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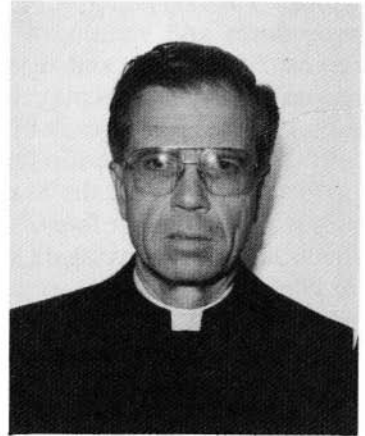
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Contraception and the Contralife Will

R. A. Connor

Father Connor received his Ph.D. in philosophy from the Lateran University in Rome. He points out that "Intending the good is a subjective operation deriving from an intellectual objective perception of being. The being that I perceive is the esse of my personal self which is thrusting to fulfillment through acts. The person and his/her acts are the grounding of what I mean by "good" or "bad". The evil of contraception, then is not an intention against the life of a future child, but the nonconformity of the will with the double structure (love-making/life giving) of the coital act which is a manifestation of the intercouring process.



"The evident weakness of the contralife will shows in the inability to apply it uniformly throughout sexual morality. For example, in in vitro fertilization, the will is pro-life, yet the "manufacturing" of the child is evil. They then have recourse to other principles ad hoc."

John Ford, S.J., Germain Grisez, Joseph Boyle, John Finnis and William May¹ have given us a defense of "Humanae Vitae" by affirming the evil of contraception to be the contra-life will against the future child.² They say: "We think . . . that while contraception is wrong for several reasons, it is wrong primarily and essentially because it is contralife."³ I would like to make a brief critique of that position suggesting that it is a disguised subjectivism. The authors seem to have put the full burden of moral evaluation on the intention of the will as contralife or prolife. I would like to propose that the evaluation of the moral theory of "Humanae Vitae" would be better served by a grounding in the objectivity of the Thomistic *esse* of the person which would permit explaining, rather than bypassing, the

reasoning put forth by "Humanæ Vitæ" itself in the non-separability principle: love-making cannot be separated from life-giving.

I think clarity would be served better by a presentation of the metaphysical position first. "Humanæ Vitæ" establishes its argument against contraception on the inseparability principle: "each and every marriage act (quilibet matrimonii usus) must remain open to the transmission of life."⁴ I am not arguing here that the conclusions of "Humanæ Vitæ" take their authority to demand assent from the arguments therein. They do not. However, I would like to point out that the argument which is used is an argument from the realism of nature, and the being of persons and the acts that they engage in. I would also like to point out that realism is an epistemological axiom which **presumes** the objectivity of truth. It is intimately connected with the acknowledgment of a transcendent God while at the same time being the grounding perspective of Western civilization.⁵

Esse as Ground of the Good

Now, we should ask: what is the traditional realist argument with regard to moral goodness? In the metaphysically grounded ethics of St. Thomas, goodness is identical with act which perfects being **to be more** in actuality **what** it is. If one is man, then it is good to be more a man. If man is a person who is capable of love, then it is **better** to love than not to love. Morality is the obligation issued by the Divine Command to the free being: "**Become who you are!**" "(I)t happens that the reason naturally seizes as a good everything toward which man has a natural inclination." The good, then, is that toward which the real naturally moves; but this is its own realization. The good is the real fulfilled in being; the good is the real at the goal of its movement."⁶

By act we ultimately mean esse.

It will be very important, then, to show what we mean by **act**, since the notion of act is going to have to bear the burden of explaining what we mean by good. To this end I will have recourse to the Thomistic understanding of "to be", *esse*, and the configuration *esse* will take due to the limiting function of **essence**, or the form, in the hopes of explaining the **realist** grounding of moral obligation. By "limiting configuration", I mean the particular *kind* of being limited *esse* becomes. **Esse** is not the mere "facticity" of an essence or a subject but is, rather, all the actuality and intelligibility there is in a being. That the being be a man who will tend to love and that the particular act of love-making "should" always be open to giving life is what I mean by configuration of *esse*. If *esse* were not limited to this or that configuration, it would be God, unlimited *esse* and hence incapable of moral activity because there would be no deprivation of act or

perfection present. There would be no good to be achieved. There is no “should” in God.

St. Thomas says that, “the good is that which is desirable. And so, since every nature desires its *esse* and its perfection, it is necessary to say that *esse* and the perfection of any nature whatsoever have the meaning of goodness.”⁷ **The act of existence (*esse*)** is understood by St. Thomas as the perfection of all perfections, act of all acts. There cannot be any actuality or perfection of any kind which is not “to be” itself.⁸ And so the good is the **actuality** of existence at the goal of its movement of becoming. Here I would like to rehearse Gilson’s understanding of being in St. Thomas with regard to the dynamic of becoming, because it is the *esse*, in its expansiveness as the act of acts which tends to achieve itself, i.e., to become itself within the profile of a particular essence. Again, it is the **esse** that is the root of all goodness. Gilson says:

Not to be, then to act, but: to be is to act. And the very first thing which ‘to be’ does, is to make its own essence to be, that is to be a being. This is done at once, completely and definitively, for, between to be and not to be, there is no intermediate position. But the next thing which ‘to be’ does, is to begin bringing its own individual essence somewhat nearer its completion. It begins doing it all at once, but the work will take time and, in the case of such corporeal beings as men, for instance, it is bound to be a slow process. It takes each of us a lifetime to achieve his own temporal individuality. True enough, essence itself is there from the very beginning, and, in a way, it is whole, but its wholeness is not that of a thing. . . . In short, the actual perfecting of essences is the final cause of their existences, and it takes many operations to achieve it.

Existence can perform those operations. Because *to be* is act, it also is to be able to act.⁹

By good, I ultimately mean *esse*.

If this is true, then *the act of being, esse* would be the ultimate grounding of whatever I mean by “good”, i.e., by the act of knowing, loving and doing, I am more man, more in act, more “to be”. I am **better**, i.e., more in act, than before my **esse** was actualized from a less intense and relational state¹⁰ to what it is now, i.e., I am more intensely I and I am more far reaching relationally by knowing and loving, particularly if I am knowing and loving the greatest of objects, God Himself. This state of actuality toward which I tend has traditionally been called “**good**”. The act of existence would be achieving itself according to the specific limitation or intensification of it which is called essence. This limitation (essence) would be the goal to be achieved. I am a man, not a tree or a rock. The act of existence which I am, at this very moment of writing, is not fully achieved as a man, much less, me. I must know more and better. I must love more and better. And I must direct my knowing and loving to the supreme object of knowing and loving, i.e., God. I must **become** who I am. Matter would be the principle which makes space and time possible so that, as an incomplete being, the finite *esse* that a person is, could actualize himself/herself by expanding in knowledge

and love and intensifying as a self.

Moral objects and the good are determined by esse.

Now, the **kinds** of acts towards which **esse** tends in its labor of actualizing itself fully, and of course, freely, according to the pattern of the essence, e.g., worshipping God, honoring parents, respecting life, goods, sexuality, truthfulness, etc. become what we call "moral objects" and are the criteria as to whether a particular action is good or not. The moral object is one of the principal criteria St. Thomas chooses for determining the morality of an action. He says: "The primary goodness of a moral action is derived from its suitable object."¹¹ It responds to the question, **what** are you doing? The realism involved here is that some moral objects are intrinsically good because they are clear manifestations of the thrusting of **esse** in its becoming more actualized.

The intention is determined by the object.

There is another determinant of the morality of an action which is the interior act of the will which is the intention. It responds to the question, **why** are you doing it? So important is this determinant that even if an action were good because of its object, such as almsgiving, it would be a bad action if the intention were bad, e.g., if you were looking for praise and position by the giving of alms. Germane to the purpose of this paper, then, the question must be raised as to what determines the goodness or badness of intention.

Now, if we have been able to establish that the intrinsic goodness or badness of an act is determined by its object, which, in turn, is established by the thrust of the developing **esse**, on what do I ground the goodness and badness of **why** we do such and so? To make the question clearer and more pertinent, since intention is an act of the will, is goodness or badness intrinsic to the intention of the will, or is it somehow **derived** from the **kind** of object the person is intending? Is the will simply good or bad in its intending?, i.e., does it have intuitive goods and evils as part of its make-up? In answer, St. Thomas states that

the goodness of the will depends properly on the object. Now the will's object is proposed to it by reason. Because the good understood is the proportionate object of the will . . . Therefore, the goodness of the will depends on reason, in the same way as it depends on the object.¹²

This basically is to say that the goodness of the will is derived from the **kind** of act that the intellect, perceptive to the thrusting of **esse**, presents to the will and which the will intends.¹³ Now, there is normally a *double* intention of the will in any given moral act: the intention of the object of the act here and now, and the intention I propose to myself for doing the act in the first place.¹⁴ I intend to give alms; and I intend to give alms so as to look good before men. Now, we saw above that the intention of the act is

determined by the object of the act. That is, the intention will be good if the object of the act, the moral object, the act embodying the thrusting of the **esse** of the person is good. If almsgiving is good, my intending to give alms is good. Now, the second intention, the **why** of the action, the end, the ultimate purpose that I secretly harbor in my mind and heart, is also determined in its moral goodness by the object which it intends.¹⁵ Therefore, if I am seeking personal glorification by the giving of alms, it is a bad act by virtue of the objective disorder of self seeking. The point I am trying to make, is that the **goodness or badness of intention are not intrinsic to the intention, but are derived from the objective world of being that the will intends**. I want to establish that there is no such thing as a “good” or “bad” intention in itself but rather intentions of “good” or “bad” **kinds** of action. Intentions have **derived** values.¹⁶ A *what* is always the foundation of a *why*. This sets the stage for understanding that GBFM perhaps have it backwards and that it is not the contralife will which makes contraception bad, but the nature of the contraceptive act which makes the intention bad. Let us let the authors set the stage.

Good as Ungrounded and Underived

The thesis that GBFM propose for the moral evaluation of contraception consists in the evil of the act being derived from the contralife will. That is, contraception is wrong **because it goes against the future child**. In their minds, contraception and homicide are equivalent evils, not because they both offend grievously against the natural and divine laws, but because they offend against the same object, i.e., the living person, or “the basic good of life”, as they would say it:¹⁷ “(contraception) is a practical (though not necessarily an emotional) hatred of the possible baby they project and reject . . . In short, contraception is similar to deliberate homicide, despite their important differences, precisely inasmuch as both involve a contralife *will*.”¹⁸ The authors remove the word “**transmission**”¹⁹ from the definition of contraception in “*Humanae Vitae*” (as quoted above) which emphasizes the nature of the **conjugal act** as the moral determinant and clearly and forcefully puts the burden of proof of rightness or wrongness on the intentionality of the will. I believe that the interpretation of the authors is so forced that it depends upon an emendation of the very text of “*Humanae Vitae*”.

The philosophy underlying this position can be found in Grisez’s analysis of St. Thomas’s presentation of The First Principle of Practical Reason in I-II, Question 94, Article 2.²⁰ It is here that Grisez lays the groundwork for the autonomy of the practical intellect from all speculative considerations: “. . . to get moral principles from metaphysics, it is not from the **is** of nature to the **ought** of nature that one must go . . . it is no solution to argue that one can derive the “ought” of moral judgment from the “is” of ethical evaluation: . . . *Good is to be done and pursued, and evil is to be avoided*, together with the other self-evident principles of natural law, **are not derived**

from any statements of fact. They are principles. They are not derived from any statements at all. They are not derived from prior principles. They are underivable."²¹ I believe that we are witnessing the split of the intellect into theoretical and practical with the practical intellect autonomous unto itself.²² It is here that the "goods" are co-relative with the first principles and themselves stand underived and self evident. They seem to be part and parcel of the practical intellect as (Grisez suggested earlier in the article) solubility is a property of sugar.²³

Perhaps we could make a small incision here to show how diametrically opposed Grisez is to a realistic ethic and a faithful interpretation of St. Thomas. He says:

Our willing of ends requires knowledge of them, and the directive knowledge *prior* to the natural movements of our will is precisely the basic principles of practical reason. At any rate this is Aquinas' theory."²⁴

Now, if what we have said above is true, i.e., the "good" is that act or state of actuality toward which a limited being tends, (and in a broad sense, we want to include "willing" under the rubric of "tending"), then there is no such thing as a "good" prior to inclination (tending or willing). As we can see at the beginning of the *Summa Theologiae*: "The essence of goodness consists in this, that it is in some way *desirable*."²⁵ Therefore, there is no "*directive knowledge prior* to the natural movements of our will" as there are not "basic principles of *practical* reason" prior to inclination. If there were, then you would have ungrounded, self-evident "goods" underived from the perception of the dynamism of real being. And you would have effectively separated the intellect into theoretical and practical. And, if I may make the illation, that separation is tantamount to establishing theoretical subjectivism. I believe such to be the case with Grisez.

Grisez goes on to say that St. Thomas "maintains that there is no willing without prior apprehension" and quotes I, q. 82, a. 4, ad 3 where St. Thomas says something quite different:

every movement of the will must be preceded by apprehension, whereas *every apprehension is not preceded by an act of the will.*"

But the critical point here is that there are, as we have just seen in I, q. 5, a. 1, c., *some* apprehensions that are preceded by an act of the will, i.e., **the good** which is **being**, perceived as **desirable**, which *is* such an apprehension. Grisez goes on to argue in the same paragraph that: "The precepts of natural law, at least the first principle of *practical* reason, must be *antecedent* to all acts of our will." (emphasis added). The rest of the article continues in the same vein of equivocation as to the meaning of St. Thomas with regard to the first principles of the practical intellect. One thing is clear, however: for Grisez, the good is the direct object of perception by the practical intellect and is underived from any theoretical considerations of the being of reality.

Returning to our concrete consideration of contraception, we are told that life,²⁶ i.e., the child, is one of these goods which is a self evident

apprehension of the practical intellect; hence, the moral reasoning that the evil of contraception is the will or intention against the good which is the child.

The Conjugal Act, Not the Child, Is the Object of Intention

Now, with the realist/metaphysical analysis of good as act produced by a person (“esse-becoming”) on the one hand, and the Grisez analysis of good as *underived* from being on the other, let us see once again what “*Humanae Vitae*” says explicitly in #11:

Each and every marriage act (“qualsiasi atto matrimoniale”, as written in the original Italian version; *quolibet matrimonii usus* in the Latin translation) must remain open (“aperto alla trasmissione della vita”; *per se destinatus*) to the transmission of life.

I believe this statement represents the terms in which not only contraception is immoral, but it is presenting the criterion for the moral evaluation of **all** sexual activity: the openness of each and every marriage act to the transmission of life. Notice, the document explicitly establishes *the act*, with its double dimension of love-making/life-giving, as the criterion of all sexual moral evaluation, beginning with contraception. We also saw that the position of GBFM puts contraception squarely within the interiority of the agent as being “essentially a contra-life will” (p. 40). They separate contraception from any relationship to the sexual act <“Assuming contraception is a sin, it is not a sexual sin” (p. 41)>, and finally conclude that: “Contraception can be defined only in terms of the **beliefs, intentions, and choices** that render behavior contraceptive” (p. 41). They even go so far as to say that

This definition²⁷ makes it clear that 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. Therefore, if someone both engages in a sexual act and contracepts, the two are distinct acts (p. 42).

The point here is that the criterion of morality is intrinsic to the will, i.e., the intending of the life of the child, and underived from any metaphysical considerations such as reality itself. There is simply no derivation of ought from is. The morality of the act does not depend on the nature of the act but on the intention of the life of the child.

A Critique of the authors' position.

Now, according to the text and moral reasoning of “*Humanae Vitae*” #11 as well as **axiomatic realism** in moral analysis, I do not believe we are talking of the child as the criterion of morality in contraception. As we saw, there may be a double intention in the performance of an act; that of the act itself²⁸, and that of an ulterior purpose for performing the act²⁹. This ulterior intentionality could destroy the moral goodness of the act and hence

it seems to lend support to what GBFM roundly affirm; i.e., that it is the contralife intention which makes contraception to be a bad act. But there are two considerations that militate against it.

One, the morality of the intention is always determined by the **kind** of action we are talking about, whether it be the proximate intention of the act itself or the remote intention of the end which the agent purposes. If it is a good *kind* of action, it is a good intention. And the *kind* of action is determined by the nature of the being we are dealing with. The moral evaluation is always derived. And, again, this holds true for both intentions, that of the act and that of the end. For both intentions, the “what” explains the moral quality of the “why”.

Dr. Janet E. Smith voices this same point concerning contraception as contra-life in her forthcoming book on contraception (Appendix 4, p. 10). She says:

Grisez seems to lose sight of the traditional understanding that the will becomes evil when it wills an evil act and that the evil of acts — at least those considered intrinsically immoral — can be assessed apart from and prior to knowledge of what the agent wills. It is because the agent intends to do an action that is evil that he has an evil will; it is not because he has an evil will that his external action is evil (in fact, on occasion the external act may be good while the will is evil.) A more traditional formulation would state that ‘The malice of contraception is in the intention because the will intends to do an action that is intrinsically evil and the goodness or evil of the will depends primarily upon the object of the act.’ As we shall see in our consideration of Grisez’s latest explanation of the malice of contraception, Grisez seems to place the malice ever more exclusively in the will.

When considering that explanation, i.e., that the will becomes evil when intending an evil *act*, Dr. Smith observes that GBFM

seem most *reluctant* to state that contraception is wrong because it is a contralife *act*; they persist in locating the evil in the will. In their view, since to have a contralife will is wrong, contraception (since it involves a contralife) is wrong. *But this seems to be backward. It would seem to be because contraception is an action that is contralife that one who intends it for what it is could be said to have a contralife will.* (emphasis added)³⁰

It may be helpful to show that the claim that the evil of an action resides primarily in the will seems to conflict with received Catholic teaching. Let me cite the famous passage from “Gaudium et Spes,” #51:

When it is a question of harmonizing married love with the responsible transmission of life, it is not enough to take only the good intention and the evaluation of motives into account; the objective criteria must be used, criteria drawn from the nature of the human person and human action, criteria which respect the total meaning of mutual self-giving and human procreation in the context of true love;

Two, to have a contralife will does not vitiate the moral quality of the conjugal act. Let us rehearse that a bit.

As long as the conjugal act is intended as *the act it is* (love-making and openness to the transmission of life), the will can be ultimately contralife,

without making a good conjugal act bad for that reason. Why? Because there is a built-in sterility, a window in the act which can be taken advantage of for serious reasons but which does not negate the procreative *orientation* of the act. The non-intending of children does not necessarily violate the *kind* of act intercourse is. "The act they perform is a generative *sort* of act: even if it has not a procreative *function* (because of its being infertile), it nevertheless maintains its procreative *meaning*. If this act, for natural reasons beyond intention, cannot have procreative efficiency, this does not alter what one *intentionally* does (what one chooses) as long as one did not *do* (choose) anything for *preventing* procreation."³¹ That means that a couple may not want children but they do nothing to prevent them. They engage freely in the conjugal act and take what comes. We could say that the intentionality for life, as the "procreative meaning", is embedded in the very nature of the act as flowing from the *esse* of the conjugal partners. It is in the *physiology of the act*. (And this is not physicalism since the body pertains to the person as an expression of the person.) The physiology of sex and reproduction is an expression of the dynamics of the persons. Or, for a proportionally grave reason, they *positively* do not want children now, and they discipline themselves to practice NFP. They struggle energetically and ascetically discipline themselves to show love for each other in other ways, limiting the use of the conjugal act to the infertile periods. **They have a contralife will here and now and, indeed, positively grow in holiness with it**³². We could say that the intentionality for the child is *within the act itself*. **But that does not make the child the object of the intention of the moral agent.**³³ Rather, the child is excluded as the intention of the conjugal partners. *But he or she is included in the overall meaning of the conjugal act* which would make him/her the object of the intention of God by the very overall orientation (*intentio Dei*) of the conjugal act. We enter here into the distinction of the *finis operis* and the *finis operantis*. The *act* of the persons, then, as mutual self-giving, love-making, is the object of the first intention, the *finis operantis*. The openness to the transmission of life inscribed in the act itself as an embodiment of the *esse-becoming* of the persons is the *finis operis* which is the second intention. And the moral rightness of that act depends, *not on the intention of having a child*, which would be the third intention, but on whether the act of intercourse is performed according to its nature. The conjugal act, as the enfleshed performance of the mutual self-giving of the persons with its inherent openness to life, is the object of intention and the criterion of sexual morality.

As we saw, there are two objects of intention in the act: to make love and to be open to the child. As we just saw, there are three. The first two are involved in the conjugal act itself as love-making and life-giving, as dimensions of the act, and the third, which we analyzed above, which is the child himself. Again, the point being made, is that the intention against the child does not render the intended naturally sterile act wrong, provided there is an objectively serious and proportionate "reason". Again, the word "reason" *here* means a further "intention" (a fourth) obviously pointing

to an objective grounding in being which would justify not wanting the child here and now. Therefore, it seems that the position of Grisez et al. does not stand up to an analysis of intention as being grounded in being nor to the moral validity of **NFP**.

Attention must be turned from the intention, or the contralife will, to the nature of the act to morally evaluate contraception. It is true, as we saw above, that the morality of the *external* act depends on the will, the "heart", the intention. But the will, heart and intention are in turn determined, are made "**good**" if, **what** is interiorly willed, yearned for and intended, is objectively an **act** perfective of real existing persons. The child may be intended *along with* the proper performance of the conjugal act, but it is **not the intending of the child** which makes the act moral, but **the intending of the openness while intending the love act**.

My discrepancy with the authors is not their conclusions which, in fact, conform, albeit contingently, with the reality of things and the teaching of the Church. Rather, if I may borrow a phrase from Dr. Janet Smith, it is with "*the technicalities of moral analysis, i.e., on the relation of the malice of the will to the evil of the external act and on what role nature plays in this analysis.*"³⁴

Incompatibility of invincible ignorance with intention as sole moral criterion.

In the case of invincible ignorance, again, it is Dr. Janet Smith who suggests that we also consider the sadly universal situation where uninformed and erroneously counseled women may use contraceptives oblivious to any objective moral wrongdoing. They are invincibly ignorant and presume that, since they are generally open to life or are concerned about the "quality of life", they can and "should" use contraceptives. Indeed, they may have a contraceptive will in this act, but then we are not talking about a contra-life will but a will that is *contra naturam*. That is, they will life, but not now in this act. This is also a refutation of the basic thesis of the authors. If a person is in invincible ignorance and performs the objectively sinful act of contraception, which has the objective negative results of preventing both the complete giving of self in the conjugal act because the union of egg and seed is withheld, and also simultaneously impedes the conception of a child, they are clearly doing something wrong. But it is not because they intend it, but because they are ignorant of it. True, there is no **formal** evil norant of it. True, there is no **formal** evil being done, but there is certainly material evil and damage. This can only be imputed to the violation of the nature of the act, not the intention.

Moral situations highlighting the act as moral criterion.

Let us now consider a series of situations, e.g., the mirror image of contraception which is **artificial insemination**. There is an explicit intention for the child, but we do not have the act of love whereby the child is

engendered.³⁵ I would submit this as a devastating argument against the intention of the will as the ultimate grounding of the morality of the act. Here you have a completely pro-life will while totally bypassing the act of intercourse. The act is censured in the strongest terms by the highest magisterium of the Church.

Or again, let us consider the case of **homosexuality**, where what is absent is an act which should be “a complementary union, able to transmit life”.³⁶ Homosexuals are incapable of total self-giving which can occur only in marriage. “Sexual intercourse between homosexuals cannot represent total self-giving because they are not able, by the very fact of their being of the same sex, to give their fertility to one another.”³⁷

Or we may have the couple who has the **intention of the child, but not in every single act** of intercourse. The overall intentionality is life and children, **but not, say, in this act here and now**. I would again submit that it is not the intention for the child that determines the morality of the act, but the act itself as perfective of the dimensions of personhood, viz., love-making/life-giving. The physical act itself, as the bodily expression of the persons, is the principal determinant of morality because the body “is a constitutive part of the person who manifests and expresses himself/herself through it. Therefore, the ‘natural moral law’ (recall that this refers to the truth about what it means to be a human person, the ‘law of personhood’) also applies to what is done to and by the human body. It requires that bodily acts not violate the dignity of personhood. That is, it requires that the physical acts of the human being respect the reality of personhood as gift. What is done to a human body is done directly or indirectly to a human person. Therefore, although the ‘natural moral law’ is not a biological law, it requires that human beings direct and regulate their bodily behavior, so as to be faithful to their nature as persons. The Instruction applies this requirement to the ‘bio-spiritual’ act of human procreation.”³⁸

Therefore, the moral criterion for all sexual activity is not “life” as the good, but the “esse-becoming”, or if you will, the nature of the intercouring married male and female persons which issue in a “bio-spiritual” act of intercourse.³⁹ Contraception would be wrong because there is no openness to the transmission of life in the act. Artificial insemination would be wrong because there would be no act of union. Homosexuality would be wrong because there is no possibility for an act which could be a procreative (fertile) giving of self. Sporadic contraceptive acts concomitant with a general openness to children would be wrong because each act is a human act and therefore free. It is for this reason that the Church, in her explicit teaching,⁴⁰ insists that “**each and every marriage act** must remain open to the transmission of life.” And so it is the act which embodies the moral object insofar as it (the act) is the expression of “esse-becoming” of the persons. And, again, this act is not a mere external physicalism of biological laws, but is, rather, the act of bodies which are the enfleshment of persons. And so the bodily act is a person-act with the morality of personhood inscribed within it.

If life is proposed as the criterion by GBFM, it is proposed as a *consequence*. What we may have here is a full blown consequentialism which is masked and “impeded” by simply stonewalling it; i.e., declaring the goods to be “incommensurable”, to be absolutes. This is done simply by platonizing them, lifting them out of the contingency of real situations. This in turn is done by bypassing the **act** itself and, of course, the “esse-becoming” of persons on whom the act depends. The reality of the moral agent and the reality of situations is simply taken out of play in order to avoid situationism and an ethic of consequences. The logical result is that there can be no prudential judgment, say, concerning life. For example, war and capital punishment would be ipso facto immoral if life, not person-acts, be the criterion of morality.

I opened a parenthesis when I made a brief presentation of Grisez’s mind concerning the underived nature of the “goods” and the first principles of the practical intellect. I would like to close that parenthesis by explicitly affirming that my making the “esse-becoming” of the persons and the ensuing conjugal act the moral object of all sexual activity, I am affirming the continuity — the identity — of the theoretical and the practical intellect. And I am using the word “derived” in a wider sense than Grisez. I am not just talking about secondary principles of natural law being “derived” from primary principles. I am suggesting that the entire **content** of the intellect, as theoretical and practical, **is derived**; that the intellect is nothing with regard to reality prior to its being informed by being. That is, without the perception of a being, there would be no theoretical principles of identity, causality, etc. And without the perception in the self of the dynamic of **esse** reaching toward its fulfilled actualization, the intellect would not even be practical. There would not be any first practical principle such as “good is to be done and evil avoided” because it is axiomatic that the intellect perceive only act, and that it call “good” only that further actuality and perfection toward which act tends. “Good” as such is not self-evident to the practical intellect divorced from the theoretical perception of being-becoming. “Good”, “ought”, the first principles of the natural law such as: “good should be done and evil avoided”, etc., are not innate to the practical intellect. This is axiomatic to realism. On this fundamental point let Grisez’s position be clear. He says: “The basic precepts of natural law are no less part of the mind’s original equipment than are the evident principles of theoretical knowledge. *Ought* requires no special act legitimatizing it; *ought* rules its own domain by its own authority, an authority legitimate as that of any *is*”.⁴¹

Conclusion

GBFM no doubt, see their work as a first line defense against relativism (in the form of consequentialism or proportionalism or situationism). We have to thank them for this. They are giving us an absolute by affirming the “goods” as “incommensurables”, but perhaps at the price of losing a

grounding in reality. My disagreements with GBFM are not about the strength of their moral reasoning, nor the truth of the conclusions they reach. As Dr. Janet Smith says: "I find them both strong and true." The real problem is the moral reasoning as to whether good or evil are inherent to the will or grounded on being. I proposed at the beginning of the paper that the position of GBFM is ultimately an epistemological problem of the derivation of the "goods". The authors reject this derivation. I submit that this is a disguised subjectivism. They would not agree, however. This is not because they are theoretically realists, but because the intellect cannot help thinking in an essentially realistic way,⁴² and they perceive themselves as realists. Theoretically, however, they have distanced themselves from realism with the separation of "ought" from "is" and have made the "goods" a dimension, "equipment"⁴³ of the practical intellect. This is idealism. And idealism is ultimately ethical subjectivism. Commenting on this type of procedure, E. Gilson commented: "Thus one must be also cautious to turn himself away from any speculation on 'values'. **Values** (read here the "goods") **are nothing other than transcendentals which have separated themselves from being and try to substitute themselves for it.** The 'founding of values' thus becomes an obsession for the idealist; but for the realist, nothing."⁴⁴

Therefore, I think ethical theory would be better served by a re-evaluation of St. Thomas's *esse* or as I am suggesting, "**esse-becoming**", i.e., the person, as the ultimate ground of realism, which, as finite outside of God, is, in some respect, absolute in itself, as the act of existence, yet still contingent, becoming itself and always in a context and a situation. The "**esse-becoming**" is the grounding of the nature of the conjugal act which is the centerpiece of all sexual morality. In this wise, we have an *absolute reality-in context* that must be evaluated in a **prudential judgment** in order to determine what is good here and now. If we bypass *esse*, we run the risk of seeking an absolute in idealistic terms, (**the goods**), and in this case, the child, and building an ethic of intentionality around it which cannot end in other than subjectivism and ideology.

Perhaps we could profit from the experience of Josef Pieper:

It was 28 August 1924, Goethe's birthday — which is why I cannot possibly forget the date . . . At that very moment, all the ideas which had long been striving to achieve structural unity in the murky ferment of toilsome reflection suddenly crystallized as if under magical influence. All at once I was able to put my confused intimations into clear words: "Every ought is grounded in an is; the good is what corresponds to reality." **If anyone wants to know and do the good, he must direct his gaze to the objective world of being; not to his own mind, not to his own conscience, not to values, nor to ideals or paradigms he has himself drawn up. He must look away from his own act and toward reality.**⁴⁵

References

1. I will refer to the authors collectively as GBFM, except where Grisez alone will be indicated, without including Fr. Ford, S.J., since his collaboration with Grisez is a topic other than the one we are dealing with here.

2. *The Teaching of Humanae Vitae, a Defense: Is its Teaching Infallible?, Are its norms Defensible?*, Ignatius, 1988.
3. *Ibid.*, p. 39.
4. "Humanae Vitae", 11. The reference for this quote is to "Casti Connubii" of Pius XI and to the Address to Midwives of Pius XII in AAS XLIII, p. 843.
5. "The gift of faith continues to be the best thing that ever happened to the human mind. The Church, custodian of the supernatural, continues to be the greatest champion of the natural." Ralph McNerny, *Crisis*, April, 1990, p. 3.
6. Pieper, J., *Reality and the Good*, (Henry Regnery Co., Chicago, 1967), pp. 69-70.
7. S.T. I, Q. 489, a. 1, c.
8. *Summa Theologiae*, I, 4, 1 ad 3: "dicendum quod ipsum esse est perfectissimum omnium; comparatur enim ad omnia ut actus. Nihil enim habet actualitatem, nisi in quantum est; unde ipsum esse est actualitas omnium rerum, et etiam ipsarum formarum."
9. Gilson, E., *Being and Some Philosophers*, Pontifical Institute of Mediaeval Studies, Toronto, Canada, 1949, p. 184.
10. I am suggesting that "esse" is not act in the sense that it simply "makes things be", i.e., gives facticity to essences or even subjects. I am suggesting that "esse" is all the act there is in a being and that, as limited by essence, it is configured in such a way that, as it becomes less limited, it becomes more intensely itself as well as more relational. In ascending the hierarchy of being from mineral to vegetable to animal to man, "esse" would be more and more relational as well as correspondingly more interior until in man "esse" would be infinitely relational as knowledge and love as well as interior and incommunicable as person.
11. I-II, q. 18, a. 3, c.
12. I-II, 19, 3, c.
13. As a corroborative text, we could add the following: "The end is properly the object of the interior act of the will: while the object of the external action, is that on which the action is brought to bear. Therefore just as the external action takes its species from the object on which it bears, so the interior act of the will (the intention) takes its species from the end, as from its own proper object." I-II, 18, 6, c. (emphasis added).
14. "Whatever ulterior intentions you may or may not have, the question first arises: what intention is inherent in the action you are actually performing? . . . what are you here and now doing on purpose — whatever your ulterior aims? *What one is 'here and now doing on purpose', and this means what one is intentionally doing, this precisely is called the object of the act.*" G.E.M. Anscombe: "You can have Sex without Children. Christianity and the New Offer," in *The Collected Philosophical Papers of G.E.M. Anscombe*, Vol. III: Ethics, Religion and Politics. (Oxford: Basil Blackwell, 1981, p. 86).
15. I-II, 18, 6, c. "Now, in a voluntary action, there is a twofold action, viz., the interior action of the will, and the external action: and each of these actions has its object. The end is properly the object of the interior act of the will: while the object of the external action, is that on which the action is brought to bear. Therefore, just as the external action takes its species from the object on which it bears: so the interior act of the will takes its species from the end, as from its own proper object."
16. "It is not my intention that makes defending the innocent good, but the fact that it is, so to say, already a good kind of thing to do that makes my intending of it good. We know that it is the sort of thing we ought to do." R. McNerny, *Ethica Thomistica*, (The Catholic University Press of America, 1982) p. 85.
17. A quote summarizing the basic moral theory articulated by Grisez could be the following: "The basic precepts of natural law are no less part of the mind's original equipment than are the evident principles of theoretical knowledge. **Ought** requires no special act legitimatizing it; **ought** rules its own domain by its own authority, an authority legitimate as that of any **is** . . . one does not derive the principles (of practical reasoning) from experience or from any previous understanding." Germain G. Grisez, *The First Principle of Practical Reason: A commentary on the Summa Theologiae*, I-II, Question 94, Article 2, "The Natural Law Forum", Notre Dame Law School, 1965, p. 195.
18. *Op. cit.*, p. 46.

19. See footnote 1 of "The Teaching. . ." p. 35 where the authors comment on their formulation of the thesis of "Humanae Vitae" "Every marital act ought to be open to new life" "the different formulations also are translated diversely. We do not think these differences matter for our present purpose."

20. Grisez, Germain G., *The First Principle of Practical Reason: A commentary on the Summa Theologiae*, I-II Question 94, Article 2, *op. cit.*, p. 195.

21. It has been brought to my attention that if one consider another "self evident principle of natural law" such as: direct killing of the innocent is evil and to be avoided, the knowledge of this principle would demand experience and reflection and would therefore be clearly derived.

22. It may be appropriate here to suggest that this split of the intellect into theoretical and practical creates some confusion with regard to the use of the word "reason". It is sometimes used as the speculative grasp of the way things are and as such is used in the familiar phrase of "right reason". At other times, it is used as "motive", or "reason for doing something". For example, we have the following phrase: "So, to choose to contracept without having a *reason* (read *intention*, which pertains to the will) clearly is to choose contrary to *reason* (read *intellect* as the faculty of knowing reality), not in harmony with it" (p. 47). In a moral theory such as Grisez's where the intellect seems to be split into speculative and practical due to the non-derivation of "ought" from "is", where moral obligation is not founded on the being of things, the equivocal use of "reason" could introduce the reader into a subjectivism of intention unawares. I would therefore caution the reader to ascertain whether he is dealing with *reason* as an intention of the will, or *reason* as the speculative function of the intellect in its discourse about the nature of things. To confuse "right reason" which is the faculty of seeing and thus being in accord with the way things are with "reason" which indicates a choice of the will could shift you, as I mentioned, from an ethic based on reality to an ethic of intentionality.

23. *Ibid.*, p. 176. I consider this "telling" imagery because, although *solubility* may be a property of sugar, *the first principles are not the property* of the practical intellect but are *enunciated by it* when it is presented with the tendency of "esse" to become itself. In other words, everything the intellect knows, theoretically or practically is derived from being.

24. *Op. cit.*, #IV.

25. I, q. 5, a. 1, c. Let me fill out the quote to show the identity of reasoning with what we have presented above: "Now it is clear that a thing is desirable insofar as it is perfect. . . . But everything is perfect insofar as it is in act. . . . Therefore it is evident that a thing is good insofar as it is being. . . . Hence it is clear that goodness and being are the same in reality. But goodness presents the aspect of desirableness which being does not present."

26. Grisez, G., *The Way of the Lord Jesus*, (Franciscan Herald Press, Chicago, 1983) p. 137: "bodily life in itself is a basic human good".

27. The authors do not define contraception as such here but describe the subjectivity that would be involved in a contraceptive sin: "one must *think* that (1) some behavior. . . is likely to cause a new life to begin, and (2) the bringing about of the beginning of new life might be impeded by some other behavior one could perform." (p. 42.)

28. I-II, 19, a. 3.: "The goodness of the will depends properly on the object. Now the will's object is proposed to it by reason."

29. I-II, 20, 1, c.: ". . . a thing is said to be good or evil, from its relation to the end: thus the giving of alms for vainglory is said to be evil. *Now since the end is the will's proper object, it is evident that this aspect of good or evil, which the external action derives from its relation to the end, is to be found first of all in the act of the will, whence it passes to the external action.*"

30. Unpublished, **Appendix 4**, p. 23.

31. Rhonheimer, M., "Contraception, Sexual Behavior and Natural Law", *The Linacre Quarterly*, May, 1989, p. 86.

32. "To dominate instinct by means of one's reason and free will undoubtedly requires ascetical practices, so that the affective manifestations of conjugal life may observe the correct order, in particular with regard to the observance of periodic continence. Yet this discipline which is proper to the purity of married couples, far from harming conjugal love,

rather confers on it a higher human value. It demands continual effort, yet, thanks to its beneficent influence, husband and wife fully develop their personalities, being enriched with spiritual values. Such discipline bestows upon family life fruits of serenity and peace, and facilitates the solution of other problems; it favors attention for one's partner, helps both parties to drive out selfishness, the enemy of true love, and deepens their sense of responsibility. By its means, parents acquire the capacity of having a deeper and more efficacious influence in the education of their offspring." John Paul II, *Familiaris Consortio*, #33, quoting "Humanae Vitae", #2.

33. "(I)t is important to understand that the document is not speaking of the subjective 'openness' of the spouses; it is speaking of the ordination of their objective *acts* of sexual intercourse . . . the document is not referring to the subjective desires of the spouses; the latin '*per se destinatus*' is directed towards the marital *acts* of the spouses. It is these *acts* that must remain 'open' or *per se destinatus*. The spouses may do nothing to deprive the *act* of its ordination or destination to procreation. They may do nothing to 'close off' the possibility of the act achieving its natural ordination.": from Dr. Janet E. Smith in a work to be published by the Catholic University Press of America on the topic of contraception.

34. *Op. Cit.*, Appendix 4, p. 12.

35. "... from the moral point of view procreation is deprived of its proper perfection when it is not desired as the fruit of the conjugal act, that is to say of the specific act of the spouses' union . . . Spouses mutually express their personal love in the 'language of the body', which clearly involves both 'spousal meanings' and parental ones. The conjugal act by which the couple mutually express their self-gift at the same time expresses openness to the gift of life . . . the procreation of a person must be the fruit and the result of married love . . . Fertilization achieved outside the bodies of the couple remains by this very fact deprived of the meanings and the values which are expressed in the language of the body and in the union of human persons." The Sacred Congregation for the Doctrine of the Faith: "*Instruction on Respect for Human Life in its Origin and the Dignity of Procreation: Replies to Certain Questions of the Day*". Part II, #4, a and b, pp. 26-27, Ignatius, 1987.

36. "It is only in the marital relationship that the use of the sexual faculty can be morally good. A person engaging in homosexual behavior therefore acts immorally": The Sacred Congregation for the Doctrine of the Faith, "Letter to the Bishops of the Catholic Church on the Pastoral Care of Homosexual Persons," #7. Oct. 1, 1986, Ignatius, p. 7.

37. Smith, Dr. Janet E., *op. cit.*, Appendix 4.

38. Albacete, Lorenzo M., Commentary on Bioethics, St. Paul Editions, 1987, #4.

39. "The transmission of human life is entrusted by nature to a personal and conscious *act* and as such is subject to the all-holy laws of God: immutable and inviolable laws which must be recognized and observed. For this reason one cannot use means and follow methods which could be licit in the transmission of the life of plants and animals": Pope John Paul XXIII, Encyclical "Mater et Magistra", III: AAS 53 (1961) 447.

40. HV, #11.

41. *Op. cit.*, p. 195.

42. "The first step on the path of realism is to perceive that one has always been realistic; the second is to perceive that, whatever one does to become otherwise one will never succeed; the third is to ascertain that *those who do pretend to think otherwise, think in realistic terms as soon as they forget to act their part.*" E. Gilson: "*Vade Mecum of a Young Realist*", from *Le Realisme Methodique (Cours et Documents de Philosophie*, Collection publiee sous la direction d'Yves R. Simon), Chez Pierre Tequi, Paris, pp. 87-101.

43. Refer to footnote 17.

44. *Ibid.*, p. 88.

45. Pieper, J., "No One Could Have Known", Ignatius, 1987, pp. 62-63.