliberately chosen kind of behavior is physicalistic. This view of the object results from failing to analyze the moral act from the perspective of the acting person. To this physicalistic element of action, according to proportionalists, one must add an intentional element. Since the object, in their view, has no intentionality on its own, an intention that is disconnected from the action can be, and is, added. We saw this with regards to organ transplantation. McCormick described the entire medical process of organ transplantation as the true description of the moral act. Therefore, the final act of surgically inserting the organ into the donor, which is actually the remote intention of the first surgeon, is what defines the act in its totality.

The second reason proportionalist analysis is dualistic is apparent in the divorcing of the performed action from morally relevant aspects of the act. The act of killing reveals this disconnect between the action and intention. Within revisionist and proportionalist moral theory, John could knowingly and deliberately point a gun against the temple of Harry and pull the trigger without it being possible to know if John intended to kill Harry.

⁸⁴ Ibid., 76-77.

Such a conclusion reveals the dualistic nature of the action theory that would come to inform the largest school of thought in Catholic ethics at the foundational level. It is no mistake, then, that during this formative period, “physicalism” would become the cardinal sin of Catholic ethics. But which ethical positions commit the error of physicalism? The rejection of physicalist errors would in many ways come to define Catholic ethical thought on both sides, revisionist and traditionalist, from the time of the Second Vatican Council and beyond. This topic will be explored further in the next chapter.

Chapter 3

Overcoming Physicalism

...the primary problem here is physicalism...Most of the specific, disputed absolute norms in Catholic moral theology and life today reflect the problem of physicalism or an analogous reality. Physicalism affects the papal teaching on absolute moral norms in many aspects of sexuality – the absolute condemnations of masturbation, sterilization, all homosexual genital acts, premarital sexual acts, artificial insemination, in vitro fertilization.¹

- Charles Curran, *Tradition and Reform*, 182

It is both amazing and sad to see how most critics of ‘*Humanae Vitae*’ did hold this kind of naturalistic theory till quite recently. When they finally read ‘*Humanae Vitae*’ they obviously did not understand that the encyclical’s view was quite a different one. Backed up by the mass medias they persistently spread the reproach – though without really proving on the grounds of the wording of ‘*Humanae Vitae*’ – that the perspective underlying the encyclical’s teaching was just this biological concept of morally binding natural patterns which, as they rightly emphasized, in the meantime the majority of moral theologians had given up.²

- Martin Rhonheimer, “Contraception, Sexual Behavior, and Natural Law,” 25

3.1 Introduction

As was discussed in the previous chapter, *Veritatis Splendor* provoked an incredible amount of controversy and debate among Catholic scholars. It does not, however, hold a candle to the firestorm that erupted on July 29th, 1968, upon the release of Pope Paul VI’s, *Humanae Vitae*. Catholic theologians, the Catholic laity, and non-Catholics alike had waited eagerly to learn what the pope would decide on the explosive topic of contraception. It had been two and a half years since the Second Vatican Council closed. Accepting the decision of his predecessor,

¹ Charles Curran, *Tradition and Reform: Perspectives on Catholic Moral Teaching* (New York: Orbis Books, 2016), 182.

² Martin Rhonheimer, “Contraception, Sexual Behavior, and Natural Law,” *The Linacre Quarterly* Vol. 56, No. 2 (1989), 25 (Accessed April 7th, 2012).

John XXIII, Pope Paul reserved the issue of birth control for himself (with assistance from the birth control commission). In the years between the council and July of 1969, however, there had been virtually nothing released from the Vatican that would indicate what the pope's decision would be.

While the result of the pope's investigations into the issue was unknown, one thing was clear: most in the Church and nearly everyone outside of it was coming to their own conclusions. By this time, nearly all Protestant denominations in the United States had followed the precedent of the Anglican Lambeth Conference of 1930 by declaring contraception³, at a minimum, morally acceptable in some circumstances, if not a positive practice outright. *Humanae Vitae's* release during the sexual revolution also impacted the expectations for the encyclical. The Sexual Revolution, though not uncontroversial by any stretch of the imagination, was viewed in a positive light by many Americans, including some Catholics. Moreover, as Mary Eberstadt stated, "imagining the sexual revolution without the Pill and other modern contraceptives simply cannot be done."⁴ Despite the changes happening around them in the culture, Catholics were still bound by the Church's consistent teaching, which excluded birth control as a licit method for regulating births.

Since the pope reserved the topic for himself, the documents of Vatican II do not address this issue explicitly. The only comments regarding birth control are found in *Gaudium et Spes* 51:

The sexual characteristics of man and the human faculty of reproduction wonderfully exceed the dispositions of lower forms of life. Hence the acts themselves which are proper to conjugal love and which are exercised in accord

³ I purposely avoid referring to it as "artificial" birth control because of the confusion this terminology can and has caused. Paul VI does employ this usage in *Humanae Vitae*, but it must be understood in the technical sense, instead of in the sense of being "synthetic."

⁴ Mary Eberstadt, *Adam and Eve After the Pill: Paradoxes of the Sexual Revolution* (San Francisco: Ignatius Press, 2012), 12.

with genuine human dignity must be honored with great reverence. Hence when there is question of harmonizing conjugal love with the responsible transmission of life, the moral aspects of any procedure do not depend solely on sincere intentions or on an evaluation of motives, but must be determined by objective standards. These, based on the nature of the human person and his acts, preserve the full sense of mutual self-giving and human procreation in the context of true love. Such a goal cannot be achieved unless the virtue of conjugal chastity is sincerely practiced. Relying on these principles, 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.⁵

Upon the long-awaited release of *Humanae Vitae*, in which Pope Paul VI provided a basic explanation of the objective standards spoken of in *Gaudium et Spes*, the response of many Catholic theologians (along with much of the rest of the western world) was that of disappointment and, consequently, dissent. The members of the revisionist school were highly critical of the pope's insistence that contraception is an intrinsic evil and cannot be licitly employed for the regulation of births under any circumstances despite the fact that this had been the constant teaching of the Catholic Church as far back as when the issue was first addressed.⁶

In his memoir, Charles Curran shares how he and other theologians from the Catholic University of America were preparing to dissent from the encyclical if, in his words, "it proved to be as negative as we expected."⁷ Upon reading a pre-released copy of the encyclical, the fears of Curran and his colleagues were realized. On the day the encyclical was released, Curran and eighty-six other Catholic theologians signed a statement formally dissenting from the pope's

⁵ Second Vatican Council, "Pastoral Constitution on the Church, *Gaudium et Spes*, 7 December 1965," http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_cons_19651207_gaudium-et-spes_en.html (accessed April 10th, 2016), sec. 51.

⁶ See Noonan, John Thomas, *Contraception: A History of Its Treatment by the Catholic Theologians and Canonists* (Cambridge: Harvard University Press, 2012).

⁷ Charles Curran, *Loyal Dissent: Memoir of a Catholic Theologian* (Washington, D.C.: Georgetown University Press, 2006), 50.

teaching in *Humanae Vitae*.⁸ This public statement of dissent would eventually receive over 600 signatures from Catholic priests and theologians from across the country.

Among other critiques in the dissenting statement, it read, “Other defects include: overemphasis on the biological aspects of conjugal relations as ethically normative; undue stress on sexual acts and on the faculty of sex viewed in itself apart from the person and the couple.”⁹ This is the first time *Humanae Vitae* would be subject to the physicalist critique, but it would be far from the last, especially from Curran himself. To this day, *Humanae Vitae*, the position of theologians who defend it, and the official teaching of the Magisterium on sexual matters continue to be charged with committing the error of physicalism. In a book released by Curran in 2016, he said of *Humanae Vitae* and Magisterial teaching on sexual matters,

the primary problem here is physicalism...Most of the specific, disputed absolute norms in Catholic moral theology and life today reflect the problem of physicalism or an analogous reality. Physicalism affects the papal teaching on absolute moral norms in many aspects of sexuality – the absolute condemnations of masturbation, sterilization, all homosexual genital acts, premarital sexual acts, artificial insemination, in vitro fertilization.¹⁰

In another work, he describes physicalism as the “primary objection of most dissenting theologians” regarding the Magisterium’s teaching on contraception and other sexual matters.¹¹ Richard McCormick, who has reviewed and commented on more works of moral theology than perhaps any other thanks to his *Notes on Moral Theology* series, stated, “a rather well-educated

⁸ Ibid., 51.

⁹ “Statement by Catholic Theologians, Washington D.C., July 30th, 1968,” In *Readings in Moral Theology No. 8: Dialogue About Catholic Sexual Teaching*, eds. Charles E. Curran and Richard A. McCormick (New York: Paulist Press, 1993), 135-137.

¹⁰ Charles Curran, *Tradition and Reform: Perspectives on Catholic Moral Teaching* (New York: Orbis Books, 2016), 182.

¹¹ Charles Curran, *Transition and Tradition in Moral Theology* (South Bend, IN: University of Notre Dame Press, 1979), 31.

guess would say that the vast majority of theologians will conclude that the analyses of *Humanae Vitae* build upon an unacceptable identification of natural law with natural processes.”¹² It became clear in the theological literature following the release of *HV* that physicalism was the chief criticism of the encyclical and of all the theological writings that defended the pope’s position.

Indeed, no other charge against the Church’s traditional moral norms regarding sexuality was as consistent and harsh as this. In light of this reality, a critical question for our quest for a relevant meaning for the human body with Catholic sexual ethics is this: is it possible to reference the body or the God-given finality of the sexual act without being guilty of the physicalist error? If not, then the search for a morally relevant paradigm for the body would appear to be hopeless. This, however, seems to be the conclusion of most Catholic theologians following the release of *HV*. Its conclusions were rejected as physicalist and antiquated, and all references to the human body and natural inclinations nearly fell out of all revisionist works on sexual ethics.

This need not remain the case, however. The goal of this work is to find a way to integrate the body into an ethical paradigm in a morally relevant way. In this chapter, we will examine the charge of physicalism and take a closer look at *HV* to determine whether Paul VI is, in fact, guilty of the physicalist error. Following this inquiry, we will conclude the chapter with the key to a holistic Catholic ethic that is actually, in what will be a surprise to many, provided within *HV* itself.

¹² Richard McCormick, *Notes on Moral Theology: 1965 Through 1980* (Washington, D.C.: Catholic University of America Press, 1981), 223.

3.2 The Beginning of the Physicalist Critique

The first task of this chapter is to define more precisely the term “physicalism.” It has also been referred to as “biologism” or “naturalism.” However, those terms have not been widely employed in recent works of moral theology, and both terms – particularly naturalism – can be misleading and unhelpful in this discussion. Moreover, these terms have largely fallen out of use for the purposes of this debate.

One definition is offered by David Kelly. He defines physicalism as “a normative ethical approach which emphasizes the physical and biological properties, motions and goals of the action.”¹³ From this definition, the inclusion of “physical and biological properties” does not seem to be excluded outright, but David Kelly never explains, as far as I could find in any of his works, what an acceptable inclusion of those properties would look like in his view.

Curran, in his work, *Catholic Moral Theology in the United States*, provides a longer definition of physicalism. He says,

Physicalism refers to the a priori identification of the human moral act with the physical or biological aspect of the act... In sexual ethics there exists an a priori identification of the physical structure with the moral aspect of the act. The manuals and *Humanae Vitae* recognize as morally normative the physical act of depositing the husband’s semen in the vagina of the wife. You cannot interfere with the physical act to avoid procreation, as in the case of contraception; likewise, you cannot interfere with this physical act in order to have children, as in artificial insemination with the husband’s seed. The physical act is sacrosanct and must always be present and respected.¹⁴

According to Curran, physicalism is not only an *emphasis* on the biological or physical aspect of the human person; rather, physicalism equates the physical structure of the act with its

¹³ Cited in McCormick, *Notes on Moral Theology 1981-1984* (Washington, D.C.: Catholic University of America Press, 1981), 186.

¹⁴ Charles Curran, *Catholic Moral Theology in the United States: A History* (Washington D.C.: Georgetown University Press, 2008), 104.

moral meaning. He sees this as inconsistent with Church teachings on other issues, such as killing. He argues that the physical act of killing has not been understood in the tradition to *always and everywhere* be inadmissible. At times killing is allowed, such as killing in just wars, capital punishment, self-defense, and indirect abortion.¹⁵ For Curran, this is a puzzling discrepancy in the Magisterium's teaching. The key to explaining Curran's confusion has already been detailed in the previous chapter. For Curran, the "physical act of killing" appears to be evaluated differently according to the circumstances and the consequences (i.e., the "intention" according to proportionalist action theory), whereas the sexual act appears to be given no such differentiation. His problem, as discussed in the previous chapter, is his failure to view the moral object of the act as containing an intentional element. So, one does not choose "the physical act of killing" only to be infused with intention depending on the weighing of premoral goods. Rather, according to the Thomistic action theory as presented in *Veritatis Splendor*, in the act chosen, one necessarily intends the death of an innocent human life (murder), which is always evil, or one does not. It is this difference that allows for the Church's distinction between the different types of killing. Curran's proportionalist misunderstanding of action theory leads to this difficulty for him.

It is understandable why some of the language employed in *Humanae* might cause ethicists trained in the waning years of the manualist era to believe the encyclical equates the physical laws and structures found in nature with the moral meaning of the act. However, physicalist accusations against other traditionalist formulations of sexual ethics are a great deal more puzzling. For example, recall Salzman and Lawler's critique of John Paul II's *Theology of the Body*, "Should not personalism begin with a holistic understanding of the human

¹⁵ Ibid.

person?...the biological should not be given inordinate import in the hierarchy of being or as a foundation for sexual anthropology.”¹⁶ The question that immediately comes to mind upon reading Salzman and Lawler’s accusation of giving undue emphasis on the biology in the work of John Paul II’s is this: if even the former pope’s theological work, which is deeply and passionately personalistic from beginning to end, is subject to the critique of physicalism, then in what way can the human body be meaningfully understood and employed in Catholic sexual ethics without being subject to such a criticism? Is it even possible to have a morally relevant meaning of the body and not be guilty, in their view, of physicalism?

Upon examining the accusations of physicalism against Magisterial teaching and traditionalist formulations of sexual ethics, a pattern emerges: these critiques consistently charge their targets with giving too much importance to the physical dimension of the human person by equating the physical with the moral, *but it is never specified what an acceptable inclusion of the human body in Catholic ethics would look like*. If the place of the human body in revisionist ethical theories is any clue, then the answer would appear to be that there is no way to include the body in one’s ethics in a morally significant manner without running afoul of the physicalist error. Finding an answer to these questions is a vital task for the anthropological coherence of Catholic ethics.

It is important to remember that revisionists and traditionalists both share the common goal of treating the human person as a holistic reality, which presumably means each school wants the body to be morally relevant to ethical theories. In an article on *Veritatis Splendor*, Curran denies the charge made in the encyclical that revisionists “treat the human body as a raw

¹⁶ Todd A Salzman and Michael G. Lawler, *The Sexual Person: Toward a Renewed Catholic Anthropology* (Washington, D.C.: Georgetown University Press, 2008), 88.

datum devoid of any meaning.”¹⁷ He says that such a reading of their position is false, “The physical is one aspect of the moral or the fully human. The moral or the fully human must embrace all aspects of the human...”¹⁸ McCormick agrees, saying, “The body does condition human love.”¹⁹ But the question remains, *how does it condition human love?* How is the body morally relevant from a revisionist perspective? Details are never provided, and no evidence exists that their moral theories treat the body as anything other than raw datum to be used as an instrument of the person (we saw evidence for this in previous chapters). Moreover, every traditionalist theory, even John Paul II’s intensely personalist treatment of sexual morality and anthropology, is subject to the charge of physicalism. It is the task of this work to delineate how the body can be seen as morally relevant without being given inordinate importance in Catholic moral theology, and this chapter will begin this by looking to the document most derided as physicalistic by revisionist theologians.

3.3 Physicalism and *Humanae Vitae*

In a chapter analyzing physicalism, *HV* is unquestionably the logical starting point. Not only was it the first Magisterial document to receive the physicalist critique from revisionist theologians in a public and forceful way, but it remains at the center of the debate, if only symbolically. Theologians generally begin any criticism of the Church’s position on sexual ethics with at least a nod to the infamous encyclical, if not a rehashing of the physicalist errors

¹⁷ John Paul II, *Veritatis Splendor*, encyclical letter, Vatican website, August 6, 1993, http://www.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_06081993_veritatis-splendor.html, sec. 47 (accessed October 15th, 2017).

¹⁸ Charles Curran, Charles Curran, “Veritatis Splendor: A Revisionist Perspective,” in *The Historical Development of Fundamental Moral Theology in the United States*, ed. by Charles Curran and Richard McCormick (New York: Paulist Press, 1999), 234.

¹⁹ McCormick, *Notes on Moral Theology: 1965 Through 1980*, 773.

supposedly contained within. *HV*, in many ways, represents the sum total of what revisionists find lacking about the official Catholic positions on sexual ethics. Insofar as the principles contained in the encyclical logically relate to the Church's positions on other disputed sexual teachings, this makes sense. John Paul II's *Theology of the Body* exemplifies the interconnectedness of various norms or prohibitions that frame or guide human sexual activity. Although an explicit discussion of *HV* does not occur until the end of John Paul's massive work on the meaning of human sexuality, he specifically says that it informs the entirety of his work. It is really a "rereading of *Humanae Vitae*."²⁰ Paul VI's encyclical, then, is a good place to begin examining physicalist critiques of traditionalist and Magisterial views of human sexuality offered by revisionists.

It is imperative to keep in mind that the purpose of the following analysis is not to support and prove the arguments found in the encyclical. Rather, the goal is to determine if the arguments themselves are physicalistic in order to better understand the criticisms leveled by revisionists and the relationship of these criticisms to the broader application of *HV*'s principles in later theological and ethical works.

There are, at a minimum, two possible explanations as to why *HV* is accused of containing physicalist errors. First, because, as discussed to some extent in the previous chapter, revisionist critics of the encyclical read their own philosophical and theological presuppositions, based on their theological training informed by the manualist tradition, into the text. This is a topic thoroughly explicated by Martin Rhonheimer in his works on *HV* and sexual ethics. In one place he says,

²⁰ John Paul II, *Man and Woman He Created Them: A Theology of the Body* (Boston: Pauline Books, 2006), 100.

It is both amazing and sad to see how most critics of ‘*Humanae Vitae*’ did hold this kind of naturalistic theory till quite recently. When they finally read ‘*Humanae Vitae*’ they obviously did not understand that the encyclical’s view was quite a different one. Backed up by the mass media they persistently spread the reproach – though without really proving on the grounds of the wording of ‘*Humanae Vitae*’ – that the perspective underlying the encyclical’s teaching was just this biological concept of morally binding natural patterns which, as they rightly emphasized, in the meantime the majority of moral theologians had given up.²¹

We saw this to be the case with regard to the object of the moral act as well. Curran, McCormick, Haring, and other revisionists’ training in ethics was entrenched in currents of thought leftover from the manualist tradition. Rather than returning to the work of Aquinas directly to understand the object as *already* possessing an intentional element – the proximate end – they took the object of choice to be merely a physical event or process. In their view, then, this created the need for expanding the object to include intentionality – the remote intention which is determined by weighing premoral goods and evils – and morally relevant circumstances. Rhonheimer contends that a similar phenomenon has taken place concerning the contents of *HV*. Given all of the evidence considered in the previous chapter and everything that will be examined in this chapter, Rhonheimer is almost certainly correct. If it can be demonstrated that the central argument of *HV* does not identify the physical element of the act with the moral content, then it will be clear that the revisionists projected their own manualist baggage onto Pope Paul VI’s encyclical.

In the second place, related closely to the first, it appears revisionists have failed to grasp the primary argument of the encyclical. They failed to do so precisely because of the reason just cited. Many critics of the encyclical believe the major line of reasoning employed was the

²¹ Martin Rhonheimer, “Contraception, Sexual Behavior, and Natural Law,” *The Linacre Quarterly* Vol. 56, No. 2 (1989), 25 (Accessed April 7th, 2012).

Perverted Faculty Argument or something very similar. Curran makes this very claim in his work, *Directions in Fundamental Moral Theology*, saying, “The natural law theory employed in the encyclical thus identifies the moral and human action with the physical structure of the conjugal act itself.”²² Another theologian, Bernard Haring, claims, “This is undoubtedly the philosophy underpinning the argumentation of the whole encyclical. It goes so far as to declare biological laws as absolutely binding on the conscience of man.”²³ As will be shown below, there are good reasons to think Paul VI did not equate the biological aspect of an act with the moral meaning of it.

There are certain phrases within the text of *HV* that, if read out of context of the larger argument and if the reader presupposes the Pope to be employing the Perverted Faculty Argument, could be misunderstood in a physicalist sense. Let’s now turn to the encyclical itself and examine its arguments and logic to see what these occurrences are and why reading physicalist errors into the text misses the fundamental argument proposed by Pope Paul VI.

After addressing preliminary matters, such as modern challenges and advancements that occasion the need for reflection on the topic (1-2), new questions arising from these advancements concerning morality and the regulation of birth (3), the competency of the Magisterium for addressing such questions (4), and the guidance provided by the birth control commission (5-6), Pope Paul begins his section on “Doctrinal Principles” by referencing the holistic vision of the human person and her vocation found in *Gaudium et Spes*, which is cited eight times in the endnotes of the encyclical,

²² Charles Curran, *Directions in Fundamental Moral Theology* (Notre Dame: Notre Dame University Press, 1985), 157.

²³ Bernard Haring, “The Inseparability of the Unitive-Procreative Functions of the Marital Act,” in *Contraception: Authority and Dissent*, ed. Charles Curran (New York: Herder and Herder, 1969), 180.

The question of human procreation, like every other question which touches human life, involves *more than the limited aspects specific to such disciplines as biology, psychology, demography or sociology. It is the whole man* and the whole mission to which he is called that must be considered: both its natural, earthly aspects and its supernatural, eternal aspects. And since in the attempt to justify artificial methods of birth control many appeal to the demands of married love or of responsible parenthood, these two important realities of married life must be accurately defined and analyzed. *This is what We mean to do, with special reference to what the Second Vatican Council taught with the highest authority in its Pastoral Constitution on the Church in the World of Today.*²⁴

Pope Paul VI states very clearly that the issues dealt with in the encyclical must be understood within the context of the whole person, who is both spiritual and physical. This emphasis is discovered again in his discussion of married love two sections later, where he states, “This love is above all fully human, *a compound of sense and spirit. It is not, then, merely a question of natural instinct* or emotional drive. It is also, and above all, an act of the free will...”²⁵ Conjugal love, moreover, is “total,” “faithful and exclusive,” and “fecund.”²⁶ This section of the encyclical serves to place the issue of procreative responsibility within a personalistic framework of married love. It is within this context that the rest of the encyclical is meant to be understood.

It is in paragraph 10 that the Pope introduces concepts interpreted as physicalistic by revisionist theologians. Responsible parenthood, he says, needs to be viewed in light of parenthood’s manifold dimensions, one of which is an understanding of the “the biological processes” and “their proper functions. In the procreative faculty the human mind discerns biological laws that apply to the human person.”²⁷ Notice there is no equivalence between

²⁴ Pope Paul VI, *Humanae Vitae*, Encyclical Letter, Vatican website, August 6, 1993, http://www.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_06081993_veritatis-splendor.html, sec. 47 (accessed October 15th, 2017), sec. 7 (hereafter cited as *HV*).

²⁵ *Ibid*, sec. 9, emphasis added.

²⁶ *Ibid*.

²⁷ *Ibid.*, sec. 10.

biological laws and the moral law here. Rather, as the theologian Janet Smith explains, “the point being made here is a basic one...humans, unlike animals, are capable of having quite a remarkable knowledge of their own fertility. Since they are aware that having sexual intercourse is connected with having offspring, they cannot act responsibly...unless this power is respected and all the responsibilities that flow from it are respected.”²⁸ Biological laws are part of the human person. They do not constitute the whole, nor are they equated with the moral law. These physical realities are, however, to be respected. It is not stated as of yet what respecting them means nor why they ought to be respected. Rhonheimer rightly says that this is just the “first and basic requirement of responsible parenthood.”²⁹

Paul VI goes on to say responsible parenthood considers the “physical, economic, psychological and social conditions” facing the family. Fundamental to the prudential discernment of spouses is the “objective moral order established by God.” Therefore, the spouses do not have unilateral freedom to exercise their responsible parenthood in any way they see fit. They are bound to follow the will of God on these matters.³⁰ What God’s will is or what constitutes the moral order have not yet been established. But whatever these will be revealed to be, at this juncture, the readers know the moral order is something that includes both the material and spiritual aspects of the human person.

Paragraph 11 of the encyclical speaks of “wisely ordered laws of nature” that naturally space births, but it does not argue that these institute or constitute the moral order. The purpose of this paragraph in the encyclical is to make a significant distinction between “*voluntarily*

²⁸ Janet Smith, *Humanae Vitae: A Generation Later* (Washington D.C.: Catholic University of America Press, 1991), 318.

²⁹ Rhonheimer, “Contraception, Sexual Behavior, and Natural Law,” 21.

³⁰ Pope Paul VI, *Humanae Vitae*, sec. 10.

induced infertility and *naturally given* infertility,” as Rhonheimer explains.³¹ Naturally given infertility, something husband and wife do not choose, does not render their sexual activity illicit. This point is perfectly concordant with the basics of morality as thus far explained in the encyclical. Moral choices are by definition deliberate and voluntary. Therefore, something that is *not chosen*, such as the physical evil of infertility that many couples must deal with, is not subject to moral evaluation. Therefore, says the encyclical, sexual love between infertile spouses is still “noble and worthy” in that it serves to bring the spouses closer together.³² To follow the logic of the encyclical established thus far, sexual acts that are infertile still express the full meaning of human conjugal love that is total, faithful, exclusive, and fruitful. However, the pope says at the end of paragraph 11, “every marital act must of necessity retain its intrinsic relationship to the procreation of human life.”³³ In other words, the act must not *intentionally* be made infertile. The point to be emphasized here, however, is that procreation is not physically possible in every sexual act, and the Pope recognizes this. Therefore, according to scholar Mark Latkovic, “the correct way to understand the principle articulated above is in the category of *intention* rather than physiology.”³⁴ This is a crucial point that must be understood. Without understanding “openness to procreation” as an *intentional category*, one will continue to view *HV*’s argument as physicalistic.

³¹ Rhonheimer, “Contraception, Sexual Behavior, and Natural Law,” 21.

³² Pope Paul VI, *Humanae Vitae*, sec. 11.

³³ *Ibid.*

³⁴ Latkovic, Mark, “Is the Teaching of *Humanae Vitae* Physicalistic? A Critique of the View of Joseph A. Selling,” <http://www.archdioceseofdetroit.org/aodonline-sqlimages/SHMS/Faculty/LatkovicMark/Bioethics/Linqu95.pdf> (Accessed March 4th, 2012). 10.

However, it should be noted that a specific reason has not yet been given to explain “*why* voluntarily induced sterility is illicit.”³⁵ This will be taken up in the following paragraphs of the encyclical. The natural structure of the act is not an end in itself, but there is some moral principle lying behind the prohibition against impeding the transmission of life.

Paragraphs 12-14 form the crux of the encyclical’s argument. *HV* 12 answers why voluntarily induced sterility is immoral by introducing what Rhonheimer calls the “Inseparability Principle” as the foundation this teaching is based upon.³⁶ According to Pope Paul VI,

This particular doctrine [that all acts of sexual intercourse must maintain their “intrinsic relationship to the procreation of human life”]...is based on the inseparable connection, established by God, which man on his own initiative may not break, between the unitive significance and the procreative significance which are both inherent to the marriage act.

The reason is that the fundamental nature of the marriage act, while uniting husband and wife in the closest intimacy, also renders them capable of generating new life—and this as a result of laws written into the actual nature of man and of woman. And if each of these essential qualities, the unitive and the procreative, is preserved, the use of marriage fully retains its sense of true mutual love and its ordination to the supreme responsibility of parenthood to which man is called.³⁷

Each and every sexual act must be open to procreation because God created conjugal and sexual love to have two significances (or meanings), the unitive and the procreative, and this connection cannot be *voluntarily* broken by human beings for any reason, even if one does so in pursuit of responsible parenthood. The principle enunciated is primarily concerned with *intention*, not biology.

We must take care to notice that this section speaks of the unitive meaning/significance and the procreative meaning/significance, not the unitive and procreative *functions* of the marital

³⁵ Rhonheimer, “Contraception, Sexual Behavior, and Natural Law,” 21.

³⁶ *Ibid.*, 22.

³⁷ Pope Paul VI, *Humanae Vitae*, sec. 12.

act. On this, Rhonheimer says, “Only a *fertile* sexual act can have a ‘procreative *function*’; an infertile act, however, may have a procreative *meaning*, if this act is intentionally open to procreation, though it will never have a procreative ‘function.’”³⁸ Therefore the distinction is not primarily physical, but intentional. (This point is reinforced by the permission of medical contraceptives for therapeutic reasons, as we will see below.) It is the *intentional*³⁹ nature inherent in the moral choice of contraception that renders it immoral.

In the very next section, titled, “Faithfulness to God’s Design,” the Pope says that if one violates either the unitive or procreative meanings, they do damage to conjugal love.⁴⁰ The presence of the physical act of intercourse neither guarantees true conjugal love, nor is it elevated above the unitive aspect of the act. The two are intimately tied together. One can “frustrate” the creator’s design by failing to consider their partner’s needs or condition when engaging in sexual intercourse or by deliberately depriving the act of its procreative meaning. In Pope Paul VI’s own words:

But to experience the gift of married love while respecting the laws of conception is to acknowledge that one is not the master of the sources of life but rather the minister of the design established by the Creator. Just as man does not have unlimited dominion over his body in general, so also, and with more particular reason, he has no such dominion over his specifically sexual faculties, for these are concerned by their very nature with the generation of life, of which God is the source. "Human life is sacred—all men must recognize that fact," Our predecessor Pope John XXIII recalled. ‘From its very inception it reveals the creating hand of God.’⁴¹

³⁸ Rhonheimer, “Contraception, Sexual Behavior, and Natural Law,” 35, (emphasis original).

³⁹ Understood in the sense of basic intentional action, that of proximate intention, not remote intention.

⁴⁰ Pope Paul VI, *Humanae Vitae*, sec. 13.

⁴¹ *Ibid.*

The physical integrity of the act is important for the nature of the sexual act, according to Pope Paul VI, but not for physicalist reasons. Rather, it is important because of the intrinsic meaning tied to it by the Creator of the universe and because of the inseparable connection between the procreative and unitive meanings of the marital act.

The next five paragraphs, the ones explicitly addressing the issue of the means of regulating birth, contraception, and periodic abstinence, do not further the argument of the Inseparability Principle, but presuppose and apply it. These paragraphs (14-18) make important assertions for the encyclical but do not bolster the natural law argument any further. No. 14 offers abortion, sterilization, and contraception as immoral methods for practicing responsible parenthood. One cannot employ an immoral means (contraception, sterilization, direct abortion) for a good end (responsible parenthood), “it is never lawful, even for the gravest reasons...to intend directly something which of its very nature contradicts the moral order...even though the intention is to protect or promote the welfare of an individual, of a family or of society in general.”⁴² This passage needs to be understood in terms of action theory as laid out in the previous chapter. When the Pope says, “to intend directly,” he refers to the proximate intention, whereas “the intention” refers to the remote intention of an act – that which lies outside of the object of human action.

After stating the illicitness of abortion and sterilization, Paul VI next provides the definition of contraception, “Similarly excluded is any action which either before, at the moment of, or after sexual intercourse, *is specifically intended* to prevent procreation—whether as an end or as a means.”⁴³ Contraception involves the choice of an act that is intended to make the sexual

⁴² Pope Paul VI, *Humanae Vitae*, sec. 14, (emphasis added).

⁴³ *Ibid.*

act unfruitful.⁴⁴ This is not, for obvious reasons, an equivocation of the biological with the moral, but it is the definition of contraception in the encyclical. Why is the choice to intentionally render the sexual act infertile immoral, according to Paul VI? That has already been answered, and the answer given was *not* because biological laws and processes are inviolable. The reason already given was that this violates the intrinsic connection between the procreative and unitive meanings of conjugal love, which was established by the Creator in His divine wisdom.

To be clear, physically impeding the sexual act may indeed violate the principle of inseparability, but that does not render the pope's arguments physicalistic. Rather, it is most likely because, as we saw in the last chapter, certain actions cannot be done without also intending them.

The next section makes even more clear that the physiological rhythms of fertility are not ends in themselves. They do not constitute the moral law, and therefore altering them, even if infertility, temporary or permanent, is foreseen, is allowed. Contraception is not the “physical event” of causing sexual acts to be infertile. Rather, the encyclical states, “On the other hand, the Church does not consider at all illicit the use of those therapeutic means necessary to cure bodily diseases, even if a foreseeable impediment to procreation should result there from—provided such impediment is not directly intended for any motive whatsoever.”⁴⁵ A medical procedure such as a hysterectomy is not morally problematic when performed for therapeutic means *even if* it is foreseen that this procedure will render future acts of sexual intercourse infertile. Neither is

⁴⁴ Martin Rhonheimer, *Ethics of Procreation and the Defense of Human Life*, (Washington, D.C.: Catholic University of America Press, 2010), 35. It is important to notice that that the consequence of the act need not be carried out. If one intends to prevent the act from being fertile and fails it is still a contraceptive choice.

⁴⁵ Pope Paul VI, *Humanae Vitae*, sec. 15.

taking an anovulant pill for medicinal purposes, even though it alters the natural patterns of fertility and would render any sexual intercourse infertile during the period of medication. The issue of foreseen medically induced infertility demonstrates that the physical possibility of procreation is not absolutized.

Paragraph 16 explicates what is considered the morally acceptable means of spacing births. Aside from the obvious alternative of complete abstinence, another licit option is periodic abstinence. This practice involves taking advantage of naturally occurring periods of infertility. Sexual intercourse performed during times the woman is thought to be naturally infertile does not “offend the moral principles which We have just explained.” In other words, it does not separate the unitive and procreative meanings of the marital act. To distinguish periodic continence from the contraceptive choice, Pope Paul VI says, “In the former the married couple rightly use a faculty provided them by nature. In the latter they obstruct the natural development of the generative process.”⁴⁶ Read in light of the context of everything that has come before it in the encyclical, there is no justification for taking this assertion in a physicalist manner. In the preceding sentence, the moral deficit of contraception was described intentionally as “directly[i.e., intentionally] prevent[ing] conception.” As we have seen up to this point in the encyclical, impeding the development of physical processes is not *in and of itself* the issue; it’s the intention inherent in the moral choice to contracept. It is “proposing,” or intending, to render procreation impossible by disrupting the natural processes. Doing this disrespects the “order established by God” and ultimately violates the “moral principles which have been recalled earlier,” namely the Inseparability Principle. Martin Rhonheimer sums this up very well:

⁴⁶ Pope Paul VI, *Humanae Vitae*, sec. 16.

This perspective is not to defend the demand of respecting natural patterns inherent in the biological or physiological constitution of man and his generative acts, but to stress what has been called 'the intentionality of the thing one is doing' by contracepting, an intentionality which relates to the nature of the virtue of chastity and to its specific requirements within the context of procreative responsibility.⁴⁷

According to the argument of the encyclical, there are times when the sexual act might be infertile. At times, couples face unwanted and unchosen infertility, which is a burden on their marriage (No. 11). Sometimes infertility arises, foreseen or not, from necessary medical procedures or therapeutic medications. At other times intercourse is infertile according to the natural cycles of human physiology as designed by God (No. 16). Despite the fact that the biological possibility of procreation is closed in all of these instances, and infertility (temporary or permanent) is even knowingly caused in one of them, acts of sexual intercourse engaged in under these circumstances are not declared morally problematic. On the contrary, they are still “noble and worthy” because the procreative meaning of the act is not intentionally deprived.⁴⁸

Given the fact of these conclusions by themselves, apart even from the deeply personalistic framework of the entire encyclical, it seems incomprehensible that one would say of the encyclical, as Haring did, “This [physicalism] is undoubtedly the philosophy underpinning the argumentation of the whole encyclical. It goes so far as to declare biological laws as absolutely binding on the conscience of man.”⁴⁹ In what ways are biological laws absolutely binding, according to Paul VI? Haring never says, nor could he provide evidence from the encyclical.

⁴⁷ Rhonheimer, “Contraception, Sexual Behavior, and Natural Law,” 23 (emphasis in original).

⁴⁸ Pope Paul VI, *Humanae Vitae*, sec. 11.

⁴⁹ Haring cited in Rhonheimer, “Contraception, Sexual Behavior, and Natural Law,” 21.

Curran repeatedly echoes Haring’s sentiments about the underlying physicalism of the encyclical. In his work, *The Development of Moral Theology: Five Strands*, Curran states, “[T]he charge of physicalism...criticizes the hierarchical approach for identifying the moral and human act with the physical or biological aspect of the act. For example, in the case of artificial contraception for spouses, the physical aspect of the conjugal act becomes normative. One cannot interfere with the physical process for any reason.”⁵⁰ We have just demonstrated, however, that this claim repeatedly made by Curran and others is false. In the instance of medically induced infertility, one knowingly causes an alteration in the “physical process,” but the integrity of the physical dimension of the act is not absolutized as normative, and neither does pathological infertility or biological patterns. The reason he misunderstands the argument of the encyclical is because of what we saw in the last chapter. Curran and other revisionists think there can be “purely” physical acts; they conceive of the object of the act as lacking basic intentionality. The structure of the marital act – coital structure – is not something unchosen, but is chosen or not by the two individuals involved.

We have seen how the encyclical teaches that responsible parenthood involves, at least in part, respecting the intimate structure of the marital act that God designed in His infinite wisdom because to violate this structure disrespects God’ design and meaning of conjugal love by separating the unitive and procreative meanings of conjugal love and the conjugal act. The conjugal act is situated, in this discussion, within the context of the whole human person, an “integral vision” of human beings as body and soul. Moreover, contraception is not the only means of violating the Inseparability Principle. The unitive meaning of conjugal love should not be distorted either, “It is in fact justly observed that a conjugal act imposed upon one’s partner

⁵⁰ Charles Curran, *The Development of Moral Theology: Five Strands* (Washington, D.C.: Georgetown University Press, 2013), 98.

without regard for his or her condition and lawful desires is not a true act of love, and therefore denies an exigency of right moral order in the relationships between husband and wife.”⁵¹

Therefore one’s act (which necessarily involves intention) or intention against either meanings of conjugal love distorts God’s design for married men and women. Pope Paul VI, while he does integrate biological/natural laws with his holistic framework of sexual ethics, never identifies them with the moral law. Disrespecting God’s plan present in these natural structures is an offense against God because it distorts conjugal love, but not because biological laws somehow constitute, in themselves, the moral law.

In the preceding analysis of *HV*, it has been definitively shown that Paul VI did not equate the biological element or physical structure of the conjugal act with the moral element. What has not been demonstrated, however, is the soundness of Paul VI’s argument. This lies outside the scope of our present task. The purpose of examining the nature of the encyclical’s argument was to help understand the type of ethical arguments that would be deemed physicalistic by revisionist theologians. If our analysis of *HV* is any indication, the criteria established appear to be extremely narrow. *HV* has been criticized as overly physicalistic since its release and continues to be so, despite, as we saw, its deeply personalistic framework and, following the pattern of *Gaudium et Spes*, holistic understanding of, and concern for, the human person.

At this juncture, a reasonable question must be asked: if *HV* can be considered physicalistic, then what would constitute a proper integration of the human body in sexual ethics that would not be subject to this criticism? An answer is never given by the critics of the

⁵¹ Pope Paul VI, *Humanae Vitae*, sec. 13.

encyclical.⁵² Their own moral theologies, as we saw in chapter one, lack any meaningful inclusion of the physical aspect of the human person.

3.4 Conclusion

In this chapter, it was shown that the critique of physicalism – the conflation of the physical with the moral – directed at *HV* has no real grounding in the text of the encyclical. We can concur with Rhonheimer that the revisionist insistence of such a theological error in the encyclical was, it turns out, a case of eisegesis rather than exegesis.

Furthermore, the key to finding a way to meaningfully include the human body within a framework of sexual ethics has been discovered, as it were, though not for the first time. This key will unlock the moral relevance of the human body by providing the proper framework for understanding and examining the body, its patterns, and its inclinations. It has really been right under our noses this whole time. If *intention* is the critical element of human moral choice – the way human beings craft our acts and create and recreate our character again and again – then the *divine intention* is the necessary element for understanding the human body and its place within the holistic nature of the human person.

This concept will be explored further in the next two chapters. First, as the rather simple but powerful answer to the naturalistic fallacy and its application within Catholic sexual ethics. And second, in the final chapter of this work where the divine intention will serve as the foundation for a moral relevance of the body.

⁵² It would appear that it was not the reasoning of *HV* that displeased its critics; rather, it was the conclusions reached. I can think of no other reason that *HV* would receive such consistent critique for a fault it clearly and obviously does not possess.

Chapter 4

Teleology and the Naturalistic Fallacy: Can a Morally Relevant Account of the Body Avoid the Naturalistic Fallacy?

The natural law is nothing other than a conception naturally impressed upon men by which they are directed to act appropriately in their own actions, either as they apply to the nature of the genus, for example to reproduce, to eat, and things of this sort, or as they apply to the nature of the human species, for example, to reason and such things. Every performance of an action unsuitable to the end that nature intends in some activity is said to be against the natural law.¹

- St. Thomas Aquinas

4.1 Introduction

It seems unlikely that even David Hume himself could have foreseen the enormous scruples caused by the introduction of the Is-Ought problem into the world of moral philosophy at the time he wrote his relatively brief section on the issue in his work, *A Treatise of Human Nature*. Particularly within the world of Catholic moral theology in the twentieth century and beyond, the Is-Ought Problem (IOP), and the related but distinct naturalistic fallacy crafted by G.E. Moore, could arguably be the largest driving forces in the shaping of the landscape of moral theology and philosophy. It would, for example, be the driving force behind the rise of the *New Natural Law Theory* pioneered by John Finnis and Germain Grisez. Some saw the IOP and naturalistic fallacy as the death-knell of traditional natural law theory, whereas others believed they possessed far less persuasive force than its reputation gave it (i.e., Ralph McInerny calls this “one of the most pointless controversies of modern moral philosophy.”² In either case, both the

¹ Cited in Steven T. Jensen, *Knowing the Natural Law: From Precepts and Inclinations to Deriving Oughts* (Washington, D.C.: Catholic University of America Press, 2015), 97.

² Ralph McInerny, *Ethica Thomistica: The Moral Philosophy of Thomas Aquinas, Revised Ed.* (Washington, D.C.: Catholic University of America Press, 1997) 37.

IOP and the naturalistic fallacy affected Catholic moral theology in the 20th century and beyond in a profound way.

This fourth chapter is dedicated to exploring the naturalistic fallacy's relationship to moral theology and the current project in the following ways. To begin, the theories themselves, as articulated by Hume and Moore, will be set forth. Next, the influence of this problem on the landscape of Catholic moral theology in the twentieth century will be briefly explored. The New Natural Law theorists cite the naturalistic fallacy as a catalyst for developing their moral system in contrast to what they perceived to be traditional Thomistic natural law. Some revisionists do put forth the naturalistic fallacy as a criticism of natural law theory and magisterial positions on sexual morality, but this issue is not of the utmost importance to them. For this reason, their respective applications of this criticism will be worth examining, but the revisionist position will receive far less attention.

The next section will address the logical force that these two theories hold. Specifically, we are interested in determining whether or not the IOP and the naturalistic fallacy rule out any moral relevance of the human body in moral theories. Overcoming this potential problem is the final hurdle before proposing a path forward towards a morally relevant view of the body within Catholic ethics in the final chapter. Such an accomplishment will not, however, be the final stage in this chapter.

Rather, the final section will seek to establish how a proper understanding of the IOP and the naturalistic fallacy can highlight deficiencies in both NNLT and proportionalist Catholic ethics. In particular, a simple but fundamental assumption about the nature of the world held by Hume enabled these mistakes to be made. Moreover, the failure of the proportionalists to adequately flesh out the relationship of the truth to the good in the architecture of their moral

theology reveals a troublesome aspect of their overall framework. When we accurately understand the relationship of the eternal law to the moral law and the universe itself, as well as the proper relationship of the truth to the good, we will be on firm ground as we move into the final chapter of this work.

In this chapter, moreover, we will introduce the guiding principle, in our view, of all moral theology and the key to finding a morally relevant theory of the human body. It was shown in chapter two how *intention* is the critical factor that determines the moral goodness or badness of any action. The key for the current project will be to take one methodological – and metaphysical – step back to the *divine intention*, or God’s intention located in the eternal law.

In any instantiation of Christian or Catholic ethics, God is the source of the moral law. Neither the NNL theorists nor the revisionists (or any other theologians in the Catholic tradition) seek to derive moral propositions from another source. The relevant difference, then, between competing ethical schools will be how they go about discerning God’s moral law. Can it be discerned by only examining the physical structure of objects or bodies? Most certainly not. But can the examination of nature play any role in the development of moral prescriptions without committing the naturalistic fallacy? That is the key question to be answered in this chapter.

4.2 The Naturalistic Fallacy

In Book III, part 1, section 1 of his work, *A Treatise on Human Nature*, we find the passage on what would come to be called the Is-Ought Problem (or the Fact-Value Distinction) in ethics. Given the widespread influence of this text, it is worth quoting at length,

In every system of morality, which I have hitherto met with, I have always remarked, that the author proceeds for some time in the ordinary way of reasoning, and establishes the being of a God, or makes observations concerning human affairs; when of a sudden I am surprised to find, that instead of the usual

copulations of propositions, *is*, and *is not*, I meet with no proposition that is not connected with an *ought*, or an *ought not*. This change is imperceptible; but is, however, of the last consequence. For as this *ought*, or *ought not*, expresses some new relation or affirmation, 'tis necessary that it should be observed and explained; and at the same time that a reason should be given, for what seems altogether inconceivable, how this new relation can be a deduction from others, which are entirely different from it. But as authors do not commonly use this precaution, I shall presume to recommend it to the readers; and am persuaded, that this small attention would subvert all the vulgar systems of morality, and let us see, that the distinction of vice and virtue is not founded merely on the relations of objects, nor is perceived by reason.³

It is unclear how Hume concludes from these arguments that moral laws cannot be known through reason, but that issue can be set aside. Our present concern deals with the claim that an ought cannot be derived from an is. Hume believes that most, if not all, moral rules are derived from the fact that something is a certain way – God or human nature or whatever else – and he proposes that deriving moral propositions from those facts is a fallacious move to make.

Summarizing Hume's argument, W. Matthews Grant states, "there is a fundamental logical distinction between is and ought, fact and value, description and prescription, such that one cannot validly deduce the latter from a set of premises consisting only of the former."⁴ Moreover, Grant observes that this is simply a restatement or extension "of the more general logical rule that a valid conclusion cannot introduce something not in the premises."⁵ The fallacious move, according to Hume's articulation of this problem, involves drawing logically unwarranted inferences from facts about God, the universe, or human nature. This is a critical point to keep in mind as we search for ways to overcome the IOP/naturalistic fallacy.

³ David Hume, *A Treatise on Human Nature*, <http://www.gutenberg.org/files/4705/4705-h/4705-h.htm> (Accessed August 11th, 2020).

⁴ W. Matthews Grant, "The Naturalistic Fallacy and Natural Law Methodology," <https://maritain.nd.edu/ama/Truth/Truth204.pdf>, 169 (accessed July 25th, 2020)

⁵ *Ibid.*

If Hume introduced this “problem,” then it was Moore who developed it and cemented it into the minds of modern ethicists in the form of the naturalistic fallacy. The substance of Moore’s argument lay in how one defines the “good.” The naturalistic fallacy, a term coined by Moore in his 1903 work, *Principia Ethica*, stems from any attempt to define the good from any “natural object,” such as pleasure or power or anything else.⁶ Moore did not primarily have the Aristotelian natural law tradition in his sights with this criticism. Rather, he took aim at more recent attempts of constructing a utilitarian ethic. The argument goes far beyond “natural objects” and human nature; it “is...sweeping, ruling out any further definition of the good, whether or not derived from nature.”⁷ For Moore, the good is simple and therefore indefinable. Since it cannot be derived from any object, natural or metaphysical, it must be intuited.

The precise relationship between Hume and Moore’s theories is unclear. In *Principia Ethica*, Moore never once references Hume’s IOP explicitly. The two theories are not identical. In fact, the more one explores the scholarly literature on these two topics, the more it is possible to suspect that most scholars do not know the difference between them, *nor* do they have a firm grasp of what they mean when they reference “the naturalistic fallacy.” As one writer put it, “The naturalistic fallacy...seems to have become something of a superstition. It is dimly understood and widely feared, and its ritual incantation is an obligatory part of the apprenticeship of moral philosophers and biologists alike.”⁸ Nevertheless, finding a solution (or solutions) to these issues will illuminate important principles and questions for the present task of finding a morally relevant place for the body within Catholic ethics. But first I will explicate the ways these

⁶ G.E. Moore, *Principia Ethica*, <http://fair-use.org/g-e-moore/principia-ethica/chapter-ii>, Par. 25 (accessed November 11th, 2020).

⁷ Lorrain Daston, “The Naturalistic Fallacy is Modern,” *Isis* 105, No. 3 (Sept 2014), 581.

⁸ Oliver Curry, “Who’s Afraid of the Naturalistic Fallacy?” <https://journals.sagepub.com/doi/full/10.1177/147470490600400120> (Accessed January 21st, 2021).

theories have influenced Catholic ethics, particularly in the formation of the *New Natural Law Theory* (NNLT).

Given the confusion surrounding the distinction between these theories and the way the terminology has been used, particularly by Catholic scholars of the twentieth and twenty-first centuries, from here on out, I will be referring to both the IOP and the naturalistic fallacy simply as “the naturalistic fallacy” unless there is a reason to differentiate between them.

4.3 The Naturalistic Fallacy in Recent Catholic Moral Theology

As stated in previous chapters, John Finnis and Germain Grisez stand out as the two primary developers and defenders of NNLT. It is for this reason that their works will receive the most attention as I unpack the influence the naturalistic fallacy had on NNLT.

At the outset, it should be noted that NNL theorists do not contend that St. Thomas Aquinas is guilty of committing the naturalistic fallacy. Some of the language he used may appear to fall into the naturalistic trap, they contend, but that is the result of an inaccurate reading of Aquinas’ work. They believe their interpretation of his work accurately captures his moral theory, insofar as he developed it, which does not commit this fallacy.

So, what does Finnis have to say about the naturalistic fallacy? First, that, “It is simply not true that ‘any form of a natural-law theory of morals entails the belief that propositions about man’s duties and obligations can be inferred from propositions about his nature.’”⁹ This relates to how human reason and knowledge relate in their differing forms. Finnis means that the practical reason does not infer anything from the speculative knowledge of human nature. He goes on to say, regarding this issue, that

⁹ John Finnis, *Natural Law and Natural Rights* (New York: Oxford University Press, 1980), 33.

Aquinas asserts as plainly as possible that the first principles of natural law, which specify the basic forms of good and evil and which can be adequately grasped by anyone of the age of reason (and not just by metaphysicians), are per se nota (self-evident) and indemonstrable. [Therefore,] they are not inferred from metaphysical propositions about human nature, or about the nature of good and evil, or about ‘the function of a human being’; nor are they inferred from a teleological conception of nature or any other conception of nature.¹⁰

Rather than being inferred from nature, NNLT holds that the precepts of the natural law are self-evident (in a technical sense). This position of the relationship between the speculative and practical reasoning in Aquinas’ moral theory is hotly debated, but the details of the debate need not be explored for our purposes.¹¹

Regarding the Aristotelian teleological understanding of nature that was adopted by Aquinas whereby one can come to know the proper ends of human life, and therefore the good proper to human beings, Finnis states,

The main thing wrong with Aristotle’s ‘unique function’ argument is simply that it adduces a bare fact (the alleged fact that we are unique in such and such a respect). Though this may be a fact of great significance for a description of the universe, it has no significance for practical understanding, i.e., for an understanding of what is good in human life. The argument is a piece of bare ‘physics,’ from which nothing of this sort follows for ethics.¹²

The question of the teleological conception of human nature is something that we will return to later in this chapter. After the naturalistic fallacy has been sufficiently answered, teleology is a topic that must be addressed.

An identical position to Finnis on this subject can be found throughout the works of Germain Grisez. In his view, Aquinas does not commit the naturalistic fallacy, though it would

¹⁰ Ibid., 33-34.

¹¹ For more on this, see Michael Augros and Christopher Oleson, “St. Thomas and the Naturalistic Fallacy,” *The National Catholic Bioethics Quarterly* 13, No. 4 (Winter 2013), 637-661.

¹² John Finnis, *The Fundamentals of Ethics* (Washington, D.C.: Georgetown University Press, 1983), 17.

be understandable for an inexperienced reader to come to such a conclusion in Grisez's view. Why? Because, according to Grisez, Aquinas does not provide a complete account of morality. His moral theory contains a strong foundation for a complete system of ethics, but he never intended to complete one. Commenting on Grisez's work, Robert George explains, "According to Grisez, Aquinas did not bequeath to us a systematic account of moral norms. Nor did he establish the link between the specific moral rules he did articulate and the self-evident first principles...specifying the goods 'to be done and pursued.'"¹³ Such a contention is, to put it mildly, quite controversial among traditional natural law theorists. While it is true that Aquinas' account of the moral life is spread throughout his many writings, previous students of the angelic doctor before the NNL theorists had no problem accounting for a complete moral system in Aquinas' work.

For Grisez, proponents of traditional interpretations of Thomistic natural law theory have misread him and erroneously derived moral imperatives from Aquinas' descriptions of human nature. But to Grisez, this is a great mistake. He says,

The moral ought cannot be derived from the is of theoretical truth—for example, of metaphysics and/or philosophical anthropology. Logically, of course, one can derive a moral ought from an is, whenever the is expresses a truth about a reality which embodies a moral norm. Thus, from "This is the act an honest person would do" one can deduce "This act ought to be done." But from a set of theoretical premises, one cannot logically derive any practical truth, since sound reasoning does not introduce what is not in the premises. And the relationship of principles to conclusions is a logical one among propositions. Therefore, the ultimate principles of morality cannot be theoretical truths of metaphysics and/or philosophical anthropology.¹⁴

¹³ Robert George quoted in Augros and Oleson, "*St. Thomas and the Naturalistic Fallacy*," 639.

¹⁴ Germain Grisez, Joseph Boyle, and John Finnis, "Practical Principles, Moral Truth, and Ultimate Ends," *American Journal of Jurisprudence* 32 (1987): 102.

The “ultimate principles” are, according to Grisez (and the other NNL theorists), indemonstrable insofar as they cannot be derived from theoretical knowledge of anything, metaphysical or physical. One does not contemplate or reflect on the external concept of human nature to understand the basic human goods that are to be pursued. Rather, they are known (intuited?) through an act of “non-inferential understanding” accomplished by the practical reason.¹⁵

Ultimately, in their effort to rescue Aquinas’ natural law theory from the grasp of the naturalistic fallacy, the NNL theorists appear on first reading to distance themselves as far as possible from a teleological conception of nature. Or, more accurately, they hold that the principles of the natural law grasped by human reason are not “inferred from a teleological conception of nature or any other conception of nature.”¹⁶ Critics have pointed out that this reading from Aquinas is novel and seems to remove the “nature” from natural law. Regarding this problem, Henry Veatch asks, “And yet just how can the enterprise of a natural law ethics be anything other than an effort to find some sort of a basis for morals and ethics in nature itself, and thus in the facts of nature?” Moreover, Veatch adds, an unknowing reader who came upon NNLT might presume the authors were opponents of natural law, not staunch defenders of it!¹⁷

But we do know that they are proponents of natural law theory, so what are we to make of this? Fortunately, for the purposes of the present work, we need not resolve all of the questions raised by the NNLT. It will be enough to address the more pressing issue of the naturalistic fallacy because within Catholic moral theology NNL theorists have been the most

¹⁵ Finnis, *Natural Law and Natural Rights*, 34.

¹⁶ *Ibid.*, 33-34.

¹⁷ Henry Veatch, “Natural Law and the “Is”-“Ought” Question: Queries to Finnis and Grisez,” in *Swimming Against the Current in Contemporary Philosophy*, 294.

concerned about it. It appears to have been one of, if not the, primary driving forces behind their work. Given the task at hand – that of finding a morally relevant view of the human body within Catholic ethics – we shall need to find a way of resolving this concern before moving on to the final chapter of our work.

I want to make one final note before leaving this section. In this section on the naturalistic fallacy within modern Catholic theology, there is relatively little to say regarding proportionalist or revisionist thinkers. This is because, as seen in previous chapters, their central concern of the inherited moral tradition was articulated primarily as “physicalism.” Might some revisionist thinkers also have found the naturalistic fallacy as a valid criticism of the moral theology that came before them? Almost certainly. But if it was a concern, they spent very little effort in elaborating upon it. The only mention of it in Charles Curran’s, *Catholic Moral Theology in the United States: A History*, occurs on page 109 when discussing>NNLT. Of Grisez’s emphasis on the naturalistic fallacy, Curran says, “Thus, Grisez, in a certain way, joins the proportionalists in objecting to the physicalism of the manualist approach. But Grisez strongly opposes revisionism and proportionalism.”¹⁸ Curran, then, recognizes a closeness in relation between the physicalist critique and the naturalistic fallacy without necessarily equating them. Still, he has no more to say about it in the entire work.

Salzman and Lawler, in *The Sexual Person*, do raise this issue with regard to>NNLT. They recognize the place of importance it possesses in>NNLT, yet they also, ironically, accuse Grisez and Finnis of committing the very same fallacy!¹⁹ If Salzman and Lawler better

¹⁸ Charles Curran, *Catholic Moral Theology in the United States: A History* (Washington, D.C.: Georgetown University Press, 2008), 109.

¹⁹ Todd A. Salzman and Michael G. Lawler, *The Sexual Person: Toward a Renewed Catholic Anthropology* (Washington, D.C.: Georgetown University Press, 2008), 64.

understood NNLT they would know this is not the case, but it appears they have missed this point. For them, it is enough for Finnis and Grisez to believe in the complementarity of men and women for them to be guilty of the naturalistic fallacy. In either case, whether their assessment of NNLT and the naturalistic fallacy is accurate or not, they spend only a small amount of time and space discussing the issue. In their view, NNLT's violation of this fallacy arises primarily because it "prioritizes the physical and biological over the personal and relational."²⁰ That sounds very much like the physicalist critique addressed in the previous chapter, not the naturalistic fallacy.

Relevant to our discussion, however, is a brief section on the naturalistic fallacy. Salzman and Lawler agree with Hume and other thinkers concerning this fallacy, saying,

We cannot draw conclusions from what is to what ought to be, from the presumed biological structure of the sexual act – for example, to moral obligation – for even after determining what is, we still have to determine whether it is right or wrong...All we can understand from "nature" is the naked facticity of a reality, sexuality and sexual intercourse for instance; nothing else. "Nature" reveals to our attention, understanding, judgment, and decision only its naked facticity, not our moral obligation.²¹

It is clear that Salzman and Lawler follow the more modern perspective concerning "nature" and its complete lack of moral data and relevance for ethics. Nature simply "is," and to derive any moral obligation of nature is an illicit move. Moreover, they deny that humans have a direct perception of nature as it is. Rather, all descriptions of nature are limited because they are interpreted through the lens of each observer's experience; in essence, we impose our own values on nature itself and do not find in it an objective order.

²⁰ Ibid.

²¹ Ibid., 49.

The revisionist school of Catholic theology grew more than any other since the Second Vatican Council and remains the majority view among Catholic ethicists. The problem of the naturalistic fallacy for this school is relatively small, and the arguments employed by the few who do address it are not substantially different from other articulations of the objection. Therefore, we will not spend much more space discussing their contributions to this topic.

4.4 Answering the Naturalistic Fallacy

So how is one to respond to the longstanding objection to natural law from modern ethics that is the naturalistic fallacy? To begin, we will address the problem as it has been passed down in modern philosophy from Hume onward. In the latter part of this section, special attention will be given to NNLT because, despite making claims like, "...the first principles of natural law...[are not] inferred from a teleological...conception of nature or any other conception of nature,"²² NNL theorists actually do seem to accept Aristotelian teleology and hold it as an important aspect of their metaphysical framework. They do, however, reject such a view of nature as the source for deriving principles of moral theology. While it is true that NNL theorists reject modern "teleological theories" of ethics, the misunderstanding is one of semantics.²³ Somewhere along the way, proportionalist moral theories were labeled "teleological," which is a cause of confusion because their uniqueness does not stem from an Aristotelian conception of nature.

²² Finnis, *Natural Law and Natural Rights*, 34-35.

²³ Germain Grisez, quoted by William May, "Contemporary Perspectives on Thomistic Natural Law," in *St. Thomas Aquinas and the Natural Law Tradition: Contemporary Perspectives*, ed. by John Goyette (Washington, D.C.: Catholic University of America Press, 2004), 147.

Despite all that has been said of the NNL theorists and their application of the naturalistic fallacy and their fierce insistence of the fact that moral principles are not derived from anthropology, metaphysics, or any conception of nature, they do in fact recognize the foundational importance of a correct anthropology and teleological conception of nature, however counterintuitive that might seem. To provide just one example, Grisez writes,

Christian moral thought must remain grounded in a sound anthropology which maintains the bodiliness of the person. Such moral thought sees personal biological, not merely generically animal biological, meaning and value in human sexuality. The bodies which become one flesh in sexual intercourse are persons; their unity in a certain sense forms a single person, the potential procreator from whom the personal, bodily reality of a new human individual flows in material, bodily, personal continuity.²⁴

The NNL theorists have had to make other similar clarifications in recent years because many natural law philosophers have 1) accused them of abandoning natural law theory altogether with their new system of ethics, or 2) they have suggested that NNLT logically requires them to do so. According to Veatch, what Finnis argues “is so puzzling as to cause one almost to wonder whether he could have quite meant what he says, or said what he meant....just how can the enterprise of a natural law ethics be anything other than an effort to find some sort of a basis for morals and ethics in nature itself, and thus in the facts of nature?”²⁵ For a further discussion of this, see William May’s essay, “Contemporary Perspectives on Thomistic Natural Law.”²⁶

How to begin, then, responding to the first group? We can begin by stating what should be obvious to any student of philosophy: that to reject the metaphysics of Aquinas is to reject the basis for nearly every philosophical and moral position that he holds. Aquinas’ conception of

²⁴ Germain Grisez, “Dualism and the New Morality,” <http://www.twotlj.org/OW-Dualism.pdf> (Accessed January 20th, 2021) 329-330.

²⁵ Veatch, “Natural Law and the “Is”-“Ought” Question: Queries to Finnis and Grisez,” 293-294.

²⁶ May, “Contemporary Perspectives on Thomistic Natural Law.”

nature is pregnant with metaphysical assumptions. The corpus of Aquinas is indecipherable without a basic understanding of his metaphysics: act and potency, the four causes, matter and form, etc. Edward Feser says it best in his introduction to Aquinas' work, in which he states that most modern readers of Aquinas, even philosophers, often misinterpret his writings because they "have little or no awareness of just how radically different the fundamental metaphysical assumptions of ancient and medieval philosophers are...from the assumptions typically made by the early modern philosophers and their successors...it is a conception very much at odds with [the views of] Descartes, Locke, Hume, Kant and the other founders of modern philosophy."²⁷ Moreover, Feser contends that the modern philosophers mentioned above reject scholastic metaphysics in principle, without doing the work of refuting it. A rejection of scholastic metaphysics was simply an assumption they began with.²⁸

Emerging during the same period of thinkers such as Hume and Descartes was a mechanistic view of the natural world introduced by Francis Bacon and Thomas Hobbes. The material universe, far from being packed with metaphysical realities, is conceived as simply as "matter in motion."²⁹ The philosophers of the modern period come to see the material universe as "a vast machine" and "everything that exists in the physical world is made up of (or 'is reducible to') purely physical parts which by themselves have no goal, purpose or meaning."³⁰

For most people within western civilization in the twentieth and twenty-first centuries, even

²⁷ Edward Feser, *Aquinas (A Beginner's Guide)* (Oxford: Oneworld Publications, 2009), 8.

²⁸ Edward Feser, *The Last Superstition: A Refutation of the New Atheism* (South Bend: St. Augustin's Press, 2008), 171-173.

²⁹ Friedrich Albert Lange, *The History of Materialism and Criticism of Its Present Importance: History of Materialism Until Kant*
https://www.google.com/books/edition/The_History_of_Materialism_and_Criticism/Rng3AAAAMAAJ?hl=en, 311 (Accessed February 5th, 2021).

³⁰ Feser, *The Last Superstition*, 112.

(especially?) Catholic revisionist theologians, it is nigh impossible to conceive of the material universe under any other paradigm. This point is demonstrated perfectly by quotes taken from Salzman and Lawler's work in the above section. They made it quite clear that all nature tells us simply are the facts, or "mere facticity." Nature does not possess any greater significance within or beyond itself. This kind of view of the universe could have been lifted straight from the *Leviathan*. Nature reveals nothing of significance to us. In fact, according to Salzman and Lawler (and Hobbes), if anything, it is the human observer that imposes our own subjective meaning upon nature.³¹

It is from this mechanistic conception of the universe that atheistic and scientific materialism emerged, both of which are relatively common today. According to this view of the natural world, "What exists objectively in the physical world is just mindless, purposeless, meaningless particles of matter bouncing around, knocking into each other in certain regular ways... And there might be certain identifiable regularities in the way this happens. But these more complex things have no *inherent* purpose, goal, meaning, or function."³² Assuredly, Catholic thinkers like Salzman and Lawler would not attribute the existence of the universe to anything other than God. And yet they do not appear to believe that God has revealed to humans His divine wisdom in the created world; otherwise, how could they maintain the is-ought distinction? Or, if God has revealed His will through the created order He set forth (which seems unlikely in their view given the "mere facticity" of nature), this wisdom revealed through His creation cannot have any moral input. But why could it not? That is precisely the point: in order to maintain the naturalistic fallacy, one has to hold either that God does not exist, or He did not

³¹ Salzman and Lawler, *The Sexual Person*, 64.

³² Feser, *The Last Superstition*, 112.

infuse His creation with His divine wisdom in a way intelligible to human reason. Such an idea is, for obvious reason, foreign to traditional interpreters of Aquinas' work. It is understandable for atheist, agnostic, or even deistic thinkers to conceive of the universe in a purely mechanistic-nominalist way. But this view is not Biblical, nor is it present anywhere in Catholic tradition until very recent times – and for good reason.

The next step is to unpack certain aspects of Aquinas' metaphysics of nature. This will provide a clear answer to the naturalistic fallacy, which was born out of a worldview that rejects God as the origin, first cause, and ultimate end of all things. By exploring Aristotelian-Thomistic metaphysics, it will be shown how “the very ‘is’ of human nature already has its ‘ought’ contained within it.”³³ And thus we will see how misused and misunderstood the naturalistic fallacy really is.

For Aquinas, all of reality is ordered by God through His divine wisdom. This ordering takes the form of “law” in a sense. This divine ordering of all things is called the eternal law. This act of divine wisdom, through which all things are created and continually held in existence, directs “all actions and movements,” ordering “all things to their due end.”³⁴ Further on in question 93, Aquinas says the eternal law is known to all and, moreover, all laws are derived from it.³⁵ All of nature is ordered by God's divine wisdom in what is known as the eternal law, “Now just as man, by such pronouncement, impresses a kind of inward principle of action on the man that is subject to him, so God imprints on the whole of nature the principles of its proper

³³ Veatch, “Natural Law and the “Is”-“Ought” Question: Queries to Finnis and Grisez,” 303.

³⁴ St. Thomas Aquinas, *Summa Theologiae*, II. I. q 93.1, <https://www.newadvent.org/summa/2093.htm> (Accessed February 5th, 2021).

³⁵ *Ibid.*

actions...And thus all actions and movements of the whole of nature are subject to the eternal law.”³⁶

So, according to Aquinas, nature is ordered to “proper actions.” Here we come to a concept central to Aquinas’ metaphysics and his view of the moral law: a teleological concept of nature. Of the four causes – efficient, material, formal, final – Aquinas holds the final cause of a thing to be the most central to its essence. The final cause tells us that which something, according to its essence, is ordered to. In other words, all things, rational and nonrational, possess a telos: an end, goal, or purpose. Only insofar as something fulfills its telos can it be described as a “good” thing, whatever it may be. As Aquinas says, “all who rightly define good put in its notion something about its status as an end.”³⁷ The goodness of anything – a rock, a human person, a loaf of bread – is found in its final cause. The telos of something is that which is perfective of it. All things possess a telos because of the ordering done by the divine intellect.

This teleology or final causality is conceived of in two ways. First, simply as a limit on the possibilities of “action” for any particular thing. For Aquinas, understanding the universe as ordered by God’s eternal law results in him speaking of all objects “acting for an end.” Of course, Aquinas does not believe that inanimate objects can make rational choices and thus “act” in a free manner. Rather, the “acting” he speaks of stems from their essence (or “nature” in the sense of “form”) that orders them to certain ends and not others, something made apparent by the consistency one finds in the natural world.³⁸ As Jensen explains,

Aquinas says that every agent acts for an end, and he defines the good as that which all things desire. His universal teleology is evident here. Aquinas does mean every agent, not just human agents, and not even just conscious agents.

³⁶ Ibid, 93.5.

³⁷ Feser, *Aquinas*, 177.

³⁸ Jensen, *Knowing the Natural Law*, 46.

Even a tree or a rock acts for an end. Likewise, Aquinas does mean that all agents desire the good. In this case, “desire” must not be taken literally; it refers to any tendency or inclination, even the tendency of the tree to grow or to reproduce.³⁹

All things are ordered to a specific range of effects or ends. A match, for example, reliably produces heat and a flame when struck, never cold or moisture or any other among the near-infinite range of logical possibilities.⁴⁰ But why? Why is it that a match reliably produces heat and fire when struck rather than cold or moisture or rabbits? Unless each efficient cause is ordered towards certain ends and not others – something that can only be done by a being with intelligence – the only possible way this consistency could be achieved would be through chance. Or, as Aquinas puts it, “every agent [i.e., efficient cause] acts for an end: otherwise one thing would not follow more than another from the action of the agent, unless it were by chance.”⁴¹ This is the essence of the Fifth Way from Aquinas’ proofs for God’s existence, typically called the argument from final causality or teleology. Aquinas argues that unless something, like a match, were ordered by an intelligent mind to a certain range of effects and not others, there is no logical reason why any cause could not produce any logically possible effect. It is only because all of creation is ordered by God’s divine wisdom and thus given “powers” to act towards certain ends that we can find the ordered consistency in the natural world that we do.

Without getting too deep in the weeds of the Fifth Way, it is sufficient for our purposes to explicate the significance of the eternal law and teleology for conquering the naturalistic fallacy. I am not the first to point this out. But the point here is a crucial one – not just for Thomistic ethics or Catholic moral theology but for all natural theology and moral theology (and

³⁹ Jensen, *Knowing the Natural Law*, 36.

⁴⁰ Feser, *Aquinas*, 17.

⁴¹ Quoted in Edward Feser, *Scholastic Metaphysics: A Contemporary Introduction* (CreateSpace Independent Publishing Platform, 2009), 92.

philosophical ethics): understood within the metaphysical framework of Aristotle and Aquinas, the naturalistic fallacy has no teeth. In Feser's words,

there simply is no "fact/value distinction" in the first place...there is no such thing as a purely 'factual description of reality utterly divorced from 'value,' for value is built into the very structure of the 'facts' from the get-go. A gap between 'fact' and 'value' could exist only given a mechanistic-cum-nominalistic understanding of nature of the sort commonly taken for granted by modern philosophers, on which the world is devoid of any essences or natural ends.⁴²

Understood from the perspective of the eternal law and the resulting teleological view of the world, this point is undeniable. Granted, if the deck is stacked against Aquinas and natural law theorists by assuming from the outset, "The natural world contains no value, sense of goods, natural ends, or essences; therefore, you cannot derive values from it," that would, indeed, be correct. One cannot derive values from a valueless world. But the entire Aristotelian-Thomistic project is based on a strongly argued position that nature does, in fact, possess inherent order, purposes, and values. The very nature of reality is perfectly ordered by the divine wisdom, and a proper understanding of anything, including efficient causality, is incomprehensible outside of the teleological objectivist paradigm.

To deny the reality of final causality within nature results in positions rooted in absurdity. As was stated before, efficient causality (the only kind usually recognized by scientists and philosophers since the advent of modern philosophy) lacks any grounding. And that is precisely what we find in the work of Hume. In his work, *A Treatise on Human Nature*, Hume argues that the phenomenon of cause and effect which we perceive is invalidly inferred from our experience. It is true, he says, that we consistently observe certain events that follow each other, such as a billiard ball knocking into another, causing it to move in the direction of the angle of the strike.

⁴² Feser, *Aquinas*, 175.

But to claim to know that the two events – 1) ball A striking ball B followed by 2) ball B moving in the direction of the angle of the strike – are related to each other is impossible.⁴³ But what follows from this conclusion removes any possibility of knowledge from experience, including the scientific method. Thus, we see that a denial of final causality (and all of scholastic metaphysics) leaves us with a world that, logically, it should be impossible to make sense of. Denying final causality cuts off just about every epistemological branch one can sit on.

The naturalistic fallacy, then, as articulated from the perspective of modern philosophy, cannot be maintained. As Alasdair MacIntyre explains in *After Virtue*, the naturalistic fallacy is “not a fallacy at all,” or at least not a new one.⁴⁴ It will always remain a fallacy to include something in the conclusion of an argument that is not found in one of the premises, but that is not what happens under the paradigm of Aristotelian-Thomistic metaphysics. Nature is not pure facticity at all; otherwise it would be impossible to make sense of it.

We are left with the perspective of NNLT. Their objections regarding this fallacy have already been answered in the response from the previous section, but we can unpack it further. Unlike the former camp, this group accepts Aquinas’ teleological conception of nature at a metaphysical level. They do not, however, believe he derived moral principles from the speculative knowledge of the ends of human nature. Whether or not Aquinas did this becomes irrelevant to the logical force of this fallacy. If Aquinas does, contrary to NNLT’s position, hold that the precepts of the natural law presuppose some speculative knowledge about nature and human nature that is then reflected upon by the practical reason (the source of morality), then this is still a valid move to make because of the reasons explained above. This is not the case of

⁴³ Hume, *A Treatise on Human Nature*.

⁴⁴ Alasdair MacIntyre, *After Virtue: A Study in Moral Theory, Third Ed.* (South Bend: University of Notre Dame Press, 2007), 148.

deriving an ought from an is, but rather recognizing the inherent ought, place by God through His divine wisdom, already present within the entire world that “is.” Indeed, this would seem to be the case when Aquinas explains,

The natural law is nothing other than a conception naturally impressed upon men by which they are directed to act appropriately in their own actions, either as they apply to the nature of the genus, for example to reproduce, to eat, and things of this sort, or as they apply to the nature of the human species, for example, to reason and such things. Every performance of an action unsuitable to the end that nature intends in some activity is said to be against the natural law.⁴⁵

Commenting on this text and others, Jensen concludes, “Clearly, Aquinas has identified various ends of nature, and from these he has moved to precepts of the natural law.”⁴⁶

If, however, the NNLT is correct, then, well, the naturalistic fallacy is already guarded against. For, that was the very reason for conceiving of a “new” theory of natural law in the first place. Assuming the correctness of NNLT, then, the naturalistic fallacy has already been avoided, although the holistic anthropological vision of the human person is not immediately apparent.

4.5 Teleology in the Work of MacIntyre

In chapter two of this work, we saw that moral action is characterized as that which is intentional. Intention is the fundamental character of an action that distinguishes human action from an act of a human (like breathing or blinking). In the present chapter, we have succeeded in answer the so-called naturalistic fallacy by appealing to final causality as ordered by God in the eternal law.

⁴⁵ Thomas Aquinas cited in Jensen, *Knowing the Natural Law: From Precepts and Inclinations to Deriving Oughts*), 97.

⁴⁶ Ibid.

I would propose that a helpful way of thinking of the eternal law and our participation in it (the natural law) is as *divine intention*. For what else could objective morality have as its ultimate source other than God's intention, whether this intention can be derived from nature in any way or not? To deny this would seem to pull the rug out from under any hope of finding an objective ethical theory. And as was demonstrated in this chapter, seeking the divine intention within God's divinely ordered creation does not violate the naturalistic fallacy because the created world is pregnant with meaning, stemming from the *Logos* or Divine rationality.

A teleological approach to ethics grounds moral analysis within an objective framework in a way that non-teleological approaches cannot in at least two ways. First, by grounding morality in the eternal law (i.e., what I have called the divine intention); second, by connecting the good and the true in a rationally coherent order. Throughout much of his celebrated career, Alasdair MacIntyre has developed these topics in his works, such as *After Virtue*, where he analyzes themes in moral theology through historical and philosophical analysis. By exploring some of the works of MacIntyre, we can begin to see how a teleological framework can be developed in fruitful ways for understanding how the body can be incorporated into modern Catholic ethics.

In *After Virtue*, MacIntyre does not flesh out an entire natural law ethic grounded in the natural inclinations and teleology, but he does argue that the rejection of the Thomistic-Aristotelian teleological framework is a cause – if not *the* major cause – of the ineffectuality of ethical theories in the modern period. Specifically speaking about the thinkers from the enlightenment period such as Hume, Kant, and others, MacIntyre states, “All reject any teleological view of human nature, any view of man as having an essence which defines his true end. But to understand this is to understand why their project of finding a basis for morality had

to fail.”⁴⁷ The “historical background” of the thought of the enlightenment thinkers, argues MacIntyre, were certain moral rules developed from the Judeo-Christian tradition, which were themselves presumed a conception of fallen human nature that contained a goal or purpose towards which humans should strive to achieve. This goal, or *telos*, was reachable by following the moral precepts.⁴⁸ As MacIntyre puts it, “human-nature-as-it-happens-to-be” and “human-nature-as-it-could-be-if-it-realized-its-*telos*” are bridged by “the precepts of rational ethics” that help us achieve the perfection of human nature.⁴⁹

The enlightenment thinkers rejected both Christian teaching and the teleological foundation of the moral precepts they inherited. As MacIntyre says,

the joint effect of the secular rejection of both Protestant and Catholic theology and the scientific and philosophical rejection of Aristotelianism was to eliminate any notion of man-as-he-could-be-if-he-realized-his-*telos*. Since the whole point of ethics-both as a theoretical and a practical discipline- is to enable man to pass from his present state to his true end, the elimination of any notion of essential human nature and with it the abandonment of any notion of a *telos* leaves behind a moral scheme composed of two remaining elements whose relationship becomes quite unclear.⁵⁰

The two remaining elements were, first, the moral precepts passed on from the Judeo-Christian tradition, though without their grounding in a teleological conception of human nature; and second, the “untutored-human-nature-as-it-is” that has no corresponding *telos*. Having rejected

⁴⁷ MacIntyre, *After Virtue*, 54.

⁴⁸ Surely, grace and many other elements of Christian theology fit into his entire picture of human fulfillment as well, but MacIntyre’s analysis is operating simply on the philosophical level here.

⁴⁹ MacIntyre, *After Virtue*, 53.

⁵⁰ *Ibid.*, 54-55.

teleology, the moral norms were not going to be able to be grounded in any conception of human nature.⁵¹

I would conceptualize this problem as separating the notion of the good from the truth. This can be conceived of as the classic Euthyphro dilemma, or what Veatch calls the “Euthyphro test.”⁵² Is a thing good because the gods love it? Or do the gods love something because it is good? In other words, does the good precede the true or does the truth precede the good in our rational understanding or morality? This is what I meant above by finding the rational order, or relationship, of these transcendentals. I would argue – as I believe MacIntyre does using different language – that any hope of finding an objective morality must recognize the priority of the truth for moral inquiry. Otherwise, as was discussed above, since the good cannot be derived or argued for, it must be underived and self-evident in some sense. But the self-evident nature of the good turns out to be not so self-evident since the number of conceptions of the good are as numerous as the moral theories developed since the enlightenment. This is not to argue that a morality constructed using a teleological conception of nature will find unanimous agreement on all moral questions. Far from it, but at least the conception of the good *can be argued for*, rather than simply presupposed.

It is not the task of this dissertation to fully defend or develop what the moral goods of a moral system are or should; that is beyond our scope. The point is simply that Catholic ethics⁵³ needs to be grounded in a view of nature and the truth that connects the moral good back to the only possible object foundation: the divine intention. Thomistic-Aristotelian teleology is one

⁵¹ As I have argued above in this chapter.

⁵² Veatch, “Queries to Finnis and Grisez,” 307.

⁵³ And all ethics, in my view, but my scope is Catholic moral theology.

such system that does this, but other similar or analogous conceptions of human nature could be developed as well.

Returning to the Euthyphro test, we can say that if, in Veatch's articulation, "things are good for no other reason than that men happen to desire them, or go for them, or be inclined towards them,"⁵⁴ then we are left with an utterly subjective or arbitrary moral system. In other words, according to MacIntyre, "Detach morality from that framework and you will no longer have morality; or, at the very least, you will have radically transformed its character."⁵⁵ The radically transformed version of morality that resulted from the rejection of a teleological grounding of rational human action results in an utterly different way of understanding "moral idioms."⁵⁶

The consequence of all of this is a reversal of the Euthyphro dilemma discussed above. Rather than the goodness of things finding their grounding in teleological purposes, goodness becomes something that results from a person's inclining towards choosing certain ends of their own making. Thus, "it begins to appear implausible to treat moral judgments as factual statements."⁵⁷ And so, in much of the modern secular ethical theories, moral judgements are not factual statements about our pursuit and relationship to certain ends that correspond to our nature, but rather they are statements about we desire or choose through our rugged individualistic powers. There are no longer factual criteria for moral decision-making, so we find

⁵⁴ Veatch, *Queries to Finnis and Grisez*, 307.

⁵⁵ MacIntyre, *After Virtue*, 56.

⁵⁶ *Ibid.*, 59.

⁵⁷ *Ibid.*

ourselves in “a situation where there are no longer any clear criteria.”⁵⁸ This is the same mistake I hope this work will help modern Catholic theories avoid.

In later works, MacIntyre would continue to develop these insights and refine them in ways that may be helpful for our task at hand. In *Dependent Rational Animals*, MacIntyre provides fascinating insights into what he thinks human nature can tell us about the kinds of virtues that are necessary for flourishing within the context of human social life. In *After Virtue*, he developed an account of the virtues with the context of practical human life, “within social practices, the lives of individuals and the lives of communities.”⁵⁹ In hindsight, he does not view that element of his work as a mistake, but he does believe he made a crucial mistake; he says, “I now judge that I was in error in supposing an ethics independent of biology to be possible.”⁶⁰ He was concerned too much with sociology and social practices, appreciating the teleology of Aristotle without wanting to accept the biological side of that teleology. Only a conception of morality that takes into account our biological nature as animals can “explain – or at least point us towards an explanation” of the goods, rules, and virtues that constitute human flourishing.⁶¹ This work, then, serves as a corrective line of thinking to what is found in *After Virtue* and other works of MacIntyre.

In my reading of this text, *Dependent Rational Animals* is not intended to be a complete account of the moral life and the virtues within the holistic framework of human life. Rather, it is meant to be a corrective response to versions of Christian ethics (including his own) that overemphasize the differences between human beings and the rest of the animal kingdom.

⁵⁸ Ibid., 236.

⁵⁹ Alasdair MacIntyre, *Dependent Rational Animals* (Chicago: Open Court Publishing Company, 1999), x.

⁶⁰ Ibid.

⁶¹ Ibid.

MacIntyre does not largely employ traditional Thomistic language consistently throughout this work. For example, he only references God four times in the entire work, and the natural inclinations, as traditionally espoused by Aquinas, are almost entirely left out.

Rather, he is interested in “facts” central to the human condition, shared by other animals, that point us to essential virtues for human flourishing. What are these central facts of humanity? In this work, he focuses on “the related facts of dependence” that pertain to our human nature in virtue of our shared conditions.⁶² The characteristics of the human condition that interest him are our “vulnerability,” “affliction,” and “disabilities of the body,” all which point to our interdependence with others in our social spheres. For MacIntyre, we must not only give attention to the “rational” side of the designation, “rational animals.” The animal side of our species has been largely forgotten, he thinks, in modern ethical theories. Moreover, he says – and this is central to his entire work – our “dependence, rationality, and animality have to be understood in relationship to each other.”⁶³

MacIntyre’s heavy-handed language about the grounding of morality in biology stands in stark contrast to many of the thinkers we have surveyed so far, particularly the revisionist ones, but I do not think many of his arguments and conclusions will be unappreciated even by those who are trying to maintain as much distance from “physicalism” as possible.

In the beginning of his book, MacIntyre spends a lot of time and effort in arguing that intelligent animals such as dolphins and primates can, in some sense, be described as having reasons, or intentions, for acting. They do not possess the same level of linguistic capabilities that many thinkers link closely with intentionality, but this is not determinative for MacIntyre.

⁶² Ibid., 4-5.

⁶³ Ibid., 5

Even without truly rational language, one can speak of intelligent animals as, in a certain sense, acting towards ends.⁶⁴ His purpose of these arguments is not to equate human and non-human animals morally or intellectually. Rather, he is “suggesting...that adult human activity and belief are best understood as developing out of, and as still in part dependent on, modes of belief and activity that we share with other intelligent animals.”⁶⁵ If I read him correctly, this then means that these modes will still be relevant for discerning the properly human virtues.

The virtues MacIntyre is concerned with are not, he says, the traditional ones we typically find in discussions of virtue ethics. Those are important, but in this work he is interested in the virtues that allows humans to live in the co-dependency of social relationships with those around us, then those virtues that we develop in order to make us *independent* reasoners.⁶⁶ Independent, or “sound practical reasoners,” are characterized by 1) being able to “detach themselves from the immediacy of their own desires,” 2) “their capacity to imagine realistic alternative futures,” and 3) their disposition to recognize and to make true practical judgements concerning a variety of kinds of good.”⁶⁷ The opportunity to develop these “virtues” is dependent upon others in our lives, particularly at a young age. So, according to MacIntyre, our capacity for *independent* practical reasoning is *dependent* upon our families and other social structures, and this dependency never truly ends, though it will develop as we go through life.

What is an example of the non-traditional virtues he explores in this book? In chapter eight, MacIntyre explicates what he calls “just generosity,” which is characterized by

⁶⁴ Ibid., 54-55.

⁶⁵ Ibid., 41.

⁶⁶ Ibid., 82.

⁶⁷ Ibid., 96.

uncalculated giving and care for those close to us in both family and community.⁶⁸ As one can see from the definition, such generosity is more than what is called “justice” in the class virtue ethics tradition. This just generosity flows from the fact of our interdependence with those around us. But just generosity goes beyond those simply in our own immediate communities, but also must include “those whose urgent need confronts the members of such a community”.⁶⁹

MacIntyre’s work as a whole is of interest to this project insofar as it demonstrates a unique approach to understanding the human body’s relevance for Catholic ethics. He does not shy away from the biological and animalistic nature of the human person. Rather, he grounds a certain kind of moral theory of interdependency in the embodied dependency that our human experience is characterized by at every stage of life. He shows in this work how teleological considerations can take different forms and shape the Catholic tradition in novel ways. What is interesting is how little this work spends explicitly addressing the final end of human life and action compared to the genesis of human life and dependency.

That curious characteristic of *Dependent Rational Animals* is not found in another of MacIntyre’s works, *Ethics in the Conflicts of Modernity*, in which he spends more time addressing the *telos* of human life and the conception of the good. *Ethics in the Conflicts of Modernity*, MacIntyre’s most recent book, is, as one commentator says, an “astonishingly wide-ranging work.”⁷⁰ MacIntyre continues to evolve and develop themes from *After Virtue* while also entering into political and economic questions related to philosophical ethics. For our purposes,

⁶⁸ Ibid., 120.

⁶⁹ Ibid., 126.

⁷⁰ Angier, 426.

we are most interested in his development of his teleological views on desire, the human good as it leads to flourishing, and narrative.

One of the chief concerns of my own work is to place the relevance of the human body within the context of an understanding of morality that has an objective foundation. I argue that a teleological view of nature and the human body – or something analogous to it – is the only way to accomplish this. I think MacIntyre would agree, but in this work, he goes further to attempt to situate objective moral norms and the virtues within the context of self-reflective virtuous communities where practice, and not theory, is the refining principle that embodies these moral norms.

MacIntyre begins his work by contrasting what he calls the “NeoAristotelian” theory of desire and the good with the “expressivist” one, which is closely related to the much-discussed “emotivism” from *After Virtue*.⁷¹ The NeoAristotelian⁷² – or Thomistic-Aristotelian – account holds that desire experienced by human persons correspond and point to goods to be pursued through rational action because “every desire is for some good.”⁷³ Desires are intelligible only in light of the goods to which they are directed. Humans are naturally inclined to these goods because they correspond to the teleological truth found in nature. Emotivism, on the other hand, believes that desires possess no objective content. Moreover, when humans make evaluative (i.e., moral statements), these are nothing more than expressions of “attitudes of approval or disapproval [that] have emotive meaning.”⁷⁴ MacIntyre does not intend or pretend to settle the

⁷¹ See especially Chapter 2 of that work.

⁷² His reasons for using this term is unclear, but he does eventually acquiesce to simply speaking of Thomistic-Aristotelianism.

⁷³ Alasdair MacIntyre, *Ethics in the Conflicts of Modernity: An Essay on Desire, Practical Reasoning, and Narrative* (Cambridge: Cambridge University Press, 2016), 10.

⁷⁴ *Ibid.*, 16.

debate between the NeoAristotelian and emotivist camps. Rather, the main takeaway for his own position is that “we cannot help affirming that our life is a teleologically ordered whole, whose final end is flourishing, and that we move towards flourishing when we pursue objective goods, and move towards failure when we pursue objective evils.”⁷⁵

The rational pursuit of goods is what will lead to human flourishing. MacIntyre provides a list of the goods pursued in human life that are (or could be) generally recognized by all people: “good health and a standard of living,” “good family relationships...sufficient education...[productive and fulfilling] work,” friendship, time for appropriate leisure, and “the ability of a rational agent to order one’s life.”⁷⁶ The more of these goods one can secure in life, the greater chance the person will have to truly flourish in this life.

One of the key insights from MacIntyre’s work is that these goods are not known or pursued in the abstract. Moreover, the virtues necessary to secure and promote these goods are also not abstractly conceived. Continuing themes from *After Virtue*, he argues these goods and virtues *can only be* developed in the concrete cultures and communities that each person lives. MacIntyre, in this account, makes a strong effort to balance both the particular and universal aspects of morality. Hence, he writes,

It is by their initial education as practical reasoners and by their subsequent exercise of their reasoning powers in the making of such choices that agents play their part in determining the goodness of their lives. The substance of the alternatives that they confront does of course differ from culture to culture and social order to social order and differs too depending on an agent's place in her or his social order. Family structures, kinds of productive work, distributions of authority and power take different forms. But there is one and the same need to be able to judge what kind of contribution to the achievement of the agent's individual and common goods each alternative course of action will make. So already at this first stage of the enquiry, we are able to sketch an account of the

⁷⁵ Angier, 426-427.

⁷⁶ MacIntyre, *Ethics in the Conflicts of Modernity*, 222.

form that any good life for human beings must take, an account on which there is in fact a surprising amount of agreement.⁷⁷

It is not entirely clear how successful he is in attaining this balance, but his account does provide a good example of moral theory that attempts to balance the subjective and objective concerns of morality.

The last topic of interest from MacIntyre's work is his use of narrative as essential for making sense of one's life. A person's life is not a series of unrelated events unfolding one after another. Rather, one's ability to make sense of the directedness of our lives, full of both mistakes and successes, is to situate ourselves within our own narrative. He writes,

Finally, through all of this it will be important to remind ourselves recurrently of the overall aim of this enquiry, to understand more adequately the part that our desires and our practical reasoning play in our lives and in their going well or badly. My arguments will lead to the conclusion that the form which gives expression to such understanding is that of narrative and of a kind of narrative which presupposes a NeoAristotelian conception of human activity.⁷⁸

The truth or falsity of his arguments concerning narrative need not be resolved here. What is of interest is the way narrative can serve as a unifying principle of the human person within a teleological framework for the moral life.

4.6 Conclusion: Moral Precepts and the Divine Intention

In this chapter I have attempted to address the naturalistic fallacy so that it may no longer be a thorn in the side of Catholic moralists. We saw that it only can be maintained if one presumes the natural world was created by blind processes devoid of any intellectual ordering. As we saw, there are very good reasons to reject such a view of the world. Nature can, in

⁷⁷ Ibid., 223.

⁷⁸ Ibid., 165.

principle, provide guidance for moral theology because it has been – and should be, as I have argued – be seen as an insight into the divine intention of the Creator that shaped all things that exist.

Is it as simple, though, as merely “looking to nature” and the *telos* of the natural world to discern moral principles? Certainly not. How, then, does nature relate to the moral law? And in what way can the holistic view of the human person be integrated with the moral law without overemphasizing the physical dimension of the person to the detriment of the other dimensions? In other words, in what way is the human body relevant to Catholic moral theology? Beginning to answer these questions is the task of the next and final chapter of this work.

Chapter 5

The Goodness of the Body: Towards a Moral Relevance of the Human Body with Catholic Ethics

...the human being is not merely spirit in a body. Man is neither ‘spirit in the world’ (K. Rahner), nor ‘reason in nature’ (W. Korff). Man does not only *have* a body, drives, sense organs, but *is* all these. He does not belong to the *genus* of spirits, but rather to the genus of *animaila* [cf. Lat. *Anima*, ‘be-souled things’]. The human being is a reason-endowed living thing (a mammal), and *animal rationale*, a spiritually ensouled body. The human ‘I’ can therefore be identified neither with soul or spirit: *anima mea non est ego*: ‘My soul is not identical with my ‘I.’ The human being is a substantial unity of body and soul. We call this unity a *human person*. Within it, ‘nature’ as a spiritual dimension and ‘soul’ has a natural dimension, in complete contrast with the dualism current in modern thinking that starkly opposes ‘nature’ to ‘spirit.’

- Martin Rhonheimer, *The Perspective of Morality*, 186

5.1 Introduction

The currents within Catholic Moral Theology shifted more drastically within the twentieth century, it could be argued, than it had in the previous millennia. It could also be argued that these shifts hinged on predominantly anthropological concerns. We saw in the first chapter how revisionist thinkers consistently spoke of doing ethics in a way that does justice to the full truth of the human person. These thinkers were in lockstep with the Second Vatican Council, including many of the statements found in *Gaudium et Spes*, which spoke of the human person, “whole and entire,”¹ as the central focus of the concerns of the encyclical. Moreover, the document emphasized that sexual love “involves the good of the whole person”² within the context of marriage.

¹ Second Vatican Council, "Pastoral Constitution on the Church, *Gaudium et Spes*, 7 December 1965," http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_cons_19651207_gaudium-et-spes_en.html (accessed April 10th, 2016), sec. 3.

² *Ibid.*, 49.

These revisionist thinkers, such as Charles Curran and Richard McCormick, among many others, pushed back against the physicalism of the manualist tradition and the perceived physicalism of more modern papal articulations of Catholic moral teaching, such as *Humanae Vitae*. Traditionalist Catholic theologians also held firmly to a holistic view of the human person. Working within the natural law tradition (or a revised form of it in the case of NNLT), traditionalist scholars were convinced that their own moral theories captured the proper balance between the material and spiritual elements of the human person despite critiques claiming the opposite coming from the revisionist camp.

It was argued in the first chapter above that, despite the many methodological and prescriptive differences between the revisionist and traditionalist schools of thought, there was and continues to be a broad nondualist anthropological consensus shared between the two schools. Regardless of their different methods and conclusions, scholars from both camps can agree on their intention to do justice to the totality of the human person through their theological ethics. The ultimate purpose of this dissertation has been to examine the landscape of Catholic moral theology through that no dualistic anthropological lens. If a theologian's moral system truly does justice to the whole human person, body and soul, then it follows that the body ought to be *morally relevant* within each system, otherwise well-intended anthropological foundations will be wasted and replaced by a dualistic constitution of morality.

The task of this final chapter, then, is to propose necessary criteria for Catholic moral systems in order for them to properly reflect the nondualist anthropological vision as articulated in *Gaudium et Spes* and shared by all parties involved. To do this, we will begin by revisiting previous sections of this work to elucidate two general criteria for Catholic ethics. In the next section, we will examine three different approaches to the body within natural law scholarship

that will highlight some points of departure for and potential areas of fruitful dialogue going forward. As with the previous chapters, I am not concerned with the moral conclusions reached by the different theological schools. My purpose is to set out a framework within which theologians can develop their respective moral systems in such a way that respects and corresponds to the holistic vision of the human person.

5.2 Criteria for the Moral Relevance of the Human Body

In the first chapter, we saw that the dominant current theological tradition, the revisionist school, greatly altered Catholic moral theology with the intention of doing justice to a comprehensive view of the human person by avoiding the physicalist tendencies that they found in recent manualist and magisterial works. This project resulted, ironically, in a moral theology that made the human body completely irrelevant to their ethical theories. The physical dimension of human nature, accepted and acknowledged as good by these thinkers, contributed absolutely nothing to their moral reasoning despite consistent assertions to take into account the entire person.

Salzman and Lawler, for example, in an enormous act of irony, subtitled their book, “Towards a Renewed Catholic Anthropology.”³ The book, however, did nothing whatsoever to renew Catholic anthropology. Rather, they simply framed moral decisions in such a way so as to make the aspects of the human person that are *most subjective* – such as desires, remote intentions, and relationships – also *the most determinative* within their methodology.

³ Todd A. Salzman and Michael G. Lawler, *The Sexual Person: Toward a Renewed Catholic Anthropology* (Washington, D.C.: Georgetown University Press, 2008).

Likewise, we saw that Margaret Farley's impressive work on sexual ethics, *Just Love*, fell prey to similar issues. She strongly affirms that human persons are "embodied spirits, inspirited bodies," and she states, "...our bodies are not purely passive, not appendages, not merely instruments for ourselves; they are intrinsic to ourselves. The body, inspirited, is therefore intrinsic to ourselves as subjects."⁴ That is absolutely true, but this accurate anthropology has no bearing on her moral methodology or conclusions found in the book. Like many other feminist scholars who have written on the subject, "autonomy and relationality are keys to understanding the person" for Farley.⁵ The goodness of the body consists entirely in one's capacity to choose what is done with it. Personal autonomy certainly is a prerequisite for human action and, therefore, is an essential part of the human person, but this is nothing new. Aquinas and others relate precisely the same point when defining the human person as having an intellect and a will and thus being a rational animal. What is novel, however, is the modern revisionist exaltation of autonomy over the divinely ordered human nature found in the eternal law and grasped by human reason in the natural law.

New Natural Law Theory was also addressed in the first chapter of this work. We saw that this school of thought constructed a moral theory with a very complicated integration of human nature and the human body with moral norms. Constructed with an apparent cognitive dissonance regarding the importance of human nature for ethics, NNLT simultaneously grasps the importance of human nature as an ontological and metaphysical foundation for ethics while

⁴ Margaret A. Farley, *Just Love: A Framework for Christian Sexual Ethics* (New York: Continuum, 2006), 129.

⁵ Susan A. Ross, *Anthropology: Seeking Light and Beauty* (Liturgical Press, 2012). *ProQuest Ebook Central*, <http://ebookcentral.proquest.com/lib/duquesne-ebooks/detail.action?docID=4732274>. Accessed February 7th, 2021.

also profusely rejecting it as essential for deriving moral principles.⁶ Given this internal confusion within the theory itself, I think we can most accurately say that the human body is integrated into their moral system in a relevant way, despite their best efforts to avoid this.

Given the landscape of Catholic moral theology, I propose two basic principles for Catholic ethics moving forward that will allow the body to be integrated into ethics so as to make any proposed moral system truly holistic.

Principle 1: The Principle of Unified Human Action. The action theory that undergirds moral theology must respect the connection between the intention of the acting person and the corresponding embodied action and thus reflect the anthropological unity of the human person.

The examination of different conceptions of action theory in chapter two allowed us to formulate the first pertinent criteria for the moral relevance of the human body in Catholic ethics, *The Principle of a Unified Human Action*. From the analysis in that chapter, we can assert it is necessary to avoid proportionalist moral reasoning that emerged out of the revisionist movement of the twentieth century. It was demonstrated that action theory proposed by revisionists began with, ironically, the same physicalist error of the manualist tradition: the identification of the object of human action with a purely physical description of the act from the perspective of an observer. The object, in this view, lacks any intentional element and so must have added to it the remote intention of the acting person, resulting in the expanded notion of the object as proposed by Richard McCormick. But the expanded notion of the object allows the acting person to, in principle, make any choice to conduct embodied action that can then be justified by tacking on a

⁶ Germain Grisez quoted by William May, "Contemporary Perspectives on Thomistic Natural Law," in *St. Thomas Aquinas and the Natural Law Tradition: Contemporary Perspectives*, ed. by John Goyette, Mark S. Latkovic, and Richard S. Myers (Washington, D.C.: Catholic University of America Press, 2004), 147.

remote intention. It was demonstrated that this error stems from evaluating moral acts from the wrong perspective.

Proportionalist reasoning suffers from the failure to evaluate a moral choice from “the perspective of the acting person.”⁷ In evaluating human acts from an observer’s perspective, as proportionalist action theory does, the physical aspect of the human person is isolated from the totality of the choice made and treated merely as a premoral good or evil. For example, Josef Fuchs speaks of “killing as such” as though this can be an accurate description of a deliberate action. Martin Rhonheimer counters this by explaining, “The problem here is that ‘killing as such’ is not an act, not even an ‘act as such,’ because ‘as such’ it is not described as a *chosen* act, that is, as an act that is the object of choice...’killing’ as a behavioral patten (putting another person to death) could also be the performance of a robot.”⁸ In other words, when brought about by a human being through free choice, “killing” never takes place without a corresponding proximate intention that serves as the deliberately chosen end of a free person.

Subsequently, this moral theory completely divorces human action, carried out bodily as all human action is, from the intention of the individual. The example given in the second chapter is still instructive: under this moral reasoning, John could knowingly and deliberately point a gun against the temple of Harry and pull the trigger without it being possible to know if John intended to kill Harry. Or a pilot could deliberately drop a nuclear bomb on a populated civilian city without it being possible to know if the death of the innocent civilians was intended or not. For proportionalists, these actions, prior to the weighing of nonmoral goods and evils,

⁷ Pope John Paul II, *Veritatis Splendor*, http://www.vatican.va/holy_father/john_paul_ii/encyclicals/documents/hf_jp-ii_enc_06081993_veritatis-splendor_en.html (accessed October 16th, 2013).

⁸ Martin Rhonheimer, “Intentional Actions and the Meaning of Object: A Reply to Richard McCormick,” in *The Perspective of the Acting Person: Essays in the Renewal of Thomistic Moral Philosophy* (Washington D.C.: Catholic University Press, 2008), 75.

could be simply described as premoral acts of “killing” and “bomb dropping” with no intentional element. But we saw that this is not how moral acts are carried out. When carrying out human action – free and deliberate choices – we recognize a good to be pursued and never choose “killing as such,” but rather pursue the death of a specific person (or persons) through certain chosen means.

A moral theory that so completely separates the determinative intention of the acting person from the outward manifestation of the choice in human action is wholly inadequate for moral systems designed to do justice to the human person as a hylomorphic entity and treat the body as morally relevant. The fact is, God has created the very structure of human action in such a way that certain things cannot be done without also intending them. For revisionists, anything can, in principle, be deliberately chosen (in embodied action) without intending it. For this reason, proportionalist moral reasoning and the expanded notion of the object of moral action will have to be abandoned if ethicists are to give a holistic account – one of a person constituted as a body-soul unity – of human action. I am aware that this will require revisionist scholars to completely rethink the foundations of their moral systems, but this conclusion is unavoidable given the dualistic nature of their action theory.

In summary, the action theory undergirding any moral theology must respect the anthropological unity of the human person and human action by not divorcing deliberate human choices embodied in action from what is intended. Catholic moral theology must maintain a theory of action that respects the integral connection between the agent’s intention and the manifestation of that intention in their bodily action.

Principle 2: Moral theologians should embrace the physical dimension of human nature as wonderfully designed by God in His infinite wisdom and as a reflection of the divine intention

of what is good for human flourishing and happiness. Thus, the moral good that is the aim of human action should also be understood as derived from a teleological conception of nature or something analogous to it.

The first principle of practical reason – or the first principle of natural law – according to Aquinas is, “The good is to be done and pursued, and evil to be avoided.”⁹ This is the most foundational principle of the natural law. The challenge for all moralists has always been giving content to the word “good” in this axiom. It is simple enough to say that good is that which should be pursued and done, but how is the good to be defined? The principle itself does not appear to contain any specifying content of the moral goods that are to be pursued. Rhonheimer puts the relevant question this way: “...how does this principle become further subdivided into specific areas of action?”¹⁰ In other words, how is the good specified for moral action?

Much of the history of philosophical ethics can be reduced to these questions: what is the definition of the good, and how do we come to know it? Aristotle and Aquinas answered this question within the context of their teleological framework. Many others have made their own attempt at this, but in recent centuries the naturalistic fallacy kept rearing its ugly head and frightening moralists away from potential solutions located within human nature or the created world. This fear, as it has been shown, is unwarranted. As we saw in chapter four, any attempt to derive the definition of the good from any natural or metaphysical reality was perceived as illicitly deriving an ought from an is. Therefore, attempts were typically made to define the good in a non-inferential way. The good could not be inferred or derived from any existing thing, it

⁹ Martin Rhonheimer, *The Perspective of Morality: Philosophical Foundations of Thomistic Virtue Ethics* (Washington, D.C.: Catholic University of America Press), 269.

¹⁰ *Ibid*, 274.

simply had to be intuited – as with G.E. Moore – or known (intuited?) through an act of “non-inferential understanding” accomplished by the practical reason, not the theoretical reason – as with the NNL theorists.¹¹

It was shown in chapter four how the naturalistic fallacy could be overcome; specifically, by holding to a teleological conception of the created world that inherently possess oughts in the very structure of what is. In this view, the natural world is much more than “naked facticity.”¹² It is wonderfully ordered by God’s perfect wisdom, and all things are ordered to their proper ends. Human beings, like everything else, are ordered to God as their ultimate end, the fulfillment of all human desires.

We can use this Aristotelian-Thomistic teleological conception of nature as a base model for other moral theories. My intention is not to set up this specific form of teleology as the only possible paradigm for moral theology to operate under. In my view, it does offer the best current framework for moral theology that provides a relevant role for the body in Catholic ethics, but it need not be the only possible model, nor is every aspect of the human person’s relation to nature and the natural law settled. What I am proposing is that other moral theories should (must?) construct their view of nature and the human person following the same broad principles as the Aristotelian-Thomistic model if they are to have any hope of constructing a moral theology that makes the human body relevant to ethics. If God’s intention and wise ordering of everything that exists is not to be the foundation for Catholic ethics, then what is?

Aquinas’ view of the natural law is based on the *natural inclinations* possessed by each human being according to her nature. These natural inclinations are hierarchical and do not only

¹¹ John Finnis, *Natural Law and Natural Rights*, (Oxford: Oxford University Press), 34.

¹² Salzman and Lawler, *The Sexual Person*, 49.

correspond with the physical dimension of human nature. Rather, there are inclinations that correspond to the vegetative, animal, and rational aspects of the person. Humans are inclined not only to self-preservation and reproduction, but are in a general way inclined to goodness, truth, friendship, and other metaphysical goods.

The natural inclinations are the means by which human persons recognize the good to be pursued, and thus they form the foundation of the natural law. They are not the consequence of blind, irrational nature or mere facticity. Rather, the natural inclinations are “God’s most precious work in the human person, a direct, unique participation in His own wisdom, goodness, and freedom and the emanation of the eternal law.”¹³ Moreover, according to Servais Pinckaers, “St. Thomas’ entire moral theology was based largely on his teaching on natural inclinations and on the freedom for the good that activated them.”¹⁴ Or, to use the term I introduced earlier, the natural inclinations point the human agent into the realm of the divine intention. How one comes to recognize this divine intention, whether through reflection upon human nature or through non-inferential acts of the practical reason, has yet to be determined and will be examined in more detail later on. Whatever the case may be, humans participate in God’s divine rationality through our own rationality. We form our intentional action by participating in God’s divine intention in virtue of pursuing the goods revealed through our inclinations.

Basing morality upon the teleological orderedness of the natural inclinations, as Aquinas does, has numerous advantages for our current task. First, the natural inclinations serve as a logical and firm connection between the Creator, His creation, and the moral law, thus giving a substantive way of conceiving of God’s creation, including the human body, as good. The human

¹³ Servais Pinckaers, *The Sources of Christian Ethics 3rd. ed.* (Washington, D.C., the Catholic University of America Press), 405.

¹⁴ *Ibid.*

body is not good only insofar as one has autonomy over it as one does an instrument. Rather, it is good precisely in virtue of the order given it by the Creator as constitutive of our humanity. This Christian metaphysical cosmology avoids the mechanistic – deistic or atheistic – view of the universe in which God has given no order or direction to His creation. Rather than creating a world of mere facticity or blind nature, we see how God is intimately connected to His creation, and how God guides his creation to Himself, the only source of goodness and life that can fulfill the longings found in the hearts of His creatures.

The second advantage of integrating the natural inclinations into moral theology is they provide a more objective basis for morality than moral systems which refuse to derive the goodness of an act from human nature. For example, the subjectivity or relativity involved in the weighing of premoral goods and evils and found in proportionalism has been a consistent (and consistently under-addressed) problem since its conception. Is it possible to weigh one human life against another? Or how about one human life against ten? In the dropping of the nuclear bombs on Japan at the end of World War II, these actions are usually justified by appealing to the lives saved by ending the war when it did. But how do these unspecified (and unknowable) number of hypothetical lives that were purportedly saved compare to the hundreds of thousands of innocent lives that were actually lost through the dropping of the bombs? Such difficulties are unresolvable in a proportionalist scheme because the moral good is determined by weighing so-called premoral goods and evils instead of the goal – the good or evil sought – in each intentional action.

Utilitarianism has faced similar criticisms concerning the principle of maximizing the greatest amount of pleasure/happiness for the greatest number of people. Who defines what constitutes happiness? How does one measure the amount of happiness experienced by one

person, nonetheless a group or city full of people? Such calculations are difficult, if not impossible, to conduct in an objective way.

These difficulties result from the manner by which these theories derive their definition of the good. For Aquinas, the goods to be pursued are specified in the ends of the natural inclinations. God created humans and our nature in such a way that we should understand “nature [as] never neutral, but rather is a complex ordering toward ends.”¹⁵ These ends constitute the goods that are to be pursued by the human person, and thus the goods that are properly human emerge from an understanding of human nature as wonderfully constructed by God in all its holistic – physical and spiritual – beauty.

The question that arises, then, for all moral theories is this: how does one know what the goods are that are to be pursued by the human person? NNLT argues the basic human goods cannot be inferred or derived from knowledge of the natural inclinations – or speculative knowledge of anything concerning human nature – they must argue the basic human goods are self-evidently grasped by the practical reason without any reflection whatsoever. As Finnis stated,

Aquinas asserts as plainly as possible that the first principles of natural law, which specify the basic forms of good and evil and which can be adequately grasped by anyone of the age of reason (and not just by metaphysicians), are *per se nota* (self-evident) and indemonstrable. Therefore, they are not inferred from metaphysical propositions about human nature, or about the nature of good and evil, or about “the function of a human being”; nor are they inferred from a teleological conception of nature or any other conception of nature.¹⁶

¹⁵ Matthew Levering, “Natural Law and Natural Inclinations: Rhonheimer, Pinckaers, McAleer,”(The Thomist, Vol 70 no. 2), 178.

¹⁶ Quoted in Oleson, “St. Thomas and the Naturalistic Fallacy,” 642.

The problem with supposedly self-evident basic goods divorced from human nature is they can be easily dismissed as arbitrary. To argue from self-evidence is to open up one's theory to simple denial on the grounds that no proof or argument can be offered to support the claim or to rebut another's denial. How can we know, one might ask, that the list of basic human goods are the only goods? With nothing to appeal to, the list of goods can be arbitrarily shortened or expanded without any way of disputing these.

Salzman, Lawler, and Farley's moral theories do not fair any better than NNLT in this regard. Take Farley's emphasis on the virtue of justice. Where, in virtue ethics, are the virtues derived from? *The natural inclinations*. As Sean Cunningham explains,

In contrast to modern views, St. Thomas's teleological understanding of *natura* and *naturalis* brings to light the naturalness of virtue. Nature by itself is only a principle, not the full flowering, of virtue. Man has an "innate" tendency to acquire virtue. But virtue is not natural in the first sense of *naturalis*—the virtues do not spring forth fully formed from the innate principles of raw nature. Rather, nature is the seed of the virtues, both generally and with respect to each of the specific virtues.¹⁷

For Aquinas, then, the natural inclinations are the seeds of the virtues. Knowledge of the virtues to strive for is derived from our natural inclinations. Again, Cunningham explains, "But one must take care not to understand the natural inclinations as a mere medium in which... [practical reason] plants the seeds of virtue. The natural inclinations are the seeds, not merely a neutral matter to virtue's imposed form. The natural inclination to virtue is a determinate tendency that follows upon man's rational nature."¹⁸ Therefore, it is pertinent to ask where Farley derives her conception of what is good if not from the ends to which humans are inclined? She provides no

¹⁷ Cunningham, Sean B. Cunningham, *Natural Inclination in Aquinas* (Ph.D. diss., Catholic University of America, 2013), 257.

¹⁸ *Ibid.*, 259.

such answer in her work, though this may simply be because such foundational considerations fall outside the scope of her book.¹⁹

Before proceeding, we should consider what it means for the natural inclinations to be the seeds of the virtues. In what sense are humans inclined to virtue? It is also very firmly rooted teaching in the Catholic tradition that humans are inclined to sin. Is it possible that some ends we are inclined to are sinful? And if so, then how do we distinguish the good inclinations from bad ones? At the outset, we can answer by noting that it is not the purpose of this work to resolve all of the possible difficulties that arise concerning a teleological conception of nature. We can, however, briefly sketch how Aquinas treated these issues.

For Aquinas - and the vast majority of the Catholic tradition spanning back to the earliest days of the Church – all of nature, despite its inherent goodness, after the Fall exists in a fallen state. Moreover, Thomas holds this truth in harmony with his affirmation that humans have “from nature, an inclination to virtue.”²⁰ The natural inclination spoken of here does not mean that virtue springs forth fully formed in humans; rather, human nature is directed in principle to the virtues, but these require deliberate, repeated actions in order to develop them.²¹ But it would be a mistake, writes Cunningham, to “understand the natural inclinations as a mere medium in which the gardener (practical reason) plants the seeds of virtue. The natural inclinations are the seeds, not merely a neutral matter to virtue’s imposed form.”²² Moreover, as Cunningham explains,

¹⁹ This is not intended to be a fatal criticism of Farley’s work. I recognize that the scope of her project may not extend that far back into the philosophical foundations of the moral law. But that her conception of the good is similar to other revisionists is telling.

²⁰ Aquinas, Thomas, *Summa Theologica* II-I q 85.1. <https://www.newadvent.org/summa/2085.htm>.

²¹ Cunningham, 257-58.

²² *Ibid.*, 259.

The naturalness of virtue must be understood in terms of natural finality...The naturalness of virtue lies in the fact that it is the fitting completion of human nature which, in turn, inclines to virtue. As Hittinger writes, “the cultivation of the habits take [its] bearing from a pre-given teleological order.” “Nature,” he clarifies, “designates not only the quiddities of things—the formal cause which makes a thing what it is—but more importantly the finality governing completions.”²³

In God’s created order, human nature has various ends that it tends towards. Acting in accordance with reason, human beings can take the seeds of virtue and cultivate them through rational, deliberate, and repeated actions.

Two questions remain. First, does sin complicate the account of natural inclinations and virtue for the Thomist? For example, given the fallen nature of the natural world and human nature, are all inclinations themselves good? And if not, how do we distinguish good inclinations from the bad ones? For Thomas, the created world is fundamentally good and its fallenness cannot destroy that. While inclined to virtue in a certain sense, fallen human nature causes us to be inclined to sin. As Cunningham explains, “St. Thomas makes clear that, in this context, ‘nature’ means from birth in the state of original sin, not ‘nature as nature’ (*natura ut natura*) because nature as such ‘is good and from God.’ Human nature is thus inherently good notwithstanding its fallen condition.”²⁴ Thus, those ends to which human nature is inclined can only be good. For example, human persons are inclined to sexual intercourse. To act in accordance with reason corresponding to this inclination will result in the attainment of the virtue of chastity. To act contrary to our human good in a way opposed to reason will result in the vice of lust.

²³ Ibid.,

²⁴ Ibid., 265.

The objects of our inclination need to be pursued in an ordered and rational manner. There are always to opposite extremes on either “side” of the virtue, which lies in the mean. In question 64, article 1 of the first part of the second part of the *Summa Theologica*, Thomas writes,

Consequently, in things of this sort, evil consists in discordance from their rule or measure. Now this may happen either by their exceeding the measure or by their falling short of it; as is clearly the case in all things ruled or measured. Hence it is evident that the good of moral virtue consists in conformity with the rule of reason. Now it is clear that between excess and deficiency the mean is equality or conformity. Therefore it is evident that moral virtue observes the mean.²⁵

If chastity is the virtue, then the extremes on either side of it would be something like lust and prudishness.

Given these considerations, I believe we can say both that, according to Aquinas, humans are inclined to virtue and inclined to sin. In the first sense, the natural inclinations indicate to us the goods that need to be rationally pursued, chosen, and integrated into our lives as virtues. In the second sense, we could also properly speak of being inclined to sin in the sense that our fallen nature makes it more difficult for us to choose the good in accordance with reason. On our own, without the assistance of grace, we will more easily (or of necessity?) fall into the extremes of vice and not the mean of the virtue.²⁶

This leads to our second question: does the naturalness to virtue bear upon soteriological questions, such as the necessity of grace? In short: no it does. There is no inherent danger of Pelagian conclusions that stem from this account of the natural inclinations. As has already been stated, the human inclination to virtue is not in the sense that virtue will be necessarily or

²⁵ Aquinas, *Summa Theologiae*, II. I. q. 64.1, <https://www.newadvent.org/summa/2093.htm> (Accessed June 1st, 2021).

²⁶ For a more complete treatment of these issues, see Chapter 5 of Cunningham’s work, on “*Inclinatio naturalis*, Natural Evil, Fallen Nature, and Sinful Inclination.”

naturally achieved, nor is it assumed that the acquisition of the virtues is enough to merit salvation apart from the grace of God.²⁷

The Aristotelian-Thomistic framework that incorporates the teleological conception of the natural inclinations also has the advantage of accounting for the objective and subjective aspects of the human person in a balanced and unifying way. Both the natural and the personal – if these two are really distinct at all – are taken into account within Aquinas’ moral system, even if it is a way that revisionists do not think goes far enough. Salzman and Lawler repeatedly critique traditionalists who operate within the Thomistic framework for emphasizing “the biological over the personal dimensions” of the human person.²⁸ This criticism is rooted in the different ways the theological schools conceptualize the “personal” aspects of human nature and determine which aspects are relevant to moral decision-making. Salzman and Lawler identify five dimensions of human sexuality: physical, emotional, psychological, relational, and spiritual.²⁹ Unfettered by appeals to God’s design of the human body or the divine intention that is discernable from human nature, the human body, or natural inclinations, Salzman and Lawler focus their moral criteria on the latter four dimensions of human sexuality. Without a doubt, it is important to consider the psychological, spiritual, relational, and emotional needs of persons in a sexual relationship. In a modern ethical sexual theory, these elements can, perhaps, be integrated in a holistic and productive way. Unfortunately, however, these components of human sexuality are the most experiential and therefore subjective, and yet these have been elevated within this moral theory in such a way to render the human body completely irrelevant, ironically, to their

²⁷ The further treatment of such questions fall outside the scope of this study. See questions 109-114 of the First Part of the Second Part of the *Summa Theologica* for some of Aquinas’s treatment of grace and its necessity.

²⁸ Salzman and Lawler, *The Sexual Person*, 61 (see also, 63, 64, 72, etc.)

²⁹ *Ibid.* 127.

sexual morality. Within this framework, there is no objective contribution from the physical dimension of the sexual act.

Later in this chapter, we will examine Rhonheimer's specific solution for integrating the objective and subjective elements of human nature together in a holistic way, but for now, it will be sufficient to describe the general way this is accomplished within Aquinas' moral theory. It was already discussed how, for Aquinas and those who follow in his tradition, the natural inclinations orient the human person to God Himself as humanity's ultimate end. These inclinations do not merely pertain to the physical. All of them, even those more associated with the physical dimension of the person, incline the entire person to the goodness and truth that are found ultimately in the God who created us.³⁰ The Thomistic (and Patristic) understanding of the natural inclinations, then, already integrates the material and spiritual dimensions of the person into the ontological framework of human nature and its relation to morality. In so doing, this provides an objective framework within which *another* personal and individual element, the intention of the acting person, finds its proper context.

Regarding this, Pinckaers says, "The ontological order that is human nature is teleological to its core. This complex teleological constitution is the fundamental given of human creatureliness, not constructed by human rationality or freedom."³¹ Indeed, morality *as morality* must possess an objective constitution within which the acting person can operate, otherwise the entire moral project devolves into personal preferences, feelings, and psychological states. There needs to be an order established by God that is recognizable by the acting person and within which one can participate.

³⁰ Levering, "Natural Law and Natural Inclinations: Rhonheimer, Pinckaers, McAleer," 178.

³¹ *Ibid.*

As has hopefully been made clear by now, this order established by God is not merely a *physical one*. The universe itself contains far more than can be dreamt up in our naturalistic philosophies. Rather, the created world is ordered according to God's eternal law, which infuses every aspect of the world with creative purpose and directness. Our rational participation in (or recognition of) this order is what Aquinas calls the natural law.

The natural inclinations, then, provide some basic objective foundation for the moral law, even if there is room for interpretation on what constitutes the inclinations themselves and how we come to recognize them. The inclinations connect the human person to God's loving wisdom and make room for the physical dimension of our nature within moral theology without fear of committing the naturalistic fallacy.

5.3 Pathways Towards a Moral Relevance of the Body

The two principles evinced above do not have the purpose of restricting or confining moral theology within too tight a window. They are intentionally broad so as to allow for diverse perspectives within Catholic moral theology to continue to develop while being anchored in the holistic, nondualistic understanding of the human person found in *Gaudium et Spes* and shared by a broad coalition of theologians.

I have intentionally avoided evaluating the conclusions reached by the differing schools of moral theology. The revisionist school tends to expound moral precepts that are broader than what the Magisterium teaches, while the traditionalist school tends to uphold magisterial positions on moral issues. The purpose of this work has not been to settle the oftentimes massive disputes between these two schools – such an endeavor would take volumes to achieve (if it is

achievable) – but rather to attempt to provide guidance for Catholic moral theology from the perspective of a nondualist anthropology.

To conclude this work, then, I will explore different avenues of inquiry prominent Catholic thinkers are exploring that may provide fruitful paths of inquiry going forward. Issues surrounding human nature and the natural law are far from settled, and by looking at these perspectives we can see the diverse ways Catholic thinkers are integrating the natural inclinations into their moral frameworks. The diverse perspectives of three thinkers will be explored: Pinckaers, Rhonheimer, and Cristina L. H. Traina.³²

We saw earlier how important the natural inclinations are for Thomistic natural law. For Aquinas, “the natural inclinations are required to give content to the first principle of practical reason, that ‘good is to be done and pursued and evil is to be avoided.’”³³ It was also discussed how modern ethical theories, from utilitarianism to proportionalism and NNLT, struggle to give content to the first principle of practical reason because of their rejection³⁴ of the Aristotelian-Thomistic teleological conception of nature. Defining the good has indeed been the sticking point for most modern ethical systems.

Even if one takes for their starting point Aquinas’ teleological conception of nature and the importance of the natural inclinations for the natural law, questions still remain as to their precise relationship and how the moral law is constituted. Levering frames the issue this way: “Is natural law discerned by human reason as a normative order inscribed in nature? Or is natural law constituted by the judgments of practical reason, which transform and elevate (humanize)

³² I am greatly indebted to Matthew Levering for his excellent analysis of Pinckaers and Rhonheimer.

³³Koritansky, *The Natural Inclination as a Basis for Natural Law*, 206.

³⁴ NNLT theorists do not technically reject a teleological understanding of nature, but they do reject it as a basis for forming moral principles.

inclinations found in nature by reorienting these inclinations to the personal ends known by spiritual creatures?”³⁵ These are some of the open questions that require further treatment from Catholic theologians.

Servais Pinckaers has contributed to the renewal of moral theology since Vatican II perhaps as much as any other thinker during the same period. In particular, his work, *The Sources of Christian Ethics*, has had a profound and wide-reaching impact. For our purposes today, his interpretation of Thomistic natural law and the positive view of the natural inclinations are most pertinent to developing a moral relevance of the body.

To begin, Pinckaers explains the widespread modern view that regards nature and the natural inclinations as antithetical to freedom or logically dubious as having its origin in the work of William of Ockham and other nominalists of his age. Prior to Ockham, the Catholic intellectual tradition understood the natural inclinations to be the very source of human freedom.

As Levering explains,

Freedom thus emerges from nature, given that our nature is spiritual nature and therefore is inclined to being, goodness, and truth. As I would put it, such nature is never neutral, but rather is a complex ordering toward ends. Ontologically prior to any exercise of freedom or rationality, the human being already tends or inclines toward the Good who creates. The ontological order that is human nature is teleological to its core. This complex teleological constitution is the fundamental given of human creatureliness, not constructed by human rationality or freedom. *Human rationality both speculatively and practically discerns the natural, unified ordering of human nature, which is constituted by bodily and spiritual inclinations and thereby always teleologically drawn.*³⁶

In other words, the teleological constitution of nature – human nature in particular – reveals the goods to which humans are drawn and thus ought to choose as the moral good. Ockham, however, rejected the natures or essences of things and therefore viewed nature not as

³⁵ Matthew Levering, “Natural Law and Natural Inclinations: Rhonheimer, Pinckaers, McAleer,” 156.

³⁶ *Ibid.*, 178, emphasis added.

teleologically ordered to certain ends, but as something that could only restrict human freedom.³⁷ Levering explains Pinckaers's position like this, "Human freedom, after Ockham, thus constitutes human nature freely choosing among, and giving order to, the natural inclinations," rather than the natural inclination giving order to human action.³⁸ Human freedom was meant to be radically indeterminate, according to Ockham, and so to be influenced from the inside and directed towards certain ends over and above others was an affront to freedom, not an "expression of the lawgiver's wisdom" as ordering the human person towards happiness.³⁹ Nature must be understood as metaphysically empty and directionless in order to maintain the freedom of the human person.⁴⁰

For Ockham, then, as for so many ethicists in the West that followed Ockham down this path, an ethical "anthropocentrism" becomes the locus for morality rather than the "theocentric worldview of the Patristic-Medieval thinkers."⁴¹ But this, according to Pinckaers, lies at the heart of the problems faced by modern ethical theories. Therefore,

The first task for natural-law thinking, therefore, is to critique this anthropocentrism, this false understanding of freedom. As Pinckaers remarks, "Particularly in our times, ethicists are tempted to reduce Christian ethics to the rules of natural reason." A properly theocentric understanding of the natural law and natural inclinations places them within the broader context not only of eternal law, but of eternal law specified as divine law, the Decalogue and the "law" of the grace of the Holy Spirit. This theocentric order requires beginning with the divine Creator and Redeemer, rather than with the human being, in seeking to understand the teleological constitution of the human being.⁴²

³⁷ Pinckaers, *The Sources of Christian Ethics*, 245.

³⁸ Levering, "Natural Law and Natural Inclinations: Rhonheimer, Pinckaers, McAleer," 180.

³⁹ *Ibid.*

⁴⁰ This sounds very much like Salzman and Lawler' "naked facticity," and for good reason.

⁴¹ Levering, "Natural Law and Natural Inclinations: Rhonheimer, Pinckaers, McAleer," 181.

⁴² *Ibid.*, 182.

In terms of modern natural law theory, Pinckaers' reading of Aquinas might be read by some as too restrictive or even physicalistic (if the natural inclinations are taken to only refer to physical inclinations) because the moral order is received almost passively. Indeed, "At the metaphysical roots of our being, we find an ordering toward the good and the true. This fundamental ordering is received, not constituted, by the creature, but this fact does not limit the freedom of the creature. On the contrary, the inscribed ordering toward fulfillment makes sense of freedom and structures it so as to render it not arbitrary."⁴³ That the "fundamental ordering is received, not constituted" by human rationality demonstrates that Pinckaers's interpretation of Aquinas and the natural law is what one might call more "natural" or traditional than other modern conceptions of the natural law, such as NNLT. Thankfully, Pinckaers need not be concerned with the cries of "naturalistic fallacy!" that surely arise from certain schools of Catholic moral theology. This is a logically coherent position, and it provides us with one example of how the natural inclinations have been and are being understood by natural law theorists.⁴⁴

Rhonheimer. The next modern approach to natural law views the naturalness of the natural law in a less traditional way than Pinckaers. Rhonheimer, similar to the NNL theorists, is not comfortable with a conception of the natural law that is "received" through reflection on human nature and the natural inclinations. He sees natural law theories like Pinckaers – wherein one recognizes the natural law from the order of creation – as dualistic. This is the problem with the Stoic notion of natural law. Summarizing this view, Rhonheimer says, "For the Stoics, human *ratio* is not the participation and image of a transcendent ratio, but a *logos* that is inherent in nature itself. The human *ratio* thus becomes a kind of reflection of what nature already

⁴³ Ibid.

contains in terms of inclinations and ends; man, in *oikeiosis*, rationally assimilates this natural order.”⁴⁵ For Rhonheimer, the natural law as the rational participation in the eternal law by humans is not participation through *recognition*, but rather participation through *creation*.

In contrast to the Stoic account, Rhonheimer argues that the Catholic tradition both before and continuing after Aquinas – though severely truncated by the nominalist movement – conceives of the moral law not as residing in God’s natural order so as to be discerned by human beings, but rather in that which most “images” God, human rationality. He says,

For the Fathers of the Church, the *imago* of this God in the world is neither nature nor the cosmic order: the image of the Creator is present solely in the spiritual soul of man, in particular in his intellect and thus in his acts of practical reason. Practical reason does not simply reflect "nature"; rather, in being an active participation of the divine intellect, human reason in its turn illuminates nature, rendering it fully intelligible.⁴⁶

In other words, human reason does not merely recognize the natural law in God’s eternal law embodied in creation, but rather the act of practical reason itself constitutes the law.

The supremacy of the rational nature of humans is not a denial, for Rhonheimer, of the significance of the animality of our nature. Rhonheimer consistently emphasizes the body-soul unity of the human person as integral for understanding the moral good. Explaining Rhonheimer’s position, Levering says, “The answer, Rhonheimer thinks, is the natural law. The natural law takes up the level of ‘mere naturalness,’ the bodily aspects of the natural inclinations, and exposes the fully human good determined by practical reason as the *imago dei*, a participation in divine reason.”⁴⁷ Thus,

⁴⁵ Quoted in Levering, “Natural Law and Natural Inclinations: Rhonheimer, Pinckaers, McAleer,” 159.

⁴⁶ *Ibid.*, 160.

⁴⁷ *Ibid.* 162.

God establishes or constitutes the moral order for his creatures in his eternal law. Thus human beings must have, as rational creatures in the image of God, a parallel constitutive role in constituting the moral order. This parallel role involves humanizing the level of "mere naturalness," inscribed in the nonrational natural inclinations, by means of the transforming and elevating judgments of practical reason. Although practical reason is also "natural" (thus "natural law"), it differs from and in a certain sense stands above... the animal or bodily level of "mere naturalness."⁴⁸

The natural law, then, is not constituted in the eternal law, properly speaking. Rather, Rhonheimer believes that for Aquinas, it is through the act most natural and distinctive of human nature, *ratio*, that the natural law is constituted. According to Levering, "The key point [for Rhonheimer] remains that practical reason must establish the norm for the natural inclinations, rather than discerning in the natural inclinations an already established norm."⁴⁹ What, then, precisely is the natural law? It is the human person's participation in the eternal law through judgements of the practical reason. The judgments made "constitute" the moral order rather than discern it.⁵⁰

The interpretations of both Rhonheimer and Pinckaers of natural law seem to me to both possess some truth regarding the matter, but not the whole truth. In Pinckaers' favor, the natural law retains its intrinsic relation to the natural created order if the natural inclinations reveal the goods to which human nature is ordered and of which humans are perfected. It is difficult, in my view, to escape this fact without it being impossible to know what is good or without reducing morality to a subjective enterprise. On the other hand, it also seems clear that we do not *merely* recognize the divine intention in the natural inclinations in a passive or receptive way. That

⁴⁸ Ibid. 163.

⁴⁹ Levering, "Natural Law and Natural Inclinations: Rhonheimer, Pinckaers, McAleer," 171.

⁵⁰ Ibid., 172.

humans have a natural inclination to self-preservation is obvious within this paradigm, but this directedness towards the good of self does not at all make clear the precepts of morality which were held by Aquinas and the Magisterium regarding preservation of life. Somehow human reason must both recognize God's order in creation and constitute the precepts of the natural law through rational acts. What this dynamic looks like is unclear, but by grappling with these coextensive issues, Catholic moralists will certainly get closer to integrating the subjective and objective aspects of the human person into a theory of natural law.

Traina. Like most revisionist thinkers, feminist scholars in the Catholic tradition have moved away from traditional paradigms of natural law in favor of systems informed by proportionalist reasoning and postmodern sexual theory. Some Catholic feminist scholars, however, are attempting to remain in dialogue with the traditional view. In her excellent work, *Feminist Ethics and Natural Law: The End of Anathemas*, Traina attempts to work within the modern feminist paradigm while simultaneously retaining beneficial elements of traditional natural law theory.

In my reading of Traina, the strength of her work is her recognition that modern feminist theory, like most revisionist ethics, tends towards subjectivism, which she believes requires a correction. The lived embodied experiences of women are still vital to her work, but the experiential aspect of ethics needs to be balanced with something more universal. She states, "The continuing existence of feminism depends on finding some third path that balances the need for universal claims against the need to attend to genuine pluralism of experience and that takes the limits and possibilities of a telic 'nature' seriously but not deterministically."⁵¹

⁵¹ Cristina L. H. Traina, *Feminist Ethics and Natural Law: The End of Anathemas*, (Washington D.C.: Georgetown University Press, 1999), <https://play.google.com/books/reader?id=3mAc-ZsJhY4C&hl=en&pg=GBS.PA334.w.1.2.0>, xviii (accessed January 25th, 2021).

Moreover, the kind of work feminism is doing demands, she says, an anthropology that provides “a normative description of embodied human life...we need not just any anthropology but a telic anthropology: one with convictions about the ends toward which human beings individual, and human society generally, are to strive.”⁵² The goods towards which men and women are to strive can diverge as a result of the difference in embodiment and experiences of the two sexes.⁵³ For Traina, general theories of what constitutes human flourishing tend not to be formed from women’s perspectives. Such accounts will most likely “not account for women’s needs and experiences.”⁵⁴ Therefore, it is crucial for women to take an active part in discerning and defining what constitutes fulfillment.

Traina rejects the full teleology of nature present in Thomistic natural law in so far as it means that each part of the human person is ordered to a natural end and “that to turn that part away from its purpose” would entail “disrespecting the wisdom of one’s maker.”⁵⁵ She does recognize, however, that it remains a challenge for feminist ethics to clarify and give specific content to what is meant by “nature.” She sees modern feminist natural law as giving nature a relevant place with the theory without making nature determinative.

Up to this point, she does not depart too far radically from traditionalist formulations of natural law, but she does take it one step further. “The ‘natural’ person,” Traina says, “has a telos, but ‘natural’ desires have no inevitability or ends or even independent existence that exert moral authority over the wisdom and freedom of the person who they inhabit.”⁵⁶ Personal

⁵² Ibid.

⁵³ Ibid., 278.

⁵⁴ Ibid., 279.

⁵⁵ Ibid., 311.

⁵⁶ Ibid., 312.

autonomy trumps a strong form of teleology for Traina, but this is consistent with feminist ethics more broadly.

Ultimately, Traina departs from the traditional conception of teleology in favor of an experience-dominated theory so common among feminist theologians. This does not, in my view, balance the subjective and objective aspects of nature and anthropology when it comes to natural law, but the importance of these insights within feminist natural law theory cannot be understated. As with Pinckaers and Rhonheimer, Traina's work possess important elements moving forward that could lead to a more robust moral relevance for the body within Catholic ethics. Moreover, her work gives hope that the revisionist school can recover some form of teleology that recognizes God's divinely ordered wisdom in His creation that can inform ethics in a significant way.

5.4 Conclusion

In our fallen world, the human person's experience with our own bodies has been fraught with mystery and, at times, confusion. Even the phrases "our bodies" or "my body" demonstrate the difficulty of expressing the reality of both the unity and disunity we can experience with regard to our embodied existence. Religious traditions possess different understandings of the relationship of the body to the person. For Christianity, this relationship has always been anchored by the belief in the Incarnation and resurrection of the body. In this way, even during periods of influence from dualistic philosophies, such as Platonism and Nominalism, the Church has always maintained a holistic view of the human person in her anthropology.

The ways in which this hylomorphic anthropology has been translated into moral reasoning within the Church's theological traditions have not always been as consistent. This

dissertation was concerned, specifically, with the development of Catholic moral theology during the twentieth century and the actual (and apparent) dualism that emerged within some of the major schools of thought, specifically the revisionist school and NNLT.

In the first chapter, we saw that both revisionist and traditionalist thinkers sought to form their moral theologies in a way that corresponds to the entire constitution of the human person, body and soul, heart and conscience, mind and will.”⁵⁷ These scholars sincerely intended to construct moral theologies that did justice to the embodied nature of human existence. This consensus formed what I described as an anthropological standard for moral theology. In particular, revisionist thinkers tried to correct what they perceived to be an overemphasis on the physical dimension of the person at the expense of the personal. As a result, they ran as far and as fast as possible from any perceived physicalist error, and they succeeded in avoiding it. They ran, however, into the other extreme: an unintended dualism pervaded their works so that there was no longer a morally relevant role for the human body within revisionist Catholic ethics.

The examination of NNLT revealed a different story, however. This school, too, sought to avoid committing physicalist errors and to bypass the naturalistic fallacy. To do this, Finnis and Grisez denied that the formation of the moral law was in any way dependent upon knowledge of or reflection upon human nature or the physical structure of the human person. This, they thought, enabled them to avoid the naturalistic fallacy while staying true to what they perceived to be Thomistic natural law. It seemed, then, that NNLT had made the human body irrelevant for their version of moral theology. On further inspection, however, these thinkers would, when pressed by other traditionalist natural law thinkers, admit that ethics has an

⁵⁷ Second Vatican Council, "Pastoral Constitution on the Church, *Gaudium et Spes*, 7 December 1965," http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_cons_19651207_gaudium-et-spes_en.html (accessed April 10th, 2016), sec. 3

anthropological foundation and, moreover, that the precepts of the natural law would be different if human nature were different. NNLT, then, exists in a strange kind of contradictory anthropological position involving cognitive dissonance.

In chapter two, I argued that the primary cause of the dualism in revisionist theology could be traced to its theory of human action. Proportionalist reasoning that unnecessarily expanded the object of the moral act caused there to be a dualistic gap between that which a person intends and the embodied action of that choice. Human action was analyzed from the position of an observer, not from the perspective of the acting person. Under this action theory, something like “killing” could be abstracted from the embodied decision-making of the human person in real-time. Applying the insights from Rhonheimer and others, I argued, along with them, that certain actions could not be freely and deliberately chosen without also intending them.

In the third chapter, we overcame the widespread and all-pervading concern of physicalism was addressed. This critique was widely employed against Magisterial teachings and traditionalist moral theology. But I argued, in essence, that this criticism was without any real substance. In the first place, “physicalism” is never defined very well. It simply constitutes the general overemphasis of the biological or physical aspects of human beings over the spiritual or personal aspects. But it was never explained how, precisely, works like *Humanae Vitae* committed the error of physicalism, nor did revisionists ever explain what a morally relevant inclusion of the body would look like within ethics *that did not* commit this error. I then examined what could be considered the locus and origin of this critique: Pope Paul VI’s *Humanae Vitae*. I explicated his thoroughly personalist reasoning behind the encyclical’s condemnation of contraception.

Have been freed from the bogeyman of physicalism, I moved to address one final hurdle for a morally relevant inclusion of the body in Catholic ethics: the naturalistic fallacy. Hugely influential in the history of moral philosophy over the past few centuries, this fallacy had scared many theologians and philosophers away from embracing natural law reasoning, either in part or in its entirety. It was shown, however, that the Aristotelian-Thomistic conception of teleology does not commit a fallacy in its appeal to nature as part of natural law. It does not illicitly derive oughts from what is. Rather, the teleological view of nature embraced by the majority of the tradition in the Church understood the created world to possess oughts in its very constitution. There is no such thing as “blind nature” or the “naked facticity” of nature as many have proposed under a purely mechanistic view of the world. Instead, the Catholic tradition has rightly viewed the design of the creative world as encompassed in the eternal law, the divine wisdom giving proper order to all things. It is within this context, then, that we can look to human nature as a guiding principle for the ends for which humans are to act. Indeed, in nature we can discover, through our rational participation in the eternal law, the divine intention for human happiness and flourishing.

Recovering a moral relevance for the body within the majority of scholarship of Catholic moral theology is possible but will only be achieved if the problem is first recognized. As we have seen, a minority of scholars, those in the traditionalist school, already have a working theory of morality that includes the human body in a significant way. The revisionist school has much work to do, but if Catholic theologians reject the dualistic action theory found in proportionalism and find a way to integrate the divine intention contained in the eternal law into their works, changes can gradually be made. In the meantime, scholars of every moral school of

thought should work together to develop a greater appreciation for and understanding of the body-soul unity of the human person and the relationship of this anthropology to Catholic ethics.

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