Abstract: This essay argues that, as we approach the fortieth anniversary of Humanae vitae and the fifteenth of Veritatis splendor, Catholic moralists are much better able to explain the intelligibility of the teaching against contraception, to do so in the context of a robust moral theory corresponding to VS, and to do so in a way that explains some of the theoretical reasons why it has been so difficult to establish consensus for the central teaching of HV. The essay tries to show that the lack of consensus has much to do with the complexities of explaining the moral relevance of the bodily or physical dimensions of human action in general, and of marital intercourse in particular. It acknowledges the textual bases that have led both revisionist and tradition-minded moralists to think that the teaching of Aquinas, HV, and John Paul II require what might be called a “physicalist” approach to contraception, but argues instead that these are all better understood as contributing to a more-adequate, non-physicalist, approach based on a recovery of Aquinas’s intentional account of human action in “the perspective of the acting person,” and a virtue-oriented approach to morality.

In her recent column in Commonweal, Notre Dame Professor Cathleen Kaveny reflected on the status of the post conciliar debate regarding contraception.¹ A fundamental presupposition of the short piece—one that we might grant is sincerely held by many revisionist moralists²—seems to be that there are no sound arguments in support of the Catholic condemnation of contraceptive acts. Thus,

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¹. See her “Contraception, Again: Where Can We Find Compromise?,” Commonweal (December 15, 2006), 6.
². Certain fundamental, but highly problematic, assumptions tended to characterize post conciliar revisionists, especially in the American context. These included the perceived need to escape the “Catholic ghetto” and take their place in modern society, and to subject the Catholic intellectual heritage to critical scrutiny in light of modern philosophy, and the critical scholarly approaches following from it. Of particular interest to the present
Kaveny raises the concern that “[t]he Catholic Church can live with an apparent conflict between faith and the judgment of practical reason for a long time, but not indefinitely.”

On the one hand, her short column touches on the question of the extent to which “moral norms must make sense to people of good will.” To this I would reply that the reference to “people of good will” is not specific enough. Although moral truths are intrinsically intelligible,\(^3\) the ability to recognize them depends both on one’s intellectual formation and on one’s formation in both theological and moral virtue.\(^4\) Regarding intellectual formation, I would argue that revisionist moral theory and forty years of argumentation against—or dismissal of—Catholic teaching on procreative responsibility has made it difficult for many Catholics to give a sympathetic hearing to this admittedly challenging aspect of the Church’s teaching.\(^5\) Regarding formation in moral virtue,\(^6\) I would argue that unfortunately many Catholics in our culture are not very well formed in chastity, another factor which makes the Church’s teaching in this area even more difficult to grasp.

On the other hand, Kaveny’s column offers an occasion to revisit the state of the arguments on this decisive question. To do so is all the more appropriate as we approach the fortieth anniversary of *Humanae vitae* and the fifteenth anniversary of *Veritatis splendor*, these presuppositions also included the need to overcome legalistic and overly pessimistic approaches to sexual ethics, and to acknowledge the goodness of human sexuality and the full equality of women. Younger moralists, working in a social context marked profoundly by the devastation resulting from the sexual revolution, have tended to be more sympathetic to traditional norms and to suspect the post conciliar generation of going too far in their revision, even if these younger scholars are often not in a position to offer arguments supporting traditional norms, such as that against contraception.


4. It seems to me that many well-disposed Catholics, especially having seen the fruits of contemporary sexual permissiveness, readily recognize the truth of the claim that contraceptive acts are intrinsically evil, even if these claims are presented through popular presentations that many academics would find intellectually unconvincing. I will suggest below that the development of more adequate argumentation in support of *Humanae vitae* has come to fruition only more recently in the wake of *Veritatis splendor*, and that most moralists are either unaware of such approaches or have only begun to understand them.

5. As will be discussed below, the Church insists—based on a complete and unified vision of the human person—that couples regulate their fertility not by acting for the intended end of rendering marital acts infecund (acts that are inseparably unitive and procreative), but rather by exercising virtuous mastery over their fertility that includes abstinence from sexual acts when the couple has determined that they ought not to conceive a child (and when such conception is likely).

6. Nor, in general, are contemporary Catholics well-formed in the theological virtues, which also pertain to the question of contraception. For example, according to a Thomistic understanding of the virtue of faith, the believer accepts the full deposit of
of Veritatis splendor, the latter of which—in light of the debate following the former—ruled out certain moral theories while encouraging other directions, especially with respect to central elements such as natural law, the moral evaluation of human actions, and intrinsically evil acts. Thus, a fundamental presupposition of the present study is that Humanae vitae is properly assessed in light of Veritatis splendor. In revisiting the state of the arguments in support of Humanae vitae, I hope to show some of the reasons why both revisionist and tradition-minded moralists object to certain arguments, and I will suggest a more promising approach, which—I would argue—reflects a legitimate reading and development of these two key moral encyclicals. I will do so with special reference to important but competing streams of the contemporary recovery of Thomistic ethics.

My thesis, which is multifaceted, proposes among other things (i) that the debate surrounding Humanae vitae (and continuing to contemporary questions) reflects the difficulty in articulating a general moral theory that is adequate for precisely explaining the moral relevance of the inherently procreative dimension of marital acts, (ii) that some traditional approaches have led to inadequate conclusions that are now (rightly) rejected as such, (iii) that interpreters of Aquinas have frequently misunderstood his moral theory in ways that tend toward such inadequate conclusions, (iv) that Humanae vitae can be read as a tentative move toward a more-adequate approach that includes an intentional description of the contraceptive act, (v) that Veritatis splendor similarly encourages a general recovery of Thomas’s intentional theory of distinctively human or moral action (as opposed to merely physical action), and finally (vi) that the work of Martin Rhonheimer provides the most comprehensive articulation of both fundamental and applied Thomistic ethics along the lines suggested by Veritatis splendor, indeed offering the promise of an advance beyond the post conciliar disputes, and as such should be studied much more carefully than it has been to this point. In particular, I propose that his virtue-oriented approach supporting Humanae vitae is particularly effective in manifesting the intelligibility of Catholic doctrine concerning procreative responsibility.
I will proceed in six steps, which consider (I) traditional appeals to the inviolability of the “natural end” of the marital act; (II) the conciliar-era rejection of such approaches and the response of *Humanae vitae*; (III) the “new natural law theory” and the “contralife” or “anti-life” argument against contraception; (IV) post conciliar supplements to traditional appeals to “nature” in arguments against contraception; (V) the intervention of *Veritatis splendor* regarding natural law, moral action and intrinsically evil acts; and (VI) an integrated action, virtue, and natural law approach to the question of contraception. In so doing, I will sketch a proposed reading of the post conciliar debate about contraception that encompasses the broad range of issues that must be addressed for a comprehensive resolution of approach I propose. In my efforts to advance the discussion, I want to indicate in this essay some of the reasons why I find unconvincing both these alternative proposals and their criticisms of the approach here advanced. The most vigorously advanced of these alternatives read Aquinas less in light of his texts than in light of some of his subsequent commentators, many of whom come up with quite different moral theories. At the risk of oversimplifying, but to indicate key characteristics, this tradition tended to emphasize natural law as centered in the non-violation of the various purposes, ends or teleologies of our bodily nature. This emphasis can be seen in Steven A. Long’s *The Teleological Grammar of the Moral Act* (Naples: Sapientia Press, 2007), which is considered a leading alternative to what I see as an important recovery of Aquinas’s theory of the moral act by *Veritatis splendor* and scholars like Martin Rhonheimer. Long humbly acknowledges that his short book (146 pages, including back matter, written largely at the request of colleagues) does not offer a textual, historical or systematic argument for the approach it advances. (As a point of comparison, Rhonheimer has several major books addressing all of these areas, including a major study in medical ethics written for the CDF, published by its request. He has addressed these areas through thousands of pages of careful analysis, precisely in light of the post conciliar crisis in moral theory, arguing that the traditional approach that Long seeks to revive contributed significantly to the crisis). Long’s book claims, however, that such a further elucidation would be reconcilable with Thomas’s texts and would show the value of the commentatorial tradition (xii-xiii). Because I will be engaging the book critically, I want to make clear my esteem for Long as a Catholic gentleman with a particularly sharp mind, and to commend him for a concise and well-written “primer” (as he calls it) to such an approach. Although I think the project is badly misguided (Long offers his proposal for testing and dialectical engagement, p. xv), and that it will be very difficult to reconcile with Thomas’s texts, my primary point here is that this project is only in embryonic form (i.e., a primer), although the back cover asserts boldly that “Long is the Thomist Master for our period.” The cover further claims that Long’s book provides “an authentic reading of what *Veritatis Splendor* teaches about the nature of the moral act,” and that it is “[i]ndispensable reading for anyone who wants to understand ‘What the Church Teaches.’” At appropriate places in what follows, I will try to offer sufficient further comments to show that the book is much less a reading of the encyclical, than an initial effort to supplant its basic insights with a revived naturalism along the lines of certain Thomistic commentators. Unfortunately, the first footnote (xi), where Long identifies his opponents—Rhonheimer and Grisez—he groups them as sharing a view of the moral object that neglects its “matter” (i.e., material dimensions), which as we will see below, reveals that he simply does not understand the former. Also influential among what I will call traditionally naturalistic Thomists is Stephen L. Brock’s *Action and Conduct: Thomas Aquinas and the Theory of Action* (Edinburgh: T&T Clark, 1998), about which we will also say more below.
the debate. The most important of these issues are suggested in the structure of the essay as I have just summarized it. Other key questions, however, are beyond the scope of this essay, and include exegetical and interpretive questions in Thomistic studies, proposals regarding developments required in Thomistic moral theory, and their application to important moral questions that range well beyond sexual ethics. Although it is obviously impossible to give many of these matters the attention they deserve in a single essay, it seems worthwhile to sketch the broad lines of such an account as a stimulus for dialogue and further study.

I. Traditional Appeals to the Inviolability of the Natural End: Historical Perspectives

Because a key element of my thesis is that the post conciliar debate concerning contraception centers upon articulating a convincing explanation of the moral relevance of the intrinsically procreative character of marital acts, and because the various explanations that have been offered are disputed, it is necessary in the first place to give a sense of how the question was treated in the tradition before the debate surrounding *Humanae vitae*. It seems to me (i) that the moral tradition before Aquinas had not yet achieved the theoretical framework for treating such questions with sufficient precision; (ii) that this insufficiency led to some inadequate judgments regarding which sexual behaviors were morally permissible; (iii) that Aquinas accomplished a major breakthrough in his general theory (as recovered by *Veritatis splendor*) distinguishing properly human actions done for a proximate end from “acts” in their merely physical species; (iv) that major streams of the subsequent tradition leading to the post conciliar crisis incorrectly read Thomas’s general theory of specifically moral action (i.e., human acts considered as they are done for the sake of ends) in light of that of his predecessors, who tended to treat merely physical action (i.e., in abstraction from the ends from which they are done); (v) that, as a result, Aquinas’s application of his general theory to key questions regarding contraception—such as his treatment of the “unnatural vice”10—is now debated among interpreters. The question is whether unnatural vices should be understood in terms of properly moral action done for an end or merely the physical behavior.

In what follows, we will first (subsection A) offer some general comments on a thread of tradition received by Thomas that we might characterize as emphasizing the moral normativity of the procreative natural end of marital

9. This is not to say that theologians and laity need to withhold their assent to the teaching of *Humanae vitae* until theologians achieve greater consensus on these questions. The teaching is rightly defined and as such requires assent. My point is that further clarification of the issues identified here is integral to achieving a broader consensus among moralists, which in turn will improve university and seminary training and therefore facilitate clarity at the popular level.

10. In *ST* II-II, q.154, aa.11 and 12, for example, Thomas’s writes of the *vitium contra naturam*. 
intercourse. We will then (subsection B) note how Thomas’s treatment of the unnatural vice can be read in light of this preceding tradition, although we will later (part V, subsection C) discuss the debate about how to interpret this in light of his broader moral theory, the recovery of which I read as being encouraged by Veritatis splendor.

A. The Tradition of Naturalistic Sexual Ethics as Received by Thomas

In light of the biblical injunction to be fruitful and multiply, and in support of a vigorous rejection of the Gnostic practice of anti-procreative sex, influential figures in the early Church drew upon the Stoic understanding that the purpose of sexual relations was procreation. Although Stoic moral theories could be more or less sophisticated, this doctrine came to be typically associated with an understanding of natural law as requiring the non-violation of the “natural end” of the sexual act, which might be variously understood as (especially) the deposition of semen in its proper place (the *vas debitum* or appropriate vessel), at times as the resulting conception, and at times as also including the upbringing of the child (as for Aquinas). In his historical study, John Noonan discusses texts showing that this “Stoic doctrine,” namely that the purpose of sex is procreation, is reflected in the works of early Christian writers such as Clement of Alexandria (d. 215), Ambrose (d. 397), and the late third-century Didascalia. Clearly we can agree that the distinguishing natural or biological end of marital intercourse is procreation, an intuition that was rightly captured in the traditional doctrine about the primary end of marriage. As we shall see, however, it is a complex matter to articulate the moral relevance of this procreative natural end in the context of a comprehensive moral theory, and in light of a variety of test cases.

11. I will speak of this general approach using a variety of terminology, such as “the Stoic doctrine,” “the traditional naturalistic argument against contraception,” and “the perverted faculty argument.” Although distinctions could perhaps be drawn between these expressions, I am not aware of how they would be relevant to the discussion.

12. There is a need to distinguish between the writings of particular theologians and Church teaching. Although Noonan reads several ancient theologians as following the Stoic doctrine that the purpose which justifies sexual relations is procreation, Germain Grisez, for example, writes that “the Church has never taught that marital intercourse is good only if the couple desires to procreate.” See his “Every Marital Act Ought To Be Open To New Life: Toward a Clearer Understanding” in *The Thomist* 52 (1988): 365. We must also distinguish between texts that seem to reflect a direct adoption of what Noonan calls “the Stoic rule” as a reflection of natural law, and the way this Stoic doctrine is appropriated by later thinkers within their broader thought. Ambrose, for example, as noted below, seems to adopt the Stoic rule but also reflects a broader Patristic tendency to understand human nature and the image of God in terms of reason, associating “natural” law in man with his reason. Similarly for Aquinas, law is always something pertaining to reason. A more thorough discussion would have to distinguish the relation between bodily nature and reason in general theories of natural law (among both Stoics and early Christian writers), and how this pertains to the morality of procreation.
In the writings of Augustine (d. 430), which profoundly shape the subsequent Western tradition, what Noonan calls this “Stoic doctrine” is incorporated into a broader synthesis that also addresses the effects of original sin on human sexuality, the sanctity of human life, and the saint’s personal experience of struggle with sin and healing by grace. In comparison with its contemporary Gnostic and encratist alternatives, Augustine’s doctrine offered a powerful synthesis of Greco-Roman philosophical reason, biblical revelation and prior tradition. Augustine saw the Stoic doctrine as decisive in refuting the error of the Manicheans, who—according to his first-hand assessment—opposed marriage precisely because they opposed its purpose: procreation. His strict adherence to this doctrine, however, led Augustine to reject sexual relations during sterile periods because it is non-procreative, which would rule out the contemporary Catholic allowance of periodic continence (i.e., Natural Family Planning or NFP) in the practice of responsible parenthood. Moreover, it seems that strict adherence to “the Stoic doctrine” may have led, throughout the tradition, to a variety of overly-rigorous moral teachings in sexual ethics. Among these, I would list norms against sex (i) during menstruation, (ii) after menopause, and (iii) for some primary purpose besides procreation;13 we need to be alert to the risk of repeating this mistake regarding contemporary questions.14

In the Western tradition between Augustine and Aquinas, it was commonly understood that the moral practice of sexual intercourse required the non-frustration of this procreative end, which was understood to reflect the natural law, which itself was understood—not rarely—as centered in the non-frustration of natural ends.15 Of course, even if sexual ethics is so often in the forefront, early Christian writers recognized the need to articulate more general accounts of natural law. An

13. As will be discussed below, it seems to me both faithful to Aquinas and correct to say that unspecified appeals to “following or obeying nature” can be misleading in suggesting that speculative reflection on the ends and functions of our bodily nature can immediately yield moral norms, without a further mediation of reason.

14. Regardless of the resolution (which will be well-received by me) by the appropriate authorities of the contemporary debate about the open question of the prophylactic (i.e., disease-preventive) use of condoms, it seems appropriate to note throughout this essay the various points at which that debate pertains to our treatment of the question of contraception, especially because my thesis claims that articulating a moral theory that can explain precisely the moral relevance of the procreative natural end—in light of difficult test cases—is central to resolving the post conciliar crisis in moral theory.

15. Because many contemporary Thomists seem to see this as the basic teaching of Aquinas, I have tried to show the programmatic role of Thomas’s teaching that “the relation to the natural end is accidental to morality” in light of his doctrine that “the act has a single proximate end from which it gets its species” (ST I-II, q.1, a.3, ad.3). Although ignored and essentially inverted through much of the subsequent tradition of Thomistic commentary and interpretation, this central teaching of Aquinas is recovered by Veritatis splendor, in the decisive paragraph no. 78 on the moral object. On this, see my “Veritatis splendor and Traditionally Naturalistic Thomisms: The Object as Proximate End as Test Case” forthcoming in Studia Moralia, 45/2 (December 2007). In different ways, both Long’s Teleological Grammar and Brock’s Action and Conduct try to uphold what seems to me
unresolved challenge during this pre-Thomistic era, and one that pertains to our question, was to articulate more adequately the relation between our bodily existence, the natural law and the properly moral order of practical reasoning about ends, willing, and thus of particular human acts. It is true that some early Christian thinkers, such as Ambrose, came to see natural law in the rational creature—as opposed to that in lower animals—primarily in terms of the rational dimension of human nature corresponding to our ability to rightly judge how to act. Others, however, tended toward understandings of morality as governed by non-violation of the natural ends that were seen to reveal the natural law, even when such thinkers did recognize that natural law in the rational creature had something to do with reason. Of particular interest in light of the contemporary recovery of a virtue ethics is a somewhat neglected and arguably decisive stream of the philosophical tradition tracing back to Plato, which saw not the natural ends (or the speculative grasp of natural ends or teleologies) but the rational forms of the virtues as the standards governing the morality of human action.

Regarding natural ends and sexual ethics, Thomas himself received a tradition that included (i) “the Stoic doctrine” about the procreative end, (ii) the broader notion that natural law had some relation to both lower human nature and specifically rational human nature, and (iii) the doctrine that the rational standards for human actions were the forms of the virtues in the divine mind, which—although overlooked by much of the interpretative tradition—he affirms in his discussion on the exemplar virtues (ST I-II, q.61, a.5).16 This inherited tradition also reflected (iv) the ongoing attempts to make sense of human or moral action ranging from

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16. This will be an important point to keep in mind in our subsequent discussion of different approaches to arguing against contraception, which considers three alternative traditions regarding this question. The first, of these, as already noted, is the more traditionally naturalistic (sometimes called Scholastic or Suarezian) reading of Aquinas that correlates natural law, and thus the standards governing human acts, to natural ends or teleologies.
Peter Abelard’s much-criticized emphasis on the intentions of the agent to Albert the Great’s understanding that the material components of an act comprised its essence, whereas intentions were seen as accidental modifications.

**B. Reading Thomas on the Unnatural Vice**

In this subsection, I will first offer some comments regarding Thomas’s general understanding of the moral relevance of our sub-rational nature, and then discuss his doctrine on the “unnatural vice,” which has been understood in a way that contradicts my position on this general understanding.

1. **The Moral Relevance of Natural Ends: Thomas and his Interpreters**

Considering Thomas’s general moral theory first, we note especially that—contrary to the way he is read by many interpreters—he rejects Albert’s approach, which gave priority to what we might call the “natural,” understood as the physical essence of the “act.”\(^{17}\) We can even say that Thomas *inverts* Albert’s approach, precisely by teaching that “the relation to a natural end…” (which is causally tied to the material components of the act) is accidental to the morality of the human act, whose moral species comes from the single proximate end intended by the agent (ST I-II, q.1, a.3, ad.3).\(^{18}\) Restated slightly differently, Thomas taught that the proximate good and end intended by the agent indicates the essence of the human act whereas “the relation to the natural end”—which corresponds to what is physically caused—is accidental. Here, of course, accidental does not mean irrelevant, although it does indicate clearly that Thomas’s understanding of natural law is not centered in the non-frustration or normativity of natural ends.\(^{19}\)

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18. Thomas also recognizes that some circumstances are “principal conditions” that determine the species or kind of the action (ST I-II, q.18, a.5, ad.4 and a.10). For example, stealing under the circumstances that the stolen object is a chalice used for Eucharistic worship becomes not merely theft but sacrilege. Along with Thomas’s understanding of the form/matter relationship of the interior and exterior acts discussed later, and the rational measure of human action, this doctrine ensures that specifying acts by the proximate end intended by the agent is not a path to “mere subjectivity” but is grounded in reality and reason.

19. As already noted, this claim is obviously in tension with much of the subsequent tradition that appeals to Thomas’s work, a tradition that is rejected by post conciliar revisionists.
While comprehensive historical studies remain to be written, it seems clear that the predominant strands of the subsequent tradition of Thomistic interpretation overlooked this decisive move by Aquinas and therefore interpreted his moral theory in light of his more “naturalistic” predecessors, something which is of great contemporary importance in debates about contraception and related matters. This tendency of the tradition following Aquinas explains, in part, how the main lines of subsequent Catholic teaching, claiming Aquinas as its primary authority, came to be understood as embodying “the natural law tradition,” with the natural law being seen to be centered in the non-violation of natural ends or “natural teleology.”²⁰ In such accounts, the role of reason was limited to a speculative recognition of the “natural”—and the teleologies following from this natural—as morally binding, with the virtues not being an integral part of moral analysis. Unfortunately, in this largely post-Tridentine tradition that sought to follow Aquinas, the centrality of virtue and the importance of the philosophy of distinctively human action were obscured (by the focus on physical causality),²¹ leading to purportedly Thomistic moral theories that are difficult to reconcile with many of the Angelic Doctor’s texts, even if readers informed by such traditional

as legalistic and biologistic, and criticized by orthodox scholars like Grisez, Finnis, May and Rhonheimer. My previously cited “Veritatis Splendor and Traditionally Naturalistic Thomisms” illustrates, with numerous texts, how this teaching about natural and proximate ends (ST I-II, q.1, a.3, ad.3), which is central to Veritatis splendor’s doctrine on the moral object, is maintained by Thomas throughout his Secunda Pars.

20. In offering his contemporary account along these traditional lines, Long’s Teleological Grammar introduces a variety of phraseology that effectively inverts, in the sense previously described, Thomas’s understanding of the relation between natural and proximate ends. This phraseology includes “the normative order of ends,” “the act itself and its integral nature,” “the per se case of the human act, the case where the object is per se ordered to the end,” and the “essential matter.” To paraphrase so as to highlight the contrast with what we have already cited from Thomas, Long’s Thomas would say “the human act gets its moral species from the ‘natural teleology’ (p.85) or natural end, which is the essence of the act” and “the relation to the proximate end intended by the agent is accidental to morality.” His theory would then be much like that of Albert, which as Hoffman showed, was eschewed by Aquinas. To be clear, I agree with Long’s insistence that the analysis of moral action take account of the physical level, but I think that Veritatis splendor rightly encourages, and Rhonheimer exemplifies, an alternative recovery of Aquinas’s actual teaching that is superior in important ways, especially in helping us to advance beyond—rather than repeat—the debates of the last generation.

21. Although further studies are required, it seems that a fundamental problem with such authors is that they try to defend innovations of the Thomistic commentatorial tradition without having addressed how such approaches led to the post conciliar crisis in moral theory. Christopher Kaczor, on the other hand, in part because he seeks to understand the theoretical roots of the post conciliar crisis, does not make this mistake. Kaczor shows how the late neo-scholasticism of the manuals, as exemplified by J. P. Gury, SJ (1801-1866), understood human action as causing rather than intending, a corruption of Thomistic thought which is continued by proportionalism. He also discusses how the resulting lack of appreciation of the interior depths of intentional human action led to a focus on the order of physical causality. Such insights allow Kaczor to respond to
presuppositions failed to notice the discrepancies. 22 In the context of later debates surrounding *Humanae vitae*, moral theories that appealed to “nature” in this way (as immediately revealing the moral order, without the further mediation of reason) were rejected by post conciliar revisionists as legalistic, “physicalistic” or “biologistic.” 23 Thus, they were widely abandoned as the majority of Catholic moralists simultaneously deemphasized the importance of particular acts and moved towards alternative approaches such as “proportionalism.” 24 Later in this study (part V), we will consider the retrieval of Thomistic natural law as encouraged by *Veritatis splendor*, arguing that it suggests a middle course in which the moral relevance of the natural law (especially with respect to bodies) is understood not as an immediate appeal to the “natural” (I use quotes here because *human* nature is specifically rational), but as understanding its moral relevance in light of virtue, the person, and the orientation of the person to self-gift in love. Therefore, although we will complete our discussion of Thomas’s teaching on the unnatural vice in part V.D, we begin it here in the context of our discussion of the tradition preceding Thomas, which helps us to understand how this teaching is typically understood to reflect this tradition. We will see that there are firm grounds to consider that this typical understanding may be mistaken.

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22. Again, this reflects a reading of Aquinas, by contemporary conservative Thomists, in light of the commentatorial tradition. For a recent historical discussion (complementary to the previously-cited work of Kaczor) of how this interpretative tradition, at least partially as a reaction against the modern “turn to the subject,” moved to purported readings of Aquinas that saw the moral object as “detached” from the intellect and will of the agent, see Brian V. Johnstone, “‘Objectivism,’ ‘Basic Human Goods,’ and ‘Proportionalism’: An Interpretation of the Contemporary History of Moral Theology,” *Studia Moralia* 43, no. 1 (2005): 102-114, and pages 397-401 of his “Intrinsically Evil Acts” in *Studia Moralia* 43, no. 2 (2005).

23. I recognize that many traditional thinkers were more sophisticated—just as contemporary scholars like Long and Brock are both gifted and intellectually sophisticated—so I would like to think that such charges attacked a mere “straw man.” It is true that much post conciliar dissent reflected not merely a legitimate intellectual objection but a capitulation to the sexual revolution and departure from Christian orthodoxy. Still, any moral theory that implies the immediate (without the further mediation of reason) moral normativity of natural ends or teleology, and thereby fails to acknowledge the need for an explanation of precisely how the “natural” pertains to the moral, is highly problematic in not only giving a false sense of security to traditional interpreters, but in diverting attention from the approach of *Veritatis splendor*, which offers a basis for further consensus.

24. Contemporary revisionists now recognize proportionalism as not a single and developed moral theory, but as one of a range of related approaches that sought to give greater attention to the intentions of the agent and his circumstances, while rejecting what was seen as the legalism and rigor of the preceding tradition, especially regarding
2. **Thomas on the “Unnatural Vice”: Some Initial Comments**

Having first noted Thomas's general shift to an intentional account of human action, and having acknowledged the (now intellectually problematic) tradition of reading his theory as tending toward an immediate appeal to nature (i.e., the non-violation of natural ends), let us next consider his account of “the unnatural vice” or “the sin against nature” which has been seen to exemplify not only his appeal to nature in sexual ethics but also his natural law theory in general.\(^{25}\)

Thomas’s treatment of the “vice against nature” is found in works ranging from his early *Summa Contra Gentiles* to his later *Summa Theologiae* and his treatise on disputed questions on evil, *De Malo*. His basic teaching is that the emission of semen must be ordered consistently with the generation and proper upbringing of offspring. These texts are typically read as ruling out any physical behavior inconsistent with this result, regardless of the ends intended by the agent, and therefore in abstraction from a description of a properly human act. Such an interpretation of Aquinas on the sin against nature would be expected in light of the Stoic presupposition that the purpose of sex is procreation, since a behavior which could not achieve this result would be irrational. It would also be expected in light of a traditional understanding of natural law as the non-violation of natural ends, which traditionally corresponded with a neglect of action theory.\(^{26}\)

Therefore, when reading him in light of his predecessors or successors, the question of how this teaching about the unnatural vice relates to Thomas’s distinction

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\(^{25}\) For an example of a recent work that reflects the not-uncommon approach of suggesting that the “natural” is immediately normative in a moral sense, of simultaneously granting that matters are more complex, and of nevertheless failing to provide a proposal for how this all actually works, see Christopher W. Olesen, “Nature, ‘Naturalism,’ and the Immorality of Contraception—A Critique of Fr. Rhonheimer on Condom Use and Contraceptive Intent,” in the *National Catholic Bioethics Quarterly* 6.4 (Winter 2006): 719–729. See also Fr. Rhonheimer’s reply in his “The Contraceptive Choice, Condom Use, and Moral Arguments Based on Nature: A Reply to Christopher Oleson” in the *National Catholic Bioethics Quarterly* 7.2 (Summer 2007): 273–291.

\(^{26}\) For example, one could point to this doctrine of Thomas to conclude that he would have forbidden the disease-preventative use of condoms. It may be that he would have so concluded, just as it may be that he would have rejected intercourse during infertile times, which as we noted was the case for Augustine. Of course, more important than what Thomas would have concluded is the truth about such questions, so we need to study not only what he actually wrote and would have concluded in his day, but also what is morally correct.
between the act in its physical versus moral species (as defined by the proximate end intended, and formed by reason)” is unlikely to be raised, especially as the later tradition comes to see any reference to intention under the suspicion of “subjectivity,” which was understood as opposed to the “objectivity” of nature. We will revisit this interpretation of Aquinas on the “unnatural vice” following our discussion of the retrieval of Thomas’s teachings in fundamental moral theory as encouraged by Veritatis splendor (in part V), but first we will consider the role of the more traditional approach in the rejection of Humanae vitae.

II. Humanae Vitae and the Rejection of Appeals to Nature as “Physicalism”

In this short section, I hope to accomplish two modest goals. First, I will offer evidence both that there are texts in Humanae vitae which can be read as suggesting that the encyclical depends on the traditional “perverted faculty” argument, and that revisionist objections to it have centered on this. Second, I will indicate some of the grounds for instead reading Humanae vitae as an initial, but somewhat incomplete, shift from traditional dependence on scholastic notions of natural law and the perverted faculty argument and toward an intentional approach to moral action along the lines encouraged more generally by Veritatis splendor.

A. Revisionist Rejections of Humanae Vitae as Physicalistic or Biologistic

Reading the encyclical Humanae vitae in light of the previous tradition, and knowing that it reaffirmed the traditional rejection of contraception, readers would likely expect that it did so for traditional reasons. I will here simply note the primary texts that readers in this historical context would likely take in this way. First, the encyclical refers many times to “natural law” in a historical context when the traditional, scholastic understanding of natural law, emphasizing the non-violation of natural ends, had been widely accepted for centuries, and when the recent challenges to this approach were just being considered. Thus, the reference to natural law might be taken to imply the traditional natural law argument against contraception. Second, paragraph no. 9 on “the characteristics of conjugal love” speaks of its natural ordination to the begetting of children, which might be read as an appeal to natural law as biological laws. Third, paragraph no. 10 on “responsible parenthood” similarly refers to the need to understand and respect

27. As previously noted, this programmatic distinction is extensively documented in my “Veritatis splendor and Traditionally Naturalistic Thomisms.”
28. On the danger of exaggerated reactions against modern philosophy leading to distorted readings of Aquinas, especially the merely physical or “natural” object, see again Johnstone’s “Objectivism” and his “Intrinsically Evil Acts.”
29. Again, this is the traditional natural law argument which would claim that behaviors with physically contraceptive effects are evil precisely because they physically (regardless of the intentions of the agent) frustrate the procreative natural end of the marital act.
the functions of biological processes, and also refers to “the objective moral order,” and “the very nature of marriage and its acts.” Fourth, paragraph no. 11 on “respect for the nature and purpose of the marriage act” might be read (although this would be a misreading) as equating “natural laws and rhythms of fecundity” with “the norms of the natural law.” This might then be seen as what leads to the conclusion that “each and every marriage act (quilibet matrimoni usus) must remain open to the transmission of life (permanentet per se destinatus ad vitam humanam procreandam).”³⁰ In other words, the requirement of per se openness to procreation is understood as refraining from any behavior that physically prevents it. Fifth, paragraph no. 12 on the inseparability of union and procreation “according to laws inscribed in the very being of man and woman,” can be read in terms of biological laws. Sixth, paragraph no. 13 on faithfulness to God’s design, which requires “respecting the laws of the generative process” can also be read in this way. Finally, in the concluding appeal of paragraph no. 31, Paul VI refers to “the laws written by God in [man’s] very nature,” which seems to reinforce the previous statements.

Reading the encyclical in light of traditional approaches and encountering such texts, revisionist moral theologians argued against it precisely on the grounds that it depended on an understanding of natural law as the non-violation of natural ends, and therefore on the perverted faculty argument. Although these are not the only reasons for the revisionist rejection of the encyclical, and although I find their analyses faulty, this essential rationale for rejecting the encyclical can be seen in the writings of the major revisionist moral theologians of the post conciliar era, such as Bernard Häring, Josef Fuchs, Richard McCormick and Charles Curran.³¹

B. Humanae Vitae as an Initial Shift towards an Intentional Approach

In this section, I will outline an alternative reading of Humanae vitae as embodying an initial shift away from the traditional theories and arguments employed against contraception, which were under attack by both critics and

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³⁰. Again, we might recall here that the per se in the much of the moral tradition after Aquinas refers to the physical act and its caused results, whereas for Aquinas the morally per se or essential is the intended and the praeter intentionem is the per accidens or accidental.

³¹. Regarding Häring’s criticism of HV as based on the inviolability of biological laws, see his “The Inseparability of the Unitive-Procreative Functions of the Marital Act” in Readings in Moral Theology, No. 8, eds. Charles E. Curran and Richard A. McCormick, SJ (Mahwah: Paulist, 1995), 153-167. For a discussion of Fuchs’s “intellectual conversion” from traditional natural law theory and arguments against contraception, see Mark Graham’s Josef Fuchs on Natural Law (Washington: Georgetown, 2002), 97ff. Similarly, McCormick’s reversal on natural law and contraception is discussed in Paulinus Odozor’s Richard McCormick and the Renewal of Moral Theology (Notre Dame: University of Notre Dame Press, 1995), 48-52, especially 51, and also 61. And for a recent articulation of Charles Curran’s explicit rejections of “biologism” and “physicalism,” see his The Moral Theology of Pope John Paul II (Washington: Georgetown, 2005), 111, 115-117, 140-144.
supporters of the encyclical, and toward a recovery of a more adequate, intentional approach to human action as recovered by Veritatis splendor.\textsuperscript{32}

Our reading begins by noting the shift in no. 14 from more traditional and physical descriptions of the contraceptive act as one that goes against the natural end of the marital act (i.e., the deposition of semen) to an intentional description or definition of the contraceptive act as “every action which... proposes [or intends, from intendat in the original Latin text]... to render procreation impossible.” In fact this approach was better able to address not only previously used means of contraception, but also the new case of the anovulant pill, which was claimed by its advocates to be “natural” in that it both allowed the deposit of semen and mimicked the natural provision of infertile times.\textsuperscript{33} This intentional approach was also less vulnerable to new (1960’s) critiques of traditional natural law and action theory. We might also note that the references to sterilization and abortion in this paragraph are also intentional, including the decisive reference to the will.

This intentional reading of the encyclical is further supported by the treatment in no. 15 of the permissibility of therapeutic means which have concomitant contraceptive effects:

“The Church... does not at all consider illicit the use of those therapeutic means truly necessary to cure diseases of the organism, even if an impediment to procreation, which may be foreseen, should result therefrom, provided such impediment is not, for whatever motive, directly willed” (emphasis added).

What about no. 13 on respect for the nature and purpose of the marital act? The various phrases we have already noted would seem to imply the traditional approach. However, the meaning of the called-for respect for the nature and purpose of the act is illustrated in the following no. 14, which does so with intentional—rather than physical—descriptions of contraception, sterilization and abortion. Similarly, the required “openness to the transmission of life” in no. 11 can and should be understood as “intentional openness,” meaning one has not deliberately/intentionally acted against the transmission of life through a properly contraceptive act, a reading which is also consistent with the notion that an infertile couple is open to life in the sense required by the encyclical. Moreover, no. 10 on responsible parenthood may be read in a way consistent with these paragraphs. Although

\textsuperscript{32} This approach draws from Rhonheimer’s “Contraception, Sexual Behavior and Natural Law.” To reiterate in light of mistaken criticisms, the present understanding of the end intended is not merely subjective and dependent on the will, but follows Thomas’s teaching that the end is presented to the will by reason based upon its understanding and ordering of the relevant matter and circumstances.

\textsuperscript{33} See Odozor’s, McCormick and the Renewal, 48 on the 1963 article by Louis Janssens.
it states that the couple must understand and respect their biological processes, this can readily be understood in light of both an intentional approach to human action and a virtue-oriented approach to contraception (described in detail later in this essay).

The above is sufficient to conclude that revisionist objections centered on traditional or scholastic natural law and the immediate appeal to the inviolability of the procreative natural end. It also allows us to conclude that the encyclical can be read as an initial move away from such arguments and in the direction that will later be encouraged by *Veritatis splendor* as more generally applicable.

III. The “New Natural Law Theory” and the “Contralife” Argument

Among the scholars who rejected the traditional, or scholastic natural law theory in the conciliar era were Germain Grisez, John Finnis and Joseph Boyle, who articulated what has been called “the New Natural Law” (NNL) or “Basic Human Goods” (BHG) theory. Through it, they sought to uphold traditional moral norms using what they saw as a more adequate development of Thomas’s moral theory, which they understood as centered on natural law. This theory and the body of work associated with it is complex, as is its application to the question of contraception. Therefore, the following discussion can only sketch some of the main lines of their approach and its application to the question of contraception.

One of the primary breakthroughs contributing to the development of this theory was Grisez’s recognition of Aquinas’s understanding of the four orders of reason, as found in the first lectio of his *Commentary on Aristotle’s Nicomachean Ethics*. Here, Thomas clearly distinguished between the “speculative order” that *reason discovers in things* and the “moral order” that *reason puts into human actions* as it directs them to ends. If we take seriously Thomas’s claim that this latter order is the proper realm of moral philosophy, then it seems that the more traditional approach that in its crudest form suggests one can deduce

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35. Much important and philosophically sophisticated work has and continues to come forth from this school of thought, and it will continue to be an important resource in philosophical and theological ethics. Having its roots, however, in the late casuist tradition prior to the more recent recovery of virtue, this approach can legitimately be criticized—especially in light of the contemporary recovery of virtue—for its deficiency in the virtue theory that has been once again recognized as central to the ethics of Aquinas himself.

36. On distinguishing these four orders, see *Natural Law and Moral Inquiry*, 213-214.
moral norms directly from a metaphysical reflection on human nature—and from the natural ends or teleologies of its various inclinations and faculties—was based upon a misreading that conflated the different orders of reason.

Therefore, instead of the traditional approach of articulating a natural law theory based upon the inclinations and teleologies discovered through a metaphysical reflection upon human nature, the NNLT—while certainly not claiming that the bodily dimensions of human nature are irrelevant to morality—looks to the Basic Human Goods (BHGs) towards which human persons are inclined. These “new natural lawyers” then articulate a more or less evolving list of these basic human goods including human life, knowledge, self-integration, practical reasonableness, justice and friendship, religion and holiness, marriage and parenthood. According to this theory, those actions which are seen to deliberately attack, impede, or destroy these basic human goods are rejected as irrational and therefore immoral.

37. One might distinguish between an appeal at the popular level to the moral relevance of “nature” (i.e., the sub-rationals elements of human nature), which arguably has had a certain rhetorical efficacy, and a careful moral analysis of precisely the way in which the natural order pertains to the moral order. That a simple appeal to nature does not suffice as a moral theory is clear from our frustration of natural ends in shaving, chewing sugarless gum, etc. Therefore, the latter is especially the project of Rhonheimer, and is the precise topic of his Natural Law and Practical Reason (New York: Fordham, 2000). This focus is more evident when the English title is rendered more literally from the German Natur als Grundlage der Moral (Innsbruck-Vienna: Tyrolia-Verlag, 1987), as Nature as the Basis of Morality. An unspecified appeal to the normativity of “nature” has had a certain intuitive appeal, and thus has long been part of the Catholic moral tradition, although scholars such as Grisez, Finnis, and Rhonheimer discourage it. One might also conclude that the unspecified appeal to “nature” is of questionable efficacy from a rhetorical perspective, and that it is not taken as a serious theoretical proposal by either revisionists or many tradition-minded thinkers.

38. Of course, this is not to say that things of the physical order—like human bodies—are irrelevant to the morality of human actions. Again, I would argue that the real question is to determine precisely the way in which the “natural,” in the sense of the bodily, is relevant to the morality of actions. Unfortunately, most traditional interpreters of Aquinas have largely avoided addressing this challenging question. Nor is it addressed by appealing to “the priority of speculative intellect,” which suggests that a speculative grasp of natures and natural ends reveals the natural law and moral order. As we have noted and will further discuss, this is not the approach of Aquinas himself, who writes that “the relation to the natural end is accidental to morality” (ST I-II, q.1, a.3, ad.3), nor is it the approach of Veritatis splendor. This touches upon another problem in Long’s Teleological Grammar, in which he groups together the quite different approaches of Grisez and Rhonheimer. On page xi he says they both “view the object of the moral act as simply that which the agent proposes to himself.” I will not speak for the others, but we will see below that this claim is simply mistaken regarding Rhonheimer’s work, indicating that Long does not understand it. Similarly he writes (85-6) about the capital error of treating the moral object as “entirely formal” or “purely ideational” (elsewhere he speaks of it as “logical”). It seems that Long’s moral theory so emphasizes the order that speculative reason discovers in things, as to neglect the moral order that reason puts into human acts (and their objects) to direct them to ends.

39. These goods are said to be self-evident, not in the sense that they are known to all, but in the sense that once the terms used to express them are understood, a person will recognize them as human goods.
Regarding the decisive question of contraceptive actions, the NNLT holds that they are immoral because they involve a “contralife” choice against the basic human good of life. In such acts, the NNLT claims that the agent envisions the possible child who might result from a sexual act and chooses to impede the possible coming to be of that instance of the “basic human good” of life. \(^{40}\) This approach draws upon the traditional association of contraception with homicide in the form of abortion. \(^{41}\) Just as abortion is a violation of justice against the life of an unborn human person, so too—following the traditional association of contraception with homicide—does this approach see contraception as primarily and fundamentally a violation of justice against the good of the life of one yet to be conceived. They emphasize that contraception is related to sexual acts “only contingently” or “only instrumentally,” which allows them to explain its malice as a violation of their basic good of life, corresponding to the virtue of justice. \(^{42}\) They also grant that contraceptive acts additionally, though not essentially, violate chastity. \(^{43}\) For reasons that

40. See Germain Grisez, Joseph Boyle, John Finnis, and William E. May “Every Marital Act Ought to be Open to New Life: Toward a Clearer Understanding,” published in *The Thomist* (1988), 371. Here I should thank my former teacher Bill May for, among many other things, introducing me to Rhonheimer’s work in sexual ethics. In my disagreements with some of May’s positions, below, I proceed freely as I am confident that he would want to see rigorous arguments put forward in the effort toward truth and clarity.

41. See “Every Marital Act” page 370, where they write “Insofar as contraception is contralife, it is similar to deliberate homicide.” This traces back to the influential “si aliquis” text, which itself traces back to the penitential manuals and was part of Canon law until 1917. It asserts that “if someone... does something... or gives them to drink, so that he cannot generate or she conceive, let it be held as homicide.” See John T. Noonan’s *Contraception: A History of its Treatment by the Catholic Theologians and Canonists* (Cambridge: Harvard University Press, 1986), 168-70 and the index. I would argue that this understanding was rightly deemphasized since, although there is a sense in which contraceptive and abortive acts are related, more precise analysis is necessary which properly distinguishes these acts and articulates their relationship. Contraceptors fundamentally want to have sex without the procreative consequences, they do not fundamentally want to attack the good of a potential person’s life.

42. See “Every Marital Act” page 370, where they write “Contraception is only contingently related to marital intercourse. For the definition of contraception neither includes nor entails that one who does it engages in sexual intercourse, much less marital intercourse.” On 371 they reemphasize “in and of itself, a contraceptive act is nothing but contralife. For, being separate from any sexual act which occasions it, a contraceptive act cannot be considered part of that sexual act. Thus, contraception in marriage is not part of any marital act. Contraception is related to marital acts only instrumentally, inasmuch as contraception lessens the likelihood of pregnancy, which can be a motive to avoid marital intercourse.” Their essential point is that “contraception must be defined by its intention that a prospective new life not begin.” Note how this definition in terms of merely the intention, and separated from sexual behavior, illustrates how Long’s fundamental charge of a merely ideational notion of the object seems to have some merit against their approach. As we will see, however, this criticism misses the mark against Rhonheimer’s understanding of contraception as essentially linked to sexual—that is bodily—behavior.

43. Later, towards the end of a long essay treating contraception in terms of justice, they acknowledge that “the choice of contraception, besides being contralife, is inconsistent

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will become more clear below, I think that Rhonheimer is correct that contraceptive acts do pertain essentially to sexual (and bodily) behavior and the virtue of chastity, although I would add that they are obviously not sexual behavior in the sense of intercourse itself. They are acts chosen as alternatives to bodily acts of abstinence when this is called for. They are human acts with their own proximate end of preventing the procreative consequences of foreseen sexual acts, but they are only intelligible when understood as acts ordered to the further end of conjugal union, without which they would not be done. In this sense, they are sexual behavior and are therefore moderated by chastity, which will be important to Rhonheimer’s argument against contraception.  

The NNLT analysis of contraception further distinguishes the properly contraceptive act, which they locate with respect to justice, from the contracepted act of intercourse, which pertains to chastity. The former, they claim, is a contralife or anti-life choice, while the latter is the choice of a sexual act that is rendered infecund by the former. Rhonheimer rejects their distinction between contraceptive and contracepted acts, primarily—it seems—as part of his argument that contraceptive acts are a form of sexual behavior violating chastity, whereas the NNLT distinction separates an act pertaining to justice (the contraceptive act) from one pertaining to chastity (the contracepted act). It seems, however, that one could accept the distinction as long as the acts were defined with respect to the appropriate virtue. The contraceptive act, rightly understood as a violation of chastity, would be initially described (following Thomas) in terms of its proximate end to prevent the procreative consequences of the pertinent conjugal act, which implies that it includes the further or ulterior intention of a subsequent act of intercourse. (As noted above, a more adequate description would make clear the embodied character of contraceptive behavior, as an alternative to the called-for bodily act of abstinence from intercourse). We could then call this subsequent act of intercourse a contracepted act because it is done under the circumstance of having been rendered infecund by the properly contraceptive act. Therefore, although Rhonheimer does not do so, it seems that one could in fact integrate Grisez’s distinction between contraceptive and contracepted acts with a proper understanding of contraception as bodily and sexual behavior and a violation of chastity, as advanced by Rhonheimer and corresponding to Evangelium vitae.

with marital chastity." See “Every Marital Act,” 408. Therefore, one might object that Bill May is leaning towards Rhonheimer’s position when he both defends the NNLT view that contraception is fundamentally contralife (i.e., it violates the basic human good of life, which would mean that it violates justice) and suggests that it is specifically a violation of chastity.

44. Evangelium vitae no. 13 locates contraception and abortion with respect to the proper virtues. “Certainly, from the moral point of view contraception and abortion are specifically different evils: the former contradicts the full truth of the sexual act as the proper expression of conjugal love, while the latter destroys the life of a human being; the former is opposed to the virtue of chastity in marriage, the latter is opposed to the virtue of justice and directly violates the divine commandment ‘You shall not kill’.”
To defend the claim that the essence of contraception is an anti-life choice, and distinct from sexual behavior, NNLT supporters use examples such as that of the dictator who puts contraceptives (i.e., anovulants) in the water supply, resulting in the intended effect of preventing conception. The question is whether an act of contraception (presumably that of *Humanae vitae* no. 14) has occurred, and if so, who was the agent? The apparent answer—according to the NNLT—is that the dictator has indeed performed a contraceptive act because he foresaw the potential lives that would be generated and then acted to prevent them from coming to be through a choice that is properly anti-life. Now, according to this analysis, the purportedly contraceptive act of the dictator—who has the contraceptive intent that defines contraception for them (without reference to sexual behavior)—did not intervene in the couple’s sexual behavior itself, so his “contraceptive” act obviously pertains not to chastity but to justice; it is an act against the basic human good of the lives of the foreseen children.

I would reply that such examples actually bring out one of the major problems with seeing contraception as a violation of justice, and therefore an anti-life choice allied with forms of homicide such as abortion. The form of “contraception” involved in such examples is indeed a violation of justice, precisely because it involves a third-party intrusion into the procreative consequences of marital acts. However, such unjust third-party intrusions are not contraception in the sense spoken of by the central teaching of *Humanae vitae* no. 14, even if the intruder’s act of dispersing anovulants certainly intends to prevent the procreative consequences of the marital act, in apparent agreement with the decisive articulation of the norm against contraception in this paragraph. The encyclical, however, is clearly speaking of acts performed by the couple themselves for such contraceptive ends; the case of the dictator is thus essentially different. This is clear from the encyclical’s contextualizing discussion of conjugal love in nos. 8-9, from its treatment of responsible parenthood in no. 10, and from its several references to marriage, including that in the final line of no. 14, all of which make clear that the focus is on the morality of contraceptive acts done by the spouses. Therefore, I would conclude that the anti-life argument against contraception, which sees it as a violation of justice as opposed to chastity, is theoretically problematic. I would also add that it is not rhetorically effective to tell couples they are doing something analogous to abortion when they contracept.

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45. See, for example, Bill May’s review of Janet Smith’s *Humanae Vitae: A Generation Later*, which was published in *The Thomist* 57 (1993): 155-161. On the last page, May discusses the example of the dictator, claiming his act is the one forbidden by no. 14 of the encyclical.

46. Of course, no. 17 speaks of public authorities and population control, but this is not the main issue the encyclical seeks to address.

47. It might be helpful to say a few words about how this moral theory addresses the currently disputed question of the prophylactic or disease-preventative use of condoms, which has reportedly been under study by Vatican congregations at the request of
IV. Post conciliar Supplements to Traditional Appeals to "Nature"

The New Natural Law Theory was not the only approach followed by post conciliar scholars seeking to uphold the basic teaching of *Humanae vitae* against contraceptive acts in the wake of the widespread rejection of "scholastic natural law theory," and especially its approach to sexual ethics that centered on the moral normativity of the physical structure of "the marital act," the "perverted faculty" argument. In general, tradition-minded scholars agreed that moral theories in support of Church teaching must be more "personalistic" in the sense that they must address more than just the natural ends or purposes of the reproductive faculties. Several approaches to defending *HV* can therefore be seen as supplements to this traditional approach because they do not grant that it is flawed and should be abandoned; rather they see it as largely correct and more in need of updating or supplementation through additional reasons or by unpacking what is implicit in the traditional argument. In what follows I will briefly discuss several such updated or supplemental approaches.

A. "Creationist" Supplements to Traditionally Naturalistic Arguments

In the United States and in English language scholarship, we will focus on the early work of Janet Smith, which we might categorize as explicitly supplementing the traditional "perverted faculty" argument based on the non-violation of the

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Pope Benedict XVI. Because the NNLT explicitly rejects the scholastic natural law theory (and the "perverted faculty argument" against contraception), and because their approach to moral action generally distinguishes the decisive end (i.e., the proximate end, purpose or goal) for which the agent does what he does and the *ulterior* end of the further benefits he hopes to obtain through his action, those who follow NNLT generally recognize that the protective use of condoms is not contraception in the properly moral sense but rather a preventative type of act. In their language, the agent's "proposal" is not anti-life as against the foreseen life. The NNLT, however, additionally looks to the code of canon law for the consummation of marriage and claims—consistent with the pre conciliar consensus of moralists prior to the widespread challenge of this tradition—that any physical behavior pattern that does not result in seminization is "not of a marital kind" and therefore more like masturbation or sodomy. If this traditional teaching is upheld in the contemporary debate, the preventive use of condoms would obviously be forbidden in every case. We might note that the NNLT appeal to the physical species of the action as morally determinative in a case of sexual ethics is surprising, especially since their theory took its origin largely from a rejection of such approaches. For a further discussion, see Rhonheimer's article, "On the Use of Condoms to Prevent Acquired Immune Deficiency Syndrome," *National Catholic Bioethics Quarterly* 5.1 (Spring 2005): 40–44, and his previously cited "Reply to Christopher Oleson."

48. See, for example, her *Humanae Vitae: A Generation Later* (Washington: Catholic University of America Press, 1991), especially chapter 4. I specify the "early" work of Smith because, in some of her post *Veritatis splendor* work, she makes tentative but incomplete moves in a direction more along the lines advocated in this present essay, which would articulate the norm against contraception through a combination of a recovery of Aquinas's intentional approach to moral acts specified by their proximate ends, combined with an analysis in terms of virtue. Her tentative move toward a more
"natural end." By explicitly supplementing the traditional argument, I mean that Smith both agrees that it is not sufficient in itself, yet insists that it is a necessary part of every valid argument against contraception. She therefore holds that, in addition to the traditional argument, one must provide a further rationale for why this natural end must not be frustrated. Among the arguments that she judges to be sufficient for this supplementary task, Smith first notes that the natural end of the marital act is not just "life" but precisely "human life" with its unique dignity as image of God. Second, she argues that this act is unique in that it involves the cooperation with God in the procreation of new human life. Thus, these two closely related supplemental arguments see the marital act as inviolable in its procreative end because it is sacred.49

49. For a similar and more recent account, see her "The Morality of Condom Use by HIV-Infected Spouses" The Thomist 70 (2006): especially 50, 51, where she claims that, for the reasons cited here, her argument is not merely an appeal to biology. Smith attempts to supplement the traditional argument following her judgment that it is the only way to defend Humanae vitae. Therefore, it is easy to see why she argues that even the disease-preventive use of condoms must be intrinsically evil: any allowance of such physical behavior patterns would undermine what she thinks is the only way to defend the encyclical. It is interesting to note that her writings reflect an understanding of neither Rhonheimer's work in action theory nor his virtue-oriented approach to contraception, which presents a powerful defense of Humanae vitae relying not on the traditional "perverted faculty" argument but on a reading of Aquinas that is extensively argued and follows closely the approach of Veritatis splendor. An extended treatment of this approach—which was published in a shorter English version as "Contraception, Sexual Behavior and Natural Law: Philosophical Foundations of the Encyclical Humanae Vitae" in The Linacre Quarterly 56:2 (1989), 20-57—initially appeared in German as Sexualität und Verantwortung (Vienna: IMABE, 1993) and afterwards, in an Italian translation, by the Roman session of the Pontifical John Paul II Institute for Studies on Marriage and Family in Rhonheimer's book Etica Della Procreazione: Contracezione, Fecondazione artificiale, Aborto (Rome: Mursia, 2000). A further expanded and improved English volume is forthcoming as Ethics of Procreation: Contraception, Artificial Fertilization, Abortion. I summarize some of the main elements of such an argument at the end of the present essay.
Even if one agrees that marital acts can be called sacred in some sense, and that they sometimes precede God’s participation in the creation of new life, the claim that what is traditionally seen as their “natural end” (i.e., the deposition of semen in the vas debitum) is therefore inviolable is not self-evident. Moreover, this claim that the natural end is inviolable because sacred would likely be taken as neither new nor compelling to the Catholic (perhaps like Kaveny) who is informed about the post conciliar debate and asking for a plausible rational explanation of the norm against contraception, which—we might add—should be reconcilable with Veritatis splendor. Instead, such readers would likely see these claims as more like assertions, appeals to Divine authority, or as a stealth version of the traditional appeal to nature. In summary, Smith agrees that—in general—appeals to biological ends are not decisive, but says that this particular biological end is inviolable, a claim she supports with what many will see as theological reasons. Although there is an intuitive sense in which a Christian might be receptive to this approach, it is not convincing for many readers, including some of the leading supporters of Humanae vitae.50

Rhonheimer, for example, cautions against reliance upon such “creationist” appeals to God, warning of the risk that they can “bite back” in favor of contraception. In other words, couples who have a good reason to avoid conception might claim that recourse to contraceptive acts is simply a form of intelligent cooperation with God, whose voice they hear in their judgment of conscience (cf. Gaudium et spes, no. 16). Indeed such appeals to conscience have been central to dissent from the encyclical.51 I would conclude this subsection by stating that Smith’s approach of what we might call supplementing the traditional argument needs to be examined carefully, both in light of her approaches to natural law and

50. I would argue that the problem here is that we need a well thought-out general philosophical theory / approach that explains—i.e., gives philosophical reasons for—the moral relevance of the “natural.” I would further argue that this is rightly done through an appeal to virtue; therefore, frustrations of natural ends are immoral when they are against virtue and right reason, which makes them contrary to human nature, which is specified as “rational” (though an embodied form of rationality). In her recent criticisms of Rhonheimer, which I find philosophically unpersuasive (i.e., her assertions “that it is possible to contracept unintentionally,” and her discussion of malum and culpa in her letter to the editor in the National Catholic Bioethics Quarterly, 7:3, 441), Smith gives the impression that she is simply appealing to the natural level, thus not providing the requisite reasons (and indeed failing to specify as the object of moral analysis, distinctively moral, that is intentional actions). When she does give “reasons,” as in A Generation Later, either they are appeals to God, which do not reflect an adequate general philosophical theory, or they are appeals to the “language of the body,” which—as I discuss below—is simply a more symbolic or metaphorical way of restating the traditional argument from natural ends.

51. For a further discussion, see the previously cited “Contraception, Sexual Behavior and Natural Law,” section 1.3, and the forthcoming Ethics of Procreation. See also, from the perspective of the NNLT approach, May’s previously cited review of Smith’s Humanae Vitae: A Generation Later.
action theory,\(^{52}\) and in light of more careful studies of the unnatural vice, or “sinning against nature” as introduced in this essay. My sense is that her approach is, in essence, the perverted faculty argument and that the virtue oriented approach outlined in the last section of this essay is much more defensible.

B. The Bodily Symbolism of Total Self-Gift and the Language of the Body

A third argument that Smith finds to be sufficient for supplementing the traditional “perverted faculty” argument is the explanation that contraceptive acts falsify the “language” of the marital act, which is spoken of as the natural word of fruitful love. Without question, such personalistic explanations of the norm against contraception, tracing back at least to the influential article published in 1961 by Paul Quay\(^{53}\) and which later became an integral part of John Paul II’s *Theology of the Body*, have proven highly effective in communicating to popular audiences the truth of the inseparability of life and love in marital acts. Indeed, through his reflection on the truths mediated through the symbolic quality of bodily actions, Quay offers profound insights into the full meaning of both the virtuous and the vicious exercise of sexual acts. The even greater success of John Paul II’s *Theology of the Body* has shown the continuing fruitfulness of such approaches, which are expanded through the corresponding notion of “total self-giving.”

The question immediately arises as to the relation between such appeals to the “symbolism” and “language” of the body and the traditional appeal to inviolability of the natural end. Here, the opening paragraphs of Quay’s programmatic essay are instructive. Quay writes, in effect, that his study is intended precisely to

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52. In her previously cited “The Morality of Condom Use,” Smith names her preferred authors on these themes, including the previously mentioned Brock and Long, as well as Ralph McInerny, whose work is much closer to Aquinas himself than that of the other two. It seems to me that, although Smith began to move toward an adequate approach to moral action and an appreciation of how a virtue-oriented approach would best support *Humanae vitae* in her previously cited post *Veritatis splendor* essays, she did not work out the theoretical details and has now reverted to contemporary articulations of a traditionally naturalistic approach in light of the condom-HIV question. I would anticipate several years of intense debate regarding these matters of theory in light of the texts of Aquinas and *Veritatis splendor*, in light of the overall coherence of the alternative proposals, and in light of various test cases, especially the present one. I think it will become even more clear that traditionally naturalistic readings of Aquinas are a departure from his texts (especially regarding proximate and natural ends), that they lead directly to the post conciliar crisis in moral theory, that they distract from the need for a general theory that explains the moral relevance of bodily nature in light of virtue, that they lead to confusion in moral analysis, and that they are not helpful, but instead a hindrance to the reception of *Humanae vitae*. Besides the present essay, see the previous citations to my “*Veritatis Splendor* and Traditionally Thomistic Naturalistic Thomisms,” Kaczor’s *Proportionalism*, Rhonheimer’s *Natural Law and Practical Reason*, and Johnstone’s “Objectivism,” among many others.

bring out the deeper insights implicit in the traditionally naturalistic argument against contraception so that a broader audience of laypersons can grasp what theologians have articulated in unpersuasive ways (i.e., through assertions about the inviolability of the natural end). He writes that “This article is presented in the conviction that the theologians are right, but that the laymen are not wrong: those elements of the argument from natural law most capable of producing strong intellectual and emotional impact would seem, for the most part, to have been left only implicit in the more common presentations.”

Therefore, it seems that these approaches do not offer an argument distinct from that of the non-violation of the natural end, but instead reflect a richer and more persuasive way of reflecting upon and communicating it.

The central question, however, is whether such discourse, which might be classified as symbolic or metaphorical, is capable of dealing with the intricacies of particular moral questions or “cases,” which have traditionally required careful philosophical analysis of human acts, their internal and external dimensions, their objects, their various intended ends, their manifold circumstances, and their correspondence or opposition to the rational structure of the various virtues. For example, should we expect such symbolic or metaphorical references to the “language of the body” or “total self-giving” or perhaps “nuptiality” to resolve difficult moral questions such as the use of anovulants as a therapeutic means (i.e., HV no. 15) or their use under the threat of rape, or the use of condoms to prevent the transmission of HIV, or classic aporias of medical ethics such as the questions of


55. In the early 1960s, this question was originally resolved in the affirmative by three consultors solicited by the Holy Office. Their argumentation, however, was generally problematic in light of the subsequent encyclicals HV and VS. When similar questions were raised in the context of the Bosnian crisis of the early to mid-1990s, Martin Rhonheimer reexamined this issue. His study revisits the question, and similarly responds in the affirmative, but this time in light of the subsequent teaching of HV, the ensuing debate about moral theory, and the intervention into this debate by VS. His response shows the fecundity of the recovery of Aquinas’s intentional approach to human actions as encouraged by the encyclicals while avoiding proportionalist arguments whose emergence could already be seen in the earlier treatments of the question. See his “The Use of Contraceptives under Threat of Rape: An Exception?” in Josephinum Journal of Theology 14.2 (August 2007). Although, unlike Rhonheimer, he does not argue for the merit of his treatment as a reading of Veritatis splendor, or in comparison to other approaches, Steven Long also treats this case in his Teleological Grammar, 106. He does not begin from Humanae vitae no. 14’s intentional description of contraception. Instead, he sees it as any freely chosen physical act (regardless of the intended end), which pertains to sexual behavior, and results in the frustration of the natural teleology of the marital act. Because the nun’s taking of the anovulant “does not pertain to a sexual act,” he says it is not contraception. Long also discusses the case of the disease-preventative use of condoms (104-114), which is clearly the primary occasion for the book, concluding that it is contraceptive and intrinsically evil. The analysis is marred by a lack of engagement with the extant argumentation, and by the simply incorrect charge that alternative conclusions (i.e., Rhonheimer’s) are based on a neglect of the
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craniotomy and salpingotomy?56 Obviously, such symbolic and metaphorical approaches are not appropriate for precise analysis of complex cases, which instead require the support of a robust moral philosophy, arguably one along the lines suggested by Veritatis splendor.57 Therefore, although these more personalistic and persuasive approaches certainly have a valuable role, especially in catechetical and pastoral contexts, there needs to be much wider recognition of their limitations, which become evident precisely when one confronts difficult cases. My point is that such language does not suffice for a robust and defensible moral theory.

After we have reviewed some of the salient points of John Paul II’s encyclical Veritatis splendor, I will suggest that we should read his discussion of moral theory in Theology of the Body in light of his later work in Veritatis splendor.

56. For a proposed resolution of these cases along the theoretical lines emphasized in the present essay, see the forthcoming English translation of a study done for the CDF by Martin Rhonheimer, the original long title of which can be translated as The Prohibition of Killing, Abortion, and the Weighing of Goods in Vital Conflicts: A Proposed Solution for a Classic Gynecological Dilemma, from the Perspective of Virtue Ethics. On such questions, traditional approaches (involving direct appeals to bodily nature, often employing a physical understanding of the object, and supplementing this with the Principle of Double Effect or PDE and the distinction between direct and indirect action) yield more rigorous conclusions such as rejecting a craniotomy to save the life of the mother, and rejecting a salpingotomy to preserve her fertility. Needless to say, such conclusions have been difficult to reconcile with the seemingly more common sense judgments of the doctor, mother and family. Long’s treatment is short, traditional, restrictive, insightful, and—I think—mistaken on some conclusions. See his Teleological Grammar, 95-104. The NNLT would permit the craniotomy, for example, but offers what seems to be an implausible description of the object and act, i.e., “reshaping the skull.” Such analyses have provoked various negative responses, including the criticism of William E. May, a leading member of the school. Rhonheimer’s conclusions regarding salpingotomy and craniotomy are also permissive, corresponding with the seemingly more common-sense judgments but without the implausible descriptions of the object resulting from the NNLT analysis. It is interesting to note that May’s initial rejection of the NNLT’s permissive conclusions on these two cases reflects a more traditionally naturalistic element of his thought, which also appears in his criticisms of Rhonheimer on the disease-preventative use of condoms, and reminds us (i.e., because of the naturalism) of Smith’s charge (A Generation Later, 351-2, n.34) that John Finnis is actually relying on the perverted faculty argument in his “Natural Law and Unnatural Acts,” The Linacre Quarterly (1971), 365-87. Given May’s apparent sense (with which Rhonheimer and Long would agree) that the NNLT sometimes does not take sufficient account of the physical dimension of human acts, resulting in some implausible descriptions, it seems to me that May should prefer an approach closer to that of Rhonheimer, which is further described below. This would allow him to give greater attention to the bodily dimensions of human acts, have more plausible descriptions of some tough cases and allow the more common-sense solution to these cases of “vital conflict,” for example.

57. Richard McCormick, for example, employed the language of “total self giving” before he had rejected scholastic/Suarezian natural law and action theory, which led to his rejection of Humanae vitae. See Odozoar, McCormick and the Renewal, 48.
which not only embodies a different approach, but does so in a highly authoritative way, and draws upon several years of reflection regarding the best way to respond to the revisionist rejection of traditional moral theory and norms in the wake of *Humanae vitae*. Let us now consider more carefully John Paul’s intervention into the post conciliar dispute in fundamental moral theory.

V. *Veritatis Splendor* on Natural Law, Moral Action and Intrinsically Evil Acts

Although *VS* reflects multiple influences and allows room for different moral approaches, a careful reading of the encyclical reveals that it encourages approaches to the important areas of natural law, moral action, and intrinsically evil acts which differ significantly from the more direct appeals to “nature” in much of the tradition. In these important areas, the text of *VS* benefits from preceding scholarship, just as its reception is facilitated by subsequent work. Such scholarship sought a retrieval of Aquinas that reflected the intuitions of Karol Wojtyla and other late twentieth century scholars who recognized that, although the key insights embodied in traditional moral norms must be upheld, the appeal to “nature” in the Thomistic tradition must somehow be developed in a way that accounts for “the perspective of the acting person” as opposed to that of the external observer, and intentional human action as opposed to physically caused results. Let us look, respectively, at the primary emphases of the encyclical regarding these three areas of (A) natural law, (B) moral action, and (C) intrinsically evil acts. This will provide the context to (D) revisit briefly the question of Thomas’s analysis of the unnatural vice, and (E) to address some pertinent aspects of John Paul II’s *Theology of the Body*. On this basis, I will suggest (part VI) that the best arguments in support of *Humanae vitae* will build upon such approaches.

A. *Veritatis Splendor’s Recovery of Aquinas on Natural Law*

For our present purposes, the most important aspects of the approach to natural law encouraged by *Veritatis splendor* include its rejection of two extreme positions. The first would disregard the moral relevance of the bodily or physical dimensions of human action (no. 49), an error the encyclical associates with certain revisionist theories. The second would reduce natural law to the merely physical, natural or biological level (no. 50), a charge that both revisionists, and supporters of traditional morality like Grisez, leveled from the 1960s against...
traditional approaches. The encyclical alternatively suggests an approach more readily defensible than one claiming that the “natural” immediately reveals the “moral” without the mediation of reason. This approach suggests that we look to the body for “anticipatory signs,” whose moral relevance is not immediately determinative, but must be further understood (we treat the “object” below) in light of the person, the virtues, the orientation of the person towards self-giving love, and the goods that fulfill the person (no. 48).

Of course, all three of our broadly Thomistic approaches to natural law (traditional naturalistic, NNLT, and VS) explicitly reject dualism. Rhonheimer, however, whose approach both precedes and most closely follows the encyclical, has written that the traditional appeals to “the order of nature” reflect an inadequate understanding of the body-soul unity of the person as it pertains to natural law. Provocatively, he charges these traditional appeals with a kind of dualism in the sense of presenting our lower bodily nature as something over-against our rational nature, in that it immediately reveals the natural law which must be obeyed by our higher, rational nature.61 The encyclical, on the other hand, avoids this charge of dualism not only through an explicit affirmation of the fundamental body-soul unity of the person, but also through an appeal to “the true meaning of natural law” as pertaining to reason or “the rational order” (no. 50), which in this context is inseparable from embodied human existence. In this context of human reason embedded in bodily existence, the encyclical emphasizes the long-neglected cognitive dimension of Thomas’s natural law theory. Upon entering into its treatment of the theme of natural law (nos. 12, 40, 42, 44), the encyclical cites repeatedly Thomas’s teaching about natural law as the “light” or truth-attaining power of human reason through which the agent judges what must be done and avoided.

Besides these central features of Thomistic natural law theory as emphasized by Veritatis splendor, a complete account of natural law will also provide (i) an explanation of how this light of reason can fail due to sin and vice, (ii) an account of the precepts or principles of natural law, and (iii) the ability to uphold the universality and permanence of particular precepts, such as the judgment that contraceptive acts are intrinsically evil. Most important for our analysis, however, is that VS implicitly encourages us to uphold the norm against contraceptive acts (which was certainly in the background of the encyclical) not through a simple appeal to a natural end, but through an approach that considers the moral significance of bodily existence in light of virtue and the orientation of the person to self-gift in love. We will consider this further in part VI of our study, but first it is appropriate to study the closely-related theme of moral action.

B. Veritatis Splendor on the Philosophy of Human Action

Regarding the philosophy of the moral act, the encyclical appeals to the traditional doctrine of the three sources of morality (no. 74), but rejects an understanding of the object at the merely physical level, as is often associated with traditional understandings of natural law. Instead, it insists that the object must be understood from “the perspective of the acting person,” relying upon a retrieval of Aquinas’s long-neglected understanding that the object (from the perspective of the will) is the proximate end intended by the agent (no. 78). Appropriately for an encyclical, VS makes no effort to elucidate a complete philosophy of the moral act, but instead limits itself to suggesting the recovery of this decisive notion of the proximate end—or finis proximus—as a way out of the post conciliar stalemate in moral theory. This identification of the object as proximate end of the will is crucial in that it is typically sufficient to identify the moral “species” or “kind” of the human act. For our later purposes, let us note that this identification of the species or kind gives us an initial description of the moral act by identifying its moral species or kind, which is a prerequisite for subsequent evaluation. In recovering this central teaching of Aquinas regarding the species of a human act as determined by the proximate end intended by the agent, the encyclical therefore departs from the traditional moral analysis of the post Tridentine and preconciliar manuals, based upon the finis operis or finis naturalis, while also explicitly rejecting the revisionist notion that the “ulterior” (i.e., further or remote) end (no. 80) of the agent determines the object.

Whereas the encyclical limits itself to promoting a recovery of the object as the proximate end of the agent (as I like to say, “the object from the perspective of the will”), like-minded scholars such as Martin Rhonheimer have provided complementary treatments of this inherently complex reality of the object.

62. A fuller description will include the exterior act that is ordered to this proximate end.
63. Of course, such use of generalities is inadequate for a tradition that was in fact diverse, but is necessary for identifying a predominant feature of the alternative approach we are describing. Although careful historical study is required, such characteristics seem to trace back to some of the great commentators on Aquinas, and—as I have tried to show—are seen in contemporary Thomists like Long and Brock. I previously noted that, if I understand him correctly, Long inverts what Thomas says about the proximate and natural ends by saying in essence that Thomas means what he repeatedly says only when the proximate end intended conforms to the natural teleology.
64. As I noted above, the encyclical reflects different influences and there are texts that could be read as reflecting approaches other than the one I would argue is both predominant and best, but arguing against these alternative readings is beyond the scope of the present essay. Moreover, although the very root of post conciliar debate centers on getting straight the role of various ends (proximate, natural, further/ulterior) intended, the encyclical typically speaks of ends and intentions without specifying them, which allows debate and confusion, although the present study follows from a careful study of all of these texts.
According to such authors, the object of a human act is not merely a thing, but an **external act** (which, of course, pertains to things) precisely as chosen by an **internal act** of the will for the sake of an end; this implies that we can speak of the **material** and **formal** dimensions of the object and act.\(^{66}\) From such studies, we can also understand the object as it pertains to reason, and as it relates to the matter and circumstances of the act. From the perspective of reason, Thomas writes that the object is like “a form conceived by reason” (*ST* I-II, q.18, a.10); it is the “form,” “idea,” or the rational plan of the act (the “proposal” of the NNLT), which is ordered to an end that is a good sought by the agent. To take an example, the object (here we are speaking of the object formally, from the perspective of reason) is the rational plan that I conceive to go to Rocco’s in order to realize the proximate end and good of a shared meal upon arriving in South Bend for the conference at Notre Dame. From the perspective of the relevant matter and circumstances, the object is this plan precisely as **understood speculatively and ordered practically** by the reason.\(^{67}\) My intellectual conception, therefore, of the plan to dine at Rocco’s was based upon both a speculative understanding of real things in the material world things like persons, cars, streets, pizza and beer along with the practical ordering of this speculative knowledge into a plan to achieve the good of the shared meal. With the help of such a more fully articulated retrieval of Thomas’s approach to the moral object (as exemplified by my plan to go to Rocco’s, with its formal and material dimensions), the encyclical provides a basis to respond to the disputed question of intrinsically evil acts.

**C. Veritatis Splendor on Intrinsically Evil Acts**

Regarding the question of intrinsically evil acts, the encyclical offers a straightforward solution: such human acts are those that are evil by means of their object, which necessarily includes the proximate end intended by the agent, and

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66. Note how such a reading of Aquinas further demonstrates the error of Long’s grouping of scholars like Rhonheimer with Grisez in his critique of a merely “ideational” notion of the object, without reference to the external act and relevant matter.

67. Here I draw upon Thomas’s teaching in *ST* I-II q.20, a.1, ad.1 that the “exterior action” is a *bonum apprehensum et ordinatum per rationem*: a good apprehended (i.e., speculatively) and ordered (i.e., practically) by reason. A major difference between Rhonheimer and his traditionally naturalistic opponents is that (as part of an overreaction against Kant) they want to deny the role of practical reason in the constitution of the “object of a human act,” apparently thinking that the object, formally speaking, comes from a merely speculative grasp of some “object” (i.e., a thing) involved in an act (especially its natural teleology). This, in my view, is to confuse Thomas’s analogous senses of “object,” and to confuse the “object of the human act” (i.e., intentionally watching a bird) with the object of seeing (i.e., seeing a bird). Therefore, one easily refutable strategy of arguing against those who hold a retrieval of Thomas’s action theory along the lines of Rhonheimer’s is to claim that the doctrine of the moral object should be taken not from Thomas’s moral teaching but from his anthropology. In other words, instead of looking at his treatise on human action, especially *ST* I-II, q.q.17-21, such traditional naturalists might look to his discussion of the objects of the various powers like sight, and hearing, as found in *ST* I, q.77, a.3.
which can also be specified by those circumstances that are what Thomas calls “principal conditions” of the object.\footnote{As previously noted, whereas the single proximate end intended by the agent normally gives (i.e., determines) the moral species (i.e., the “kind” in the sense of “murder” versus “self-defense”) of the human action (\textit{ST} I-II q.1, a.3, ad.3), Thomas writes in q.18, a.5, ad.4 and a.10 that certain specific circumstances are such “principal conditions” that determine the moral species.} Therefore, it is fundamentally a doctrine concerning the morality of \textit{human acts} that are freely chosen for the sake of an end. This is not to say that the encyclical denies that certain physical movements or behavior patterns—such as bestiality or sodomy—will always be intrinsically evil, regardless of the proximate end for which they are chosen in a human act. Instead, it suggests that we are abstracting from properly human acts when we speak only of such behavior patterns. Put another way, the category of physical behavior patterns that will be immoral regardless of the proximate end for which they are chosen is only a subset of intrinsically evil acts.

Let us now consider the contraceptive act, which the Church teaches is intrinsically evil. In contrast to some earlier and less adequate approaches, and against the claims of revisionists, \textit{Humanae vitae} does not describe such acts merely as physical behavior patterns that result in the prevention of procreation. Instead, \textit{Humanae vitae} no. 14 (and subsequently the \textit{Catechism of the Catholic Church} no. 2370) describes the contraceptive act in terms of the proximate end, as “every action which, either in anticipation of the conjugal act, or in its accomplishment, or in the development of its natural consequences, proposes (Latin \textit{intendat})... to render procreation impossible.”\footnote{As noted above, such intentional descriptions are normally sufficient to determine the moral kind or species, but a richer description with reference to physical behavior is often preferable. For example, in his previously cited “Contraception, Sexual Behavior and Natural Law,” Rhonheimer writes that “a contraceptive choice is the choice of an act that prevents freely consented performances of sexual intercourse, which are foreseen to have procreative consequences, from having these consequences, and which is a choice made just for this reason.”} This intentional description was sufficiently broad to include the various human acts of this moral species or kind, including the (then) new anovulant pills, which arguably did not frustrate “the natural end of the marital act,” which was traditionally understood as the deposition of semen in the \textit{vas debitum}. Therefore, according to the recovery of Aquinas’s moral theory as encouraged by \textit{Veritatis splendor}, and according to the intentional description of \textit{Humanae vitae} no. 14, the intrinsically evil act of contraception is not merely the choice of some physical behavior that prevents (i.e., unintentionally)\footnote{This is the basis on which \textit{HV} no. 15 is able to allow therapeutic means that unintentionally but foreseeably render procreation impossible.} deposition, fertilization or procreation. It is instead the choice of some external act precisely for the proximate end of preventing the procreative consequences of a foreseen marital act.\footnote{Note again that this is not the approach taken by the popular, and more traditionally naturalistic, defender of \textit{Humanae vitae}, Janet Smith, who—along with Long—understands \textit{HV} to reject the performance of physical behavior patterns, pertaining to sexual}
D. The Sin against Nature in light of Aquinas’s Intentional Theory of Action

We previously noted (part I.B.2) that Thomas’s basic teaching regarding the “unnatural vice,” or better the “sin against nature,” was that the emission of semen must be ordered in a way consistent with the generation and proper upbringing of offspring. We also noted that, typically, this has been understood to forbid the performance of physical behavior patterns and not specifically human actions as specified by proximate ends. This interpretation is understandable in light of the Stoic doctrine, preceding Aquinas, that sexual acts must be for the explicit purpose of procreation, since this means that the intention of the agent must conform to what is understood as the natural end of the physical act. It is also understandable in light of an understanding of natural law as the non-violation of natural ends, as exemplified in many who relied on Thomas because they seem to have overlooked his distinctive approach to proximate and natural ends. As we have seen, both of these hermeneutic presuppositions (regarding the explicit purpose, and the non-violation) are problematic and at the center of post conciliar moral debate. Similarly, in light of such presuppositions, the “sin against nature” is traditionally considered as a doctrine about “intrinsically evil acts,” understood not in the broad sense of Veritatis splendor as human acts done for the sake of ends, but—in a narrower sense—as the subset of behavior patterns that are intrinsically evil, regardless of the proximate end for which they are done in a human act. Again, in the light of post conciliar debate about intrinsically evil acts, it is important that moralists who seek to uphold Catholic teaching are clear on these points. And in light of such considerations we can see why a moralist like Rhonheimer, who has been at the forefront of the defense of Humanae vitae and Veritatis splendor, would propose a reconsideration of Thomas’s treatment of the sin against nature.

Therefore, rather than reading Thomas’s treatment in light of the traditional naturalistic presuppositions, Rhonheimer interprets it in the context of his retrieval of the Angelic Doctor as offering a theory in which distinctively human actions are measured, not according to the non-violation of natural ends, but by conformity to the reason that rightly (i.e. virtuously) directs actions to good ends and thereby conforms to the Eternal Law, and which is grasped by us especially in the rational structures of the virtues. As we have noted repeatedly, he is also trying to accommodate Thomas’s programmatic but overlooked teaching that the relation to natural ends is accidental to morality, and the corresponding doctrine that the human act gets its moral species from the single proximate end intended, with that which is praeter intentionem being accidental to morality. In so doing, acts, that yield contraceptive effects. She explains HV no. 15 by saying that the use of therapeutic means does not pertain to sexual acts, which explains why it doesn’t violate the norm of no. 14, thereby implying that this explicitly intentional articulation of the norm is not significant. See her criticism of Rhonheimer in the National Catholic Bioethics Quarterly 7:3 (Autumn 2007).
Rhonheimer admits candidly that he is trying to reconcile elements that are far from fully articulated in Thomas’s writings.72

Much as we noted above regarding *Veritatis splendor*, Rhonheimer sees the bodily and sexually-differentiated dimensions of the human person as reflecting the ordering of the Eternal Law, but in a way that requires the further mediation of reason through a consideration of the person’s fulfillment in virtue and orientation towards self-gift in acts informed by Charity. Thus, he points to the example of the virtuous (i.e., chaste) use of sexuality within marriage, at the service of life, as the proper context in which to understand the moral relevance of our sexual inclinations and faculties.73 Human sexuality is intrinsically ordered to a kind of love that is inseparable from this service of life. On this basis Rhonheimer concludes, quite traditionally, that marital acts must be between spouses who are male and female, and that they must be ordered toward ejaculation in the vagina, which of course is the natural pattern through which human life is transmitted.74 Similarly, he sees certain *physical behavior patterns*—regardless of the end for which they are chosen in a properly human act—as rationally incompatible with acts of marital love at the service of life, and therefore immoral. Among these he includes same-sex intercourse and bestiality. Therefore, it is simply mistaken to claim that such approaches fail to take account of the physical characteristics of human action.75

To this point I have noted, primarily in footnotes, the contemporary debate about Rhonheimer’s analysis of the prophylactic or disease-preventative use of condoms, which follows partly from his interpretation of Thomas’s teaching about the sin against nature. Here I will summarize a few key points of his treatment so

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72. Rhonheimer does not say that his account was actually held by Aquinas, but that it is a coherent articulation of a Thomistic theory. See his “Reply to Olesen,” 284, note 24. His primary treatments of this question are in his *Natural Law and Practical Reason*, 94-109, and his “The Moral Significance of Pre-Rational Nature in Aquinas: A Reply to Jean Porter (and Stanley Hauerwas),” in *American Journal of Jurisprudence* 48 (2003): 253-280.

73. This follows the Thomistic principles that the inclinations are the seeds of the virtues and that something is intelligible to the degree that it is actualized. Consequently, the moral relevance of an inclination (or faculty) is understood by considering the virtue to which it is ordered.

74. Therefore, he retains this traditional guideline for conjugal morality, which would exclude, for example, manual stimulation within marriage that intentionally results in ejaculation outside the vagina.

75. Recall Long’s first footnote which claims Rhonheimer, Grisez and May share “a similar view of the object of the moral act as simply that which the agent proposes to himself, rather than as ineluctably and materially including the act itself in its integral nature.” That Rhonheimer does not reduce the object to “that which the agent proposes to himself” is clear from the references cited in section V.B above. As I put it “from the perspective of the relevant matter and circumstances, the object is this plan precisely as understood speculatively and ordered practically by the reason.” In other words, the physical dimensions of the act are part of what is understood speculatively and ordered practically (the goodness of the act is then measured as to whether it is rightly or
the reader can get some sense of the resulting criticisms and the state of the question.76 His assessment regarding the open question of this practice by married couples is that it does not fall under the Catholic rejection of contraceptive practices, that it is not an intrinsically evil act, that it may be permissible in some cases (especially when the couple is no longer fertile or combines it with periodic continence), and that it is better to abstain because of the risk of infection.77 His approach reflects the tendency of virtue ethics to leave the majority of judgments to the acting person and thus avoid the multiplication of declared moral norms, or absolutes. Such hesitancy to declare moral absolutes is even more understandable in this tragic case given the difficulty the Church has encountered in explaining the malice of properly contraceptive acts.

The previously cited study by Christopher Olesen78 criticizes Rhonheimer for neglecting Thomas’s teaching on the “sin against nature” in his consideration of this disputed question about the prophylactic use of condoms, and in his understanding of the Catholic teaching against contraception. Wanting to defend a

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virtuously directed to good ends, as for Aquinas). The difference here is not a neglect of the physical dimensions of the act, but rather that Long follows an alternative tradition of measuring acts against whether they violate a hierarchy of natural ends grasped speculatively through reflection on human nature.

76. For a fuller discussion of these complex questions, the reader is referred to the articles previously cited.

77. He further distinguishes that the disease-preventative use of condoms includes ejaculation “in” the vagina, but not “into” it in the sense canonically required for the consummation of marriage. This lack of physical deposition is obviously foreseen since the same semen that transmits life transmits the disease. However, according to Thomas’s understanding of human acts receiving their moral species from the single proximate end and good for which the agent acts, the lack of deposition is, in the morally relevant sense, praeter intentionem or unintentional since the agent’s act is specified by the good of preventing the transmission of disease. This single proximate end explains why the agent uses the condom. Although some have argued that his proximate end is rather “to ejaculate into a condom,” I would argue that this does not refer to a good that the agent would recognize as that for which he acts. Of course, if someone did ejaculate into a condom precisely because they saw that as a good thing to do in an isolable human act, then it would be irrational and therefore immoral. Furthermore, Rhonheimer judges that an act of intercourse between spouses under the circumstance of having previously put on a condom is still in essence a “marital act,” but one that it is accidentally modified by the condom. Others think such physical behavior patterns, because deposition does not occur, can not be marital acts but are rather more like mutual masturbation. This disagreement is a question of intuiting essences, and is therefore intrinsically difficult to adjudicate. Still, many find it hard to believe that the difference between an authentic expression of conjugal love and mutual masturbation is the deposition of a single sperm cell.

78. I refer to Christopher Olesen’s “Nature, ‘Naturalism,’ and the Immorality of Contraception.” It seems that a fundamental difference between these authors is that Olesen’s approach to natural law and action theory follows the manualist understanding of the finis operis, or “end of the act,” where “act” is understood in its merely physical as opposed to moral species, and “end” is understood as “natural end” or physical result. Rhonheimer, on the other hand, follows Thomas and Veritatis splendor in analyzing “human acts” as specified by proximate ends of the acting person.
traditionally naturalistic reading of Aquinas, this criticism both cites some apparently helpful texts from Aquinas on the “sin against nature” and also argues for a reading of *Humanae vitae* that would follow this more traditional understanding of the sin of contraception as more traditionally expressed in *Casti connubii*. Rhonheimer, who has not neglected these questions, is well prepared to reply, although the present context permits only some brief remarks.79

Regarding contraception, he is able to show that the Catholic doctrine on this question ought to be understood as it is articulated in later documents such as *Humanae vitae* no. 14, which offers an advance over earlier articulations which nevertheless maintains continuity with their fundamental insights. Regarding the sin against nature and its relevance to the prophylactic use of condoms, he is able to indicate texts in Aquinas that allow him to argue that it is best understood in terms of intentional human actions (and not merely behavior patterns). I would summarize the state of the question as one where Rhonheimer has articulated a plausible rereading of this doctrine, and has defended it effectively against an initial round of largely ineffective criticism. Because of the importance of the questions, there will likely be years of additional engagement with Rhonheimer’s approach, which will hopefully take account of the problems he has tried to address, the texts upon which he bases his arguments, and the arguments themselves.80

Having surveyed this important debate about the moral relevance of the procreative natural end of sexual acts, which takes on new significance in light of the ongoing efforts to facilitate the reception of *Humanae vitae* and *Veritatis splendor* while at the same time taking us back to the first Christian arguments against contraception, let us now relate this main thrust of our entire study to a topic of great contemporary importance at the popular level.

**E. Reading Theology of the Body in light of Veritatis Splendor**

In this subsection I will introduce what seems to me an important question, which to my knowledge has not been raised in the literature. This question concerns the relation between Karol Wojtyla’s/John Paul II’s earlier moral theory as found, for example, in his *Theology of the Body*, and his recovery of Aquinas’s intentional theory of human action in *Veritatis splendor*. His earlier work, although seeking to articulate an ethic of “the acting person,” does so in strong

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79. The most immediately relevant discussion is his previously cited “Reply to Christopher Olesen.” See also his *Natural Law and Practical Reason*, 94-107, and his “Moral Significance of Pre-Rational Nature,” especially 263-66.

80. Unfortunately, even William E. May, who has shown himself quite capable of vigorous philosophical argumentation on important questions, criticizes Rhonheimer on this question by citing only a short piece written by the latter over three years ago for a popular journal. He therefore does not address Rhonheimer’s more recent and scholarly publications on this topic, which previously addressed various aspects of the concerns May raises. See May’s “The Theological Significance of the Consummation of Marriage” *Josephinum Journal of Theology* 14:2 (August 2007).
continuity with traditional approaches to the inviolability of natural ends (especially that of the marital act), whereas the encyclical clearly indicates a significant shift in the basic moral theory through which it addresses the perspective of the agent, while not explicitly addressing the moral relevance of the procreative natural end of sexual acts or “the sin against nature.” It seems reasonable to propose that his earlier work, at least in a scholarly context, needs to be read in light of his later work in *Veritatis splendor*, which in my view suggests—but does not fully develop—a path forward that is clearly more adequate. In other words, when reading *Theology of the Body*, at least the more sophisticated readers—and especially teachers—will need to bear in mind that it requires supplementation by complementary works of moral theory (i.e., concerning natural law, moral action, and intrinsically evil acts) developed in light of *Veritatis splendor*. 81 I say this for several reasons, including the significantly higher authority of the encyclical, the fact that it reflects the later thought of the same author, the fact that it reflects the results of several years of efforts toward an authoritative intervention into the post conciliar crisis in moral theory, and the fact that it indeed reflects a different moral theory in key respects, as suggested above and discussed below. As with many aspects of the present study, what I write below obviously deserves a more detailed treatment than is possible in the present context.

In Karol Wojtyla’s early arguments against contraception, he clearly relied on the traditional appeals to the inviolability of the procreative natural end of the marital act, which would be expected since such approaches began to be questioned seriously only in the conciliar era, and since it was not clear whether there was any substance to these challenges. Moreover, if there was substance to the critiques of the traditional approach, it was not clear how one should respond to them. Therefore, Cardinal Wojtyla’s early work, such as the essays in the *Person and Community* collection, combine the relatively new (i.e., mid twentieth century) appeal to the level of the person (i.e., personalism) with the traditional appeal to the normative order of nature, meaning the inviolability of the natural

81. As I will explain below, this implies that it should not be understood as depending upon the traditional naturalistic argument against contraception. What I suggest above attempts to navigate some important tensions in contemporary sexual ethics. On the one hand, we have popular presentations of sexual ethics which highlight John Paul II’s texts and the strict non-violation of the procreative natural end. Such apostolic activity is perhaps the primary alternative to a continuation of relative silence regarding Catholic norms of sexual ethics, and the resulting capitulation to a hedonistic culture. On the other hand, in spite of the many merits of these texts and their ongoing value, they are clearly not the last word. Given his intense interest in moral philosophy, John Paul was obviously aware that *Veritatis splendor* charts a somewhat different path than his earlier works (and arguably a development) and would want this path explored by scholars seeking an advance beyond the post conciliar debates. As I will indicate below, he later (just over a year before *Veritatis splendor*) both avoids the appeal to the non-violation of the natural end and indicates a movement toward a more virtue-oriented argument, such as the one I will advocate.
end of the marital act.82 This continued reliance upon the more traditional approach, while also seeking to advance it through more personalistic considerations, can also be seen in his Love and Responsibility.83

This brings us to the Theology of the Body, which was written largely by then-Cardinal Wojtyla but published as Pope John Paul II.84 In addition to its much richer theological context, which is not our present concern, this work reflects a strong continuity with his earlier reliance upon the traditional understanding of the non-frustration of the natural end of the marital act. For example, he refers repeatedly to the older distinction between “natural” and “artificial” in his explanation of the moral difference between “periodic continence” (or NFP) and contraception.85 Alongside this traditional appeal to the natural end, however, he also appeals to the personal level, articulated in terms of reason, of will, of “the ethical point of view” and of virtue.86

Although the text oscillates between the language of the traditionally naturalistic approach and an appeal to the person in terms of reason, will and virtue, in some texts he indicates the priority of the latter, which foreshadows what he will make more clear in Veritatis splendor.87 For example, he writes of the “virtue”

85. Below I will discuss how he later articulates a more adequate approach. On the present point, see Man and Woman He Created Them, 629, no. 3; 631, no. 1; 635-6, no. 6. It is interesting to note that Charles Curran criticizes John Paul’s fundamental and sexual ethics as dependent on “physicalism,” while neglecting almost completely what I have argued concerning the shift to Thomas’s intentional approach in Veritatis splendor. See his The Moral Theology of Pope John Paul II (Washington: Georgetown, 2005), especially 115-117. William E. May and Christian E. Brugger, on the other hand, defend the pope against Curran’s charge of physicalism precisely by referring to his intentional treatment of human action in VS, which I have emphasized. See their “John Paul II’s Moral Theology on Trial: A Reply to Charles E. Curran” in The Thomist 69:2 (2005): 279-312, especially 302-3. Both the evasion of these texts by Curran and the appeal to them by May and Brugger indicate their decisive importance, which is a fundamental presupposition of the present essay.
86. For example, he notes an “essential difference” concerning their “intrinsic ethical qualification” as pertaining to the will (i.e., 629, no. 2), “the very order of the person” (i.e., 633, no. 7), and what is “honorable” (i.e., virtuous or “morally right” 638, no. 5) “from the ethical point of view” (i.e., 634, no. 1), and the “dominion over instinct by means of one’s reason and free will” (no.2-3). We might specify the weakness in the Holy Father’s 1984 catecheses, not in its reference to the procreative “natural end”—since the procreative purpose of intercourse certainly has moral relevance—but in the appeal to biological rhythms of fecundity without a further philosophical explanation of their moral significance.
87. Recall the above discussion of the encyclical’s treatment of the moral relevance of the body in questions of natural law, where the body is not seen as revealing the moral
of “periodic continence” as “the true reason in terms of which Paul VI’s teaching defines the ethically upright regulation of births and responsible fatherhood and motherhood.” He further writes that “it is not merely a question of a certain ‘technique,’ but of ethics in the strict sense of the term as the morality of a certain behavior,” which suggests an analysis based on the properly moral species of the act and what he will call in Veritatis splendor (no. 78) “the perspective of the acting person.” Significantly, John Paul concludes his discussion of “the ethical problem” of contraception by reaffirming the need to treat not merely “method” but the ethical dimension, and the “natural” as the “honorable or morally right” with regard to “self-mastery and the virtue of (periodic) continence.”

This argumentative oscillation in Theology of the Body can be taken to indicate that John Paul had not yet achieved a satisfactory synthesis addressing the moral relevance of the procreative natural end in light of the person and virtue. It seems significant to me that, in a later address given just over a year before the publication of Veritatis splendor, John Paul no longer oscillates between traditional appeals to “nature” and a distinctively moral analysis in terms of virtue. Instead, he explains the moral difference between periodic continence and contraception in terms of virtue, in a way that reflects his commentary on Humanae vitae that we just discussed, but with no reference to traditionally naturalistic arguments. If this interpretation is correct, then what I have called John Paul’s argumentative oscillation in Theology of the Body is clarified in the later address and through the encyclical.

What then is the ongoing significance of John Paul’s reliance on the traditionally naturalistic approach to contraception in his earlier writings given his approach to natural law, moral action and intrinsically evil acts in Veritatis splendor? I think the answer is that he has moved beyond it and encourages others to do so as well. Given his lifelong interest in moral philosophy, his interest in supporting Humanae vitae and his desire to respond to the crisis in moral theology it provoked, and

88. See Man and Woman He Created Them, 635, no. 4. Emphasis is as in the original.
89. See Man and Woman He Created Them, 638-9, no. 5-7, and Humanae vitae nos. 16 and 21.
90. It seems to me that such a synthesis should integrate—in a way that reflects both Veritatis splendor and a credible reading of Aquinas—(i) the moral relevance of bodily human nature, (ii) how this relates to the acting person considered in the properly ethical perspective of reasoning and willing toward ends, (iii) the moral relevance of distinctively human action (not merely “acts” in their physical species), and (iv) the virtue of chastity and responsible parenthood.
91. This address, given on January 10, 1992, is available only in Italian and is entitled “Udienza di Giovanni Paolo II ai partecipanti ad un corso di formazione per insegnanti dei metodi naturali.” It can be found on the Vatican web site. I will cite some key sections of this short text below.
his active role in the writing of his encyclicals—and granting that he also obviously wanted to allow the development of differing approaches—it is hard to imagine that John Paul II was unaware of the significance of the shift embodied in Veritatis splendor. It is far more plausible that he considered the approach emphasized by the encyclical as a more effective way to respond to the revisionist challenge that was nevertheless compatible with his earlier insights. In other words, the encyclical suggests that John Paul saw the approach it embodied as able to avoid the charge of physicalism by going beyond a mere appeal to our bodily nature, by treating the body in harmony with our specifically rational nature as acting persons.92

This leads to a crucial question: what are the best approaches to explain the norm of Humanae vitae against contraceptive acts for the Catholic moralist who finds the various forms of physicalistic or “perverted faculty” arguments problematic, who likewise embraces neither the basic human goods theory nor their “contralife” or “anti-life” argument, who is sympathetic to John Paul II’s contributions to conjugal ethics, who sees the theoretical directions encouraged by Veritatis splendor as promising in various respects, and who appreciates the recovery of Thomism and virtue theory in contemporary moral philosophy and theology?

VI. Contraception and Virtue

In this final part of the essay, I will address this question by briefly sketching two approaches that seek to explain the rationality of the Catholic doctrine regarding contraception in terms of virtue. Both of these seek to complement the work of John Paul II while eschewing physicalist arguments, and address not merely arguments from the procreative natural end of the marital act but consider embodied, sexually-differentiated human persons who are oriented to a life of human and divine love requiring a transformation in virtue, and whose bodily union is intrinsically both loving and life-giving. The first approach that we consider is that of John S. Grabowski and the second is that of Martin Rhonheimer.

92. I would argue that the recent—and still embryonic at the writing of Veritatis splendor—recovery of Thomas as a rational virtue ethicist, who addresses specifically human action as done for the sake of ends understood and sought by the agent, is the best approach to a morality that is adequate to the acting person, i.e., that is appropriately “personalist.” Therefore, rather than trying to draw a “personalism” from John Paul’s earlier writings, which reflects his efforts—in a particular historical context—to move beyond certain approaches, and where his treatment of the decisive theme of human action has not yet reached maturity, I think it is both justified from the text and most cogent philosophically to read Veritatis splendor as an encouragement to draw on the best scholarship along the lines it suggests. Although Donald Asci’s study “Conjugal Chastity and the Procreative Personalism of Pope John Paul II,” in the Josephinum Journal of Theology 14:2, is helpful in illuminating John Paul’s pre Veritatis splendor interaction with twentieth century personalism to address the question of contraception, I would argue that it does not adequately distinguish the important advances of the encyclical, which lead to a more readily defensible moral theory.
A. Grabowski on Contraception in terms of Virtue and Practice

In his *Sex and Virtue*, John Grabowski treats sexual ethics in the context of the contemporary recovery of virtue, with particular emphases on biblical foundations and John Paul II’s personalism. He helpfully locates the discussion of contraception in the context of the post conciliar transition (i) from the traditional sexual ethic centered on the inviolability of the procreative natural end of the marital act, (ii) passing through the early twentieth-century attempts to articulate more adequately the place of love in sexual ethics (i.e., H. Doms and D. von Hildebrand), (iii) through the cautious approval of “natural means” of regulating fertility, (iv) through the much commented-upon recognition of the “various purposes” of sexuality by *Gaudium et spes*, and (v) through the teaching of *Humanae vitae* with, for example, its enunciation the “inseparability principle.” His approach parallels John Paul II’s efforts to affirm the procreative dimension of conjugal morality through a biblically-grounded Christian personalism that incorporates various elements from the preceding moral tradition, and employs generously the categories of the “language of the body” and the “gift of self.”

Our primary interest is his treatment of arguments against contraception, which he addresses under the heading of “specifying the moral difference between natural family planning and contraception” (143ff). Consistent with the present essay, Grabowski finds the traditionally naturalistic understandings of natural law, the moral object and the sin against nature to be lacking, especially with respect to the moral analysis of contraception (144). In his reference to John Paul II’s work, he therefore emphasizes not those elements of his treatment of contraception that appeal to traditionally naturalistic approaches but those that complement such appeals (130-132). Grabowski also outlines the NNLT approach to contraception and some of the typical objections to it (145-6). His positive proposal to illustrate the moral difference between natural family planning and contraception employs Alasdair MacIntyre’s notion of practice. He illustrates how we

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94. Michael Sherwin, OP characterizes this work “as one presenting [sexual ethics] from within the Christian personalism of John Paul II.” He continues, “Stated more precisely, insights from virtue ethics are presented from within the framework of John Paul’s personalist concerns: sexual union as an embodied self-giving and the self-mastery in conjugal chastity that makes this self-giving possible.” See his review in *The Thomist* 69:1 (2005), 157-61.
95. It seems to me that most moralists who both support contested Church teachings and have taken the time to understand the objections of revisionists—i.e., Kaczor, Rhonheimer, Johnstone, Grabowski—see the difficulties with the traditional approach. As far as I can tell, advocates of the more traditionally naturalistic approaches have not thought through how such approaches, characterized by a physical understanding of the object, contributed to post conciliar crisis and the emergence of proportionalism.
96. MacIntyre defines practice as “any coherent and complex form of socially established cooperative human activity through which the goods internal to that form of activity are realized in the course of trying to achieve those standards of excellence which are
can see NFP as a practice conducive to the growth in virtue. This notion of practice indeed seems a promising resource to be applied to various aspects of married and family life.  

It seems to me, however, that the appeal to MacIntyre’s notion of practice is a supplement, but not an alternative to further philosophical reflection on both the moral relevance of the procreative natural end of marital acts, and the proper analysis of particular actions related to contraception. For this, the most promising resources come from Martin Rhonheimer’s retrieval of Thomistic virtue ethics, action theory and natural law.

**B. Rhonheimer’s Integration of Virtue and Action Theory**

In this section, my goal is to outline some of the key characteristics of an explanation of the Catholic teaching on contraception through an approach that integrates especially virtue and moral theory, but also natural law. This outline is informed by Martin Rhonheimer’s writings, to which the reader is referred for his necessarily more extensive philosophical analysis of this complex topic. We have already noted that his approach to natural law and moral action are along the lines encouraged by Veritatis splendor, but are more fully developed. We also noted the integral place of the virtues in his analysis of particular questions, and his more nuanced treatment of the sin against nature in light of all these considerations. From this perspective, Humanae vitae is interpreted as an initial shift towards the recovery of an account of intentional human action as is more generally endorsed by Veritatis splendor.

First, the starting point for Rhonheimer’s approach to contraception is—as for every analysis of moral action—to describe properly the distinctively human and therefore properly moral action in question. Such description begins by identifying appropriate to, and partially definitive of, that form of activity, with the result that human powers to achieve excellence, and human conceptions of the ends and goods involved, are systematically extended.” See his After Virtue, 2nd ed. (Notre Dame: University of Notre Dame Press, 1984), 186-87. Virtue, for MacIntyre is “an acquired human quality, the possession and exercise of which tends to enable us to achieve those goods which are internal to practices and a lack of which effectively prevents us from achieving any such goods.” Ibid, 191, emphasis in the original.

97. See, for example, Julie Hanlon Rubio’s “Practicing Sexual Fidelity” in Josephinum Journal of Theology 14:2 (2007).

98. Sherwin’s review, I think rightly, cautions against the adoption of John Paul’s personalist analysis of human sexuality to the neglect of a renewed Thomism, a caution with which Grabowski might well agree, although the form of such a renewed Thomism is worthy of debate. I would say that the many elements of lasting value in John Paul’s work will be more fruitfully situated within a more Thomistic framework. See Sherwin’s review of Sex and Virtue, 160-1. I would suggest that the insights of both Grabowski and Sherwin can be best advanced according to the approach outlined in the next subsection.

99. A careful philosophical analysis of the various aspects of this question is necessarily far more complex than I can offer in this subsection. The best such analysis is Rhonheimer’s previously noted and forthcoming Ethics of Procreation.
the moral species or kind of the human act, which according to Aquinas is
determined by the single proximate end and good intended by the agent. A con-
traceptive act is one done precisely to achieve the (perceived) good of preventing
the procreative consequences of a sexual act. According to Humanae vitae no. 14,
it is an act which “either in anticipation of the conjugal act, or in its accomplishment,
or in the development of its natural consequences, proposes (Latin intendat)… to
render procreation impossible.” Thus, we have an initial description of the contra-
ceptive act in terms of its proximate end, according to a recovery of Thomas’s
explicit teaching, which is in contrast to much of the subsequent interpretation, and
in contrast to the physical approach followed by some popular defenders of the
encyclical. We have therefore described it precisely as a human act done for the sake
of an end sought by the agent as a proximate good, and not merely as a physical
behavior pattern that causes infecundity. Put another way, this intentional descrip-
tion makes clear that the teaching of Humanae vitae no. 14 about the “intrinsically
evil act” concerns contraceptive human acts (done precisely for contraceptive ends
or purposes), whereas imprecise and misleading physical descriptions such as
“using contraceptives” obfuscate the teaching and seem to suggest that the
encyclical contradicts itself in the immediately following paragraph (no. 15) on the
licit use of therapeutic means, which physically prevent procreation. As we already
had occasion to note and as will be further explained, Rhonheimer alternatively—
and more fully regarding bodily behavior—describes the contraceptive act as “an
act that prevents freely consented performances of sexual intercourse, which are
foreseen to have procreative consequences, from having these consequences,
and which is a choice made just for this reason.”

Implicit in the text from Humanae vitae, and emphasized in the above text,
is a second major element of Rhonheimer’s analysis. As we noted in our critique of
the contralife argument, he insists that contraceptive acts are intrinsically and essen-
tially related to conjugal acts; in this sense such contraceptive acts are a form of sex-
ual behavior. Therefore, they are properly understood as violations of the virtue
of chastity and not some other virtue. This point is emphasized in contrast to the
NNLT approach which, as we saw above, denies the intrinsic relation of contracep-
tive acts to sexual acts, asserting that they are essentially violations of justice and not
chastity. If, for Thomas and in truth, the rational standards for human actions are
indeed the structures of the virtues, as indicated above, it is crucial to analyze the
case of contraceptive acts with respect to the appropriate virtue. We must keep this
in mind as we consider Rhonheimer’s analysis in light of chastity.

100. See his “Contraception, Sexual Behavior and Natural Law,” section I.4; the original is
completely italicized and I have modified it to emphasize the inclusion of the physical
behavior in the definition.

101. This obviously does not mean Rhonheimer confuses, for example, taking a birth
control pill with having intercourse. It means that contraceptive acts get their intelligi-
bility from the associated conjugal acts to which they refer. They make no sense as
rational behavior outside of this context.
Third, because he claims that contraceptive acts are violations of chastity, Rhonheimer offers an explanation of their malice as it pertains to the virtuous integration of our sexuality, which chastity seeks to attain. Central to his analysis is the practice of “responsible parenthood” through what Rhonheimer calls “procreative responsibility,” which he understands as that part of chastity pertaining to the virtuous integration of our fertility. This truly virtuous mastery of our fertility must be in a form that is appropriate to human agents, who are inseparably bodily and spiritual—which is to say rational—and whose conjugal acts are intrinsically unitive and procreative.102

He therefore argues that the virtuous integration of sexuality means an integration through a use of reason and will that is not separated from the sexual behavior of persons whose sexual inclinations and bodies are informed by their rational souls. Thus, in the situation where the couple has rationally determined that they should not conceive a child, the integration or virtuous mastery over their fertility means the cultivation of the ability to order their sexual behavior in light of this rational judgment that they not conceive. Because of the body-soul unity of the person and because of the intrinsically procreative meaning of conjugal acts, this development of virtuous mastery (procreative responsibility as a part of chastity) requires acts of abstaining from intercourse, which facilitate mastery over our sexual urges. To obtain such mastery over our fertility through reason, will and the practice of periodic continence is a perfection of the person, and one that is integrally related to the whole organism of the virtues. This periodic continence as a part of procreative responsibility is “natural” to man precisely because through it bodily behavior is modified by abstinence according to reason, will and the requirements of virtue. In further support of my argument that such an approach to contraception is the most faithful to the thought of John Paul II in light of the approaches to moral action and natural law encouraged by him in Veritatis splendor, we can look again to the Holy Father’s 1992 address, which closely parallels this aspect of Rhonheimer’s explanation of periodic continence.103

Contraceptive acts, on the other hand—acts whose proximate end is to prevent the procreative consequences of sexual acts—are an alternative to such acts of exercising a unified, rational and bodily (i.e., personal and human) dominion over our fertility. They are an alternative to modifying sexual behavior by periodic continence when reasons of procreative responsibility indicate that one

102. A major element of Rhonheimer’s argument is his analysis of the inseparability principle, regarding which we must defer the reader to his analysis, due to space constraints.
103. In no. 3 of his previously cited address, John Paul said, “In reality, the so-called “natural methods” are means to determine the fertile periods of the woman, thereby opening the possibility of abstaining from sexual relations when justified reasons of responsibility indicate that one should avoid conception. In this case the spouses modify their sexual behavior by means of abstinence.” Rhonheimer’s argument along these lines initially appeared in Natur als Grundlage der Moral in 1987 and was further developed in “Contraception, Sexual Behavior and Natural Law” in 1989.
should abstain. Of course, contraceptive acts involve a sort of rational dominion over fertility, but one that is disconnected from the bodily behavior pertaining to sexual acts. Rather than a principle of personal integration, as with the procreative responsibility described above, such acts are therefore a principle of disintegration. Therefore, Rhonheimer understands contraceptive acts to be evil, not because they physically frustrate the procreative natural end of marital acts, but because they are alternatives to acts that integrate one’s sexual inclinations and bodily behavior at the personal level of reason, will and virtue. In this, his analysis is very close to that of John Paul II’s later thought. We would expect such a principle of disintegration to be manifest at the level not only of the individual agent, but at the level of the couple, the family and the broader society that embraces contraceptive practices, and this is exactly what we see in liberal Western societies since the widespread embrace of such practices. Of course, the extent to which such disintegration is manifest in a particular person or couple will depend upon a variety of factors. For example, persons or couples who completely reject the procreative dimension of their sexual acts are quite different than, for example, couples who embrace this dimension but judge that they should not conceive, and are in a situation where the practice of periodic continence requires great sacrifice and heroic virtue.

This brings us back to our opening remark on Professor Kaveny’s call to resolve the apparent gap between rational judgments regarding contraceptive practice and this challenging moral teaching of the Catholic faith. It seems to me that the intelligibility of the Catholic teaching against contraceptive acts is readily manifest through an approach such as the one I have just outlined, and that it is indeed further manifest through a more comprehensive account along these lines. This, however, will not amount to a compelling demonstration. Although intrinsically intelligible, such truths will be most readily grasped within the life of faith in the Church, as nourished by the Sacraments, in the context of the life of discipleship and the universal call to holiness, and presupposing a theological anthropology of the human person who is fulfilled only in conformity to Christ (cf. Gaudium et spes no. 22).

104. In John Paul’s address, no. 3, he explains the evil of contraception as follows. “The contraceptive choice, on the other hand, while leaving the sexual behavior practically unchanged, falsifies the intrinsic significance of gift and acceptance proper to the act of conjugal intercourse, closing it arbitrarily to dynamics of the transmission of new life. Instead of carrying the instinctual and psychic dynamisms of sexuality to the level of the person, which is the responsibility of the subject who assumes them in light of the integral truth of love, it abandons them to themselves, allowing a reduction of the person to an object.”

105. Of course, I am not attributing all the troubles of Western society to contraception, but asserting that it is a major principle or source of disintegration at a variety of levels: personal, marital and societal.

106. Again, the above approach illustrates the intelligibility of procreative responsibility as understood by the Catholic Church in light of a broader understanding of the nature and destiny of human persons. It does not seek to provide a compelling demonstration according to the criteria of a demonstrative syllogism or geometric proof.
Conclusion

The fortieth anniversary of *Humanae vitae* has provided an apt opportunity to revisit the state of the question regarding the morality of contraceptive acts, a question which has divided Catholic moralists—and indeed the broader Catholic and Christian community—since well before the encyclical was written. For the sake of furthering what will hopefully be a fruitful revisiting of the questions surrounding the reception of *HV* and *VS* during the fortieth anniversary of the former, I have here outlined a complex argument that I hope to develop at greater length in another context. I have suggested that the remote theoretical roots of the debate included the failure by Thomistic interpreters to recognize Thomas’s shift to a consideration of distinctly human acts as specified by the proximate end intended by the agent, which was neglected for approaches that focused on the moral analysis of physical behavior patterns and their results, while overlooking the goals that explained why the agents chose such patterns. Besides failing to account for the distinctively moral perspective of the acting person, as is manifest in the neglect and distortion of Thomas’s philosophy of human action, such approaches included problematic notions of natural law and overlooked the centrality of virtue to an adequate account of human action.

Although more adequate articulations of Thomistic ethics certainly existed before the council, the widespread dissemination of such deficient moral theories in the tumultuous social and ecclesial context of the 1960’s facilitated a widespread—and arguably exaggerated—rejection of the post Tridentine tradition as legalistic, physicalistic and biologistic. This stimulated the development of alternative moral theories, both by revisionists like Fuchs, McCormick and Curran, and by tradition-minded thinkers like Grisez, Finnis and Boyle. By the time of *Veritatis splendor*, a new recovery of Aquinas was well underway, which gave more adequate articulations of various aspects of the Angelic Doctor’s thought including its fidelity to biblical revelation, the central role of virtue, the cognitive dimensions of his natural law theory (as the light of reason), and his philosophy of moral action from the first person perspective, including his treatment of distinctively human acts as specified by their proximate end.

This renewal of Thomistic moral theology and philosophy both prepared for *Veritatis splendor* and was further encouraged by it, thereby providing a richer context within which to recognize some of the key insights of *Humanae vitae* and to build upon them with more adequate analyses of the evil of contraceptive acts. Whereas post conciliar moralists generally read *Humanae vitae* as dependent upon a rather simplistic claim about the non-violation of biological laws, I have suggested that it is better read as reflecting an initial move toward a recovery of Thomas’s intentional approach to distinctively human actions, which can be seen most clearly in the description of the contraceptive act in *HV* no. 14, and in the account of the licitness of therapeutic means in no. 15. I have also summarized the most popular arguments against contraception, and indicated objections
that have been raised against them, suggesting that the most compelling approach will instead be virtue-oriented, and will follow not only the intentional description of contraception of *Humanae vitae*, but the complementary directions encouraged by *Veritatis splendor* regarding the questions of natural law, moral action and intrinsically evil acts. I have further argued that, based on his own writings, the most plausible approach to explaining the evil of contraception in light of John Paul’s thought is along these lines, and not dependent upon the traditionally naturalistic argument, although it is still present in *Theology of the Body*. Without claiming that rational argumentation regarding a challenging moral teaching will convince the ill-disposed reader, I have sketched such an approach to articulating the rationale behind the prohibition of contraceptive acts and noted where one can find a more developed account along these lines.\(^{107}\) My hope is that such approaches will contribute in the not too distant future to a greater consensus among Catholic moralists, and others of good will, regarding not only this important aspect of the truth about conjugal love, but also moral theory in general.\(^{108}\)

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107. Primarily in the footnotes, I have outlined a vigorous and evolving debate among moralists who support *Humanae vitae*. From its roots in the related and open question regarding disease-preventative use of condoms, this debate pits a retrieval of a more traditionally naturalistic approaches based on the non-violation of natural ends against a retrieval and further articulation of Aquinas’s intentional theory of human action and virtue theory, seeking to treat morality in the perspective of the acting person. I have tried to show why I think the former is relatively embryonic and badly misguided, whereas the latter is much better thought out, and offers the potential for much greater consensus among moralists.

108. Special thanks are due to Martin Rhonheimer, Michael Ross, Joseph T. Papa and Damian X. Lenshek for some helpful suggestions and corrections. Of course, any remaining deficiencies are my responsibility.