

Veritatis Splendor §78 and the Teleological Grammar of the Moral Act

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Introduction

HAVING just written a book on the subject of this symposium—*The Teleological Grammar of the Moral Act*¹—the thought of now endeavoring to cover similar ground with greater concision, and amidst rich and detailed work contributed by minds of the stature of Fathers Dewan, Flannery, and Brock, is understandably daunting. Nonetheless, what is perhaps not quite so daunting—especially given the profundity of the contributors to this present symposium—is briefly to identify the critical philosophic elements whose exclusion by both analytic and continental authors has tended to obscure the teaching of Aquinas with respect to the object of the moral act. The result of such exclusion—an account of the object either as transcendently constituted by the subject (with a natural residue, to be sure, but without adequate acknowledgement that the integral nature of the act performed is *always* included in the object) or as a simple logical entity, a naturally disembodied “proposal”—is manifestly what accounts for the volatility of moral theology today in relation to the moral teaching of the Church. It is one of the principal *effects* of the etiolation of metaphysics and of natural philosophy, whether this derive from transcendental subjectivity and a priorism, from logicism, or from the simple prestige of scientistic preoccupations to the derogation of philosophic truth.

Indeed, over the past several years the proliferation of different theories of human action, and of the placing of actions according to object

¹ Steven A. Long, *The Teleological Grammar of the Moral Act* (Naples, FL: Sapientia Press, 2007).

and species, has become a growth industry. Many of these accounts make some more or less thorough and serious claim to represent the thought of St. Thomas Aquinas. In the Catholic world, such a reference is virtually a *de iure* requirement. Yet the understanding of moral action has become absorbed in an increasingly complicated and undecipherable congeries of schemas for double effect. It is also clear that persons who share similar accounts of the nature of the moral object yet nonetheless seem to differ on crucial cases. On matters ranging from craniotomy to the use of condoms by married persons with AIDS, these authors differ among themselves in ways that seem to have more to do with what one might call Catholic intuitions than with the analysis of the object proper.

In a remarkable analysis, doctors Grisez, Finnis, and Boyle have argued that when the doctor crushes the skull of an unborn child in the operation known as craniotomy, this action is medical because what the doctor proposes is not harming the child, but merely redesigning the circumference of the skull.² Dr. William May has expressed some measure of dissent from this view, and perhaps it is not incorrect to say that Fr. Martin Rhonheimer also does not concur with this analysis. Yet none of these figures seems to affirm the normative role of unified natural teleology in the determination of the object and species of the moral act.

Of course, it is also true that the immediate invitation to reconsideration of the nature of the object of the moral act derives from the controversies engendered by diverse readings of *Veritatis Splendor* §78:

By the object of a given moral act, then, one cannot mean a process or an event of the merely physical order, to be assessed on the basis of its ability to bring about a given state of affairs in the outside world. Rather, that object is the proximate end of a deliberate decision which determines the act of willing on the part of the acting person.³

Understanding these words is an important task. Nonetheless, the recent discussions of this part of the encyclical seem to function as a proxy for

² Cf. John Finnis, Germain Grisez, and Joseph Boyle, "'Direct' and 'Indirect': A Reply to Critics of Our Action Theory," *The Thomist* 65 (2001), in the main text after note 55: "the baby's death is a side effect of changing the dimensions of its skull" (32), and, within note 38, the following responding to Fr. Stephen Brock's criticisms: "But Brock fails to show the object of the surgeon's chosen act is better described as 'producing the crushed skull of an innocent person' than as 'cranium-narrowing for the purposes of removal from the birth-canal'" (26, note 38).

³ "Ergo nefas est accipere, velut obiectum definiti actus moralis, processum vel eventum ordinis tantum physici, qui aestimandus sit prout gignat certum rerum statum in mundo exteriori. Obiectum est finis proximus deliberatae delectionis, quae voluntatis personae agentis est causa."

an account of the object of the moral act that treats normative unified natural teleology as somehow merely physicalistic, or extrinsic to the object of choice (as though an agent did not precisely choose *acts* with *natures* ordered toward *ends* in function of which such acts may serve whatever further *purposes* bestir the agent to action). Likewise, the controversy about §78 of *Veritatis Splendor* has been even further specified within the controversy over the nature of condom usage by married couples suffering with AIDS for the sake of avoiding disease transmission. But how we view this discussion will be greatly affected by our understanding of the nature of moral action in general.

Without arguing about the formulations of others, I should like simply to put forward three propositions in my own voice, both as true, and as essential to the teaching of St. Thomas Aquinas with respect to the nature of human action. The order of these propositions is presented not apologetically, in relation to the particular matter at hand, but systematically, according to the order in which the evidence is best approached. The analysis articulated in these propositions affirms the principled necessity for natural teleology both for the knowledge of moral norms and for the intelligibility of genuinely human action. In a fourth consideration I will then apply the prior analysis in arguing against the controversial suggestion that condom use by a married couple suffering with AIDS might be licit, adverting alike to the famously difficult historical case of the Holy Office's direction to the sisters in the Belgian Congo. It is my hope that this analysis may point the way to renewed systematic consideration of the crucial role of natural teleology within Catholic moral teaching. Perhaps it may also encourage some to turn to the more extensive treatment of these questions in my book, which is more broadly and extensively ordered to the same end.

First Proposition: Unified Natural Teleology

The first proposition is that understanding the nature of moral action requires prior understanding of *normative unified natural teleology*. By *teleology* I do not mean, of course, the teaching that *Veritatis Splendor* identifies under the names of consequentialism, proportionalism, and teleologism.⁴

⁴ One notes *Veritatis Splendor* §79, original emphasis: "One must therefore reject the thesis, characteristic of teleological and proportionalist theories, which holds that it is impossible to qualify as morally evil according to its species—its 'object'—the deliberate choice of certain kinds of behavior or specific acts, apart from a consideration of the intention for which the choice is made or the totality of the foreseeable consequences of that act for all persons concerned." This is of course to note that some acts are such as to render them evil irrespective the further designs of agents—their proximate teleology is warped

Proportionalism does not properly identify and affirm the moral normativity of unified teleology—of the hierarchy of ends prior to choice. Nor does it properly distinguish between mere consequences and natural ends. But St. Thomas's doctrine, like that of Aristotle in the *Nicomachean Ethics*, is from first to last a doctrine of unified teleology.

While there are still some who insist that normative teleology is a conceptually confused idea, because it is both factual and normative, in fact any causal analysis that includes efficient causality implies final causality. It is impossible for agency either to be, or to be understood, apart from an end. Even an action as prosaic as snow shoveling is impossible to define without mentioning that it is the moving of snow with a functionally shovel-like implement.

As St. Thomas notes (SCG III, ch. 2.) if there were no final cause, no *telos* or natural end, then either efficient causing would be *uninitiable* or *unceasing*. Either efficient causing *could never begin, because there would be no reason for it; or else it would be naturally unending because lacking any point of natural termination*. Yet both of these are contrary to fact. Actions are ordered toward ends that define these actions, and without which action would be impossible. Insofar as it is true that even the definition of efficient cause requires reference to teleology, it is likewise true that the affirmation of efficient causality implies the affirmation of teleology. But virtually everyone admits that efficient causes are operative in the world. Further, virtually everyone admits the reality of moral agency or efficiency. Logically speaking, the same persons ought to admit that natural teleology is likewise operative in the moral world. As efficient causes interlock, so do the ends to which they are ordered, and these causes constitute a unified order: a *cosmos* rather than a *multiverse*. Just so, the good life for the human person is naturally defined by the unitary order of ends, all the way to the *finis ultimus*. This is without prejudice to the ordering of nature in and by grace, for the natural order is not vitiated but elevated by grace.

Thus understood, the order of ends that defines the good life is the measure for human conduct. Further, because all activity is teleological, even vicious actions will be such as to exhibit order, so that we will see that certain actions are such as to be insusceptible of contributing to the fabric of a good life. That is, just as one cannot melt water by freezing it, or tell the truth by lying, so one cannot achieve the end of the good life

beyond the capacity of any further per accidens ordering in the mind of an agent toward other ends—even if these latter ends be good—to salvage from their primal deficiency.

through an action whose nature is such as to be vicious. The nature of the action is not exclusively a matter merely of what the agent seeks by or finds choiceworthy in the action, for an agent can seek something by an action to which that action is not naturally or *per se* ordered.

Thus, action is teleological in a twofold sense, first in that there is a normative ordering of ends that is the principled foundation for counsel, prudence, and choice in relation to circumstance (this pertains, indeed, to the knowledge of moral norms); and second, the proximate teleology of actions enables us to determine whether they are essentially or accidentally ordered to the purposes sought by the agents who perform them.

There is thus a double primacy of natural teleology: both in defining the normative order of ends, which determines rectitude, and also as constituting the intelligibility of moral action whereby we determine the moral type or species of actions following upon the particular ends sought by agents (howsoever deficient these purposes may be in terms of the normative order of ends). In the second sense acts that are evil may tend essentially to the (deficient) purposes sought by those who perform them just as much as acts that are good may tend essentially to the purposes sought by those who perform them (for example, some actions are ordered essentially to the injury of children, and some actions are ordered essentially to the care of children). Likewise evil or good acts may be only *per accidens* ordered to the purposes sought by those who perform them. Since this knowledge of how actions are related to the purposes of those who perform them is essential in judging them and their moral species, the import of natural teleology for the theory of action is clear and pronounced. This requires one to move to the second proposition.

Second Proposition: Object and Species Are Constituted in Relation to Natural Teleology

The second proposition is that object and species of the moral act are constituted in relation to natural teleology. Of course, for an act to be a human act, and for it to be properly voluntary, the human agent must act with knowledge. But what the agent chooses to do is not exhausted in its intelligible structure merely by what makes the act choiceworthy to the agent, *for acts have an integral nature and a proximate teleology*. It is precisely on the basis of this integral nature and proximate teleology that one may judge whether that *act performed by the agent either is, or is not, essentially ordered to the end sought by the agent*.

St. Thomas famously stresses that the intention in the mind of the agent—the end of the agent or the *finis operantis*—is formal with respect to the object of the external act or *finis operis*, which is material. Clearly

the end sought by the agent is that on the basis of which the agent will find actions choiceworthy, and it is formal and defining with respect to the act performed. As St. Thomas expressly argues, one may intend the end prior to any choice of means whatsoever (*ST* I–II, q. 12, a. 4, ad 3), and so the intention of the end is the motor driving the entire process of deliberation, counsel, and choice. Further, there is of course an analogous sense in which one may say that because the tendency to the end is the *cause* of the tendency to the object, that this latter is alike “intended”—but this is analogous and not univocal, because, simply and absolutely speaking, one may intend the end prior to the means and indeed without intention of the end no means will ever be selected.

So: the object is formal in relation to the act, and that aspect of the object which is the “choiceworthiness” of the object in relation to the end is the relatively “most formal part” of the object of the act. But the object of the moral act is nonetheless a *hylemorphic structure* for St. Thomas. Thus the datum that what renders the act choiceworthy in relation to the intention of the end by the agent is most *formal* in understanding his act does not mean that the *material* element of the act is wholly irrelevant to the act, any more than the material element in the hylemorphic constitution of the human person is irrelevant. Just as we cannot say that man is only a soul, so we cannot say that the object of the act is reducible solely to the most formal constituent of the object of the act.

*The object of the moral act is what the act is about relative to reason, and what the act is about relative to reason always necessarily includes the act itself and its integral nature.*⁵ The object of the moral act is formal in relation to the act, but it is not merely the form of the part but the form of the whole, inclusive of the matter of the act. For example, someone may very well

⁵ *ST* I–II, 18 a. 2, resp.: “The object is not the matter ‘of which’ (a thing is made), but the matter ‘about which’ (something is done); and stands in relation to the act as its form, as it were, through giving it its species.” See *ST* I–II, q. 18, a. 5, resp.: “Now in human actions, good and evil are predicated in reference to the reason; because as Dionysius says (*Div. Nom.* iv), ‘the good of man is to be in accordance with reason,’ and evil is ‘to be against reason.’ For that is good for a thing which suits it in regard to its form; and evil, that which is against the order of its form. It is therefore evident that the difference of good and evil considered in reference to the object is an essential difference in relation to reason.” See also q. 18, a. 2, resp.: “And just as a natural thing has its species from its form, so an action has its species from its object, as movement from its term. And therefore just as the primary goodness of a natural thing is derived from its form, which gives it its species, so the primary goodness of a moral action is derived from its suitable object.” See also *ST* I–II, q. 18, a. 10, resp.: “the species of moral actions are constituted by forms as conceived by the reason.”

wish chiefly to end the pain of a dying patient, but when the person chooses to do so through active euthanasia, the fact that the agent *proposes to himself* merely to remove pain cannot alter the datum that the act is also such by its nature as to *remove life*. Since active euthanasia is neither an act of war by a publicly constituted authority, nor a judicial execution, nor even an act of self-defense, it is clear then that this is a wrongful homicide even though perhaps motivated chiefly by the further intention of ending someone's suffering.

Thus the nature of the moral object may be represented by a fraction, with the most formal part of the object (the relation to reason, that about the act which accounts for its choiceworthiness to the agent) atop, and the act itself and its integral nature and proximate teleology below. Something like this:

relation to reason: what constitutes the choiceworthiness of the act to the agent
integral nature of the act and its proximate teleology

The object of the external act by reason of itself bears a relation to the object of the internal act of the will, which is the end sought by the agent (*ST* I-II, q. 18, a. 4, ad 2: "A relation and proportion to the end is included in the object of the external act"), and is either such as to be ordered to this end per se or per accidens. Hence the object of the moral act *simpliciter* is constituted by two elements: (1) the relation of the act to the end sought by the agent and owing to which relation the agent finds the act to be choiceworthy; and, (2) the act itself and its integral nature and teleology. The second element is required because it is only by knowing the teleology of the external act that one can answer the question whether it is ordered essentially and naturally to the end sought by the agent, or rather only ordered per accidens.

For example, a thief may in a given case find it convenient to simulate intimacy and commit adultery for the sake of gaining access to a "mark's" valuables. But there is nothing about adultery per se that is naturally ordered to theft, and nothing about theft per se that requires adultery. For this very reason St. Thomas teaches that in such a case there are two distinct moral actions with two distinct species, one of which is *per accidens ordered to the other*. Of course, his example gives the opposite order—that of someone who steals in order to obtain money to fornicate—but the point is clear. *If and only if* we know the teleological ordering of the object of the external act to the end sought by the agent will we be in position to determine whether we have one moral act or two, and also whether we have one or more moral species.

It follows that a speculative insight into natural teleology is essential if: (1) we are to understand the distinction between simple and complex acts; (2) we are to understand whether there is one or more than one moral species; and, (3) we are to know what the species of an act is. In short, far from constituting an embarrassing “physicalist” distraction, insight into natural teleology is simply required if one is to make sense of human action at all.

St. Thomas articulates this critical teaching in I-II, question 18, article 7, in teaching that when the *object is essentially ordered to the end, that the most formal, containing, defining species is derived from the end*. Either the object is per se ordered to the end sought by the agent, or it is not. Of course, by per se order here we do not mean that the end is necessarily good, but again only that the object is essentially ordered toward the end that the agent intends. For example, gaining access to property to steal is essential to theft, whereas adultery is not essential to theft as such. Likewise, we formally presuppose knowledge, since in the absence of knowledge we are not dealing with a genuinely voluntary act.

To use once more St. Thomas's example of the one who steals in order to get money to procure a prostitute, the man in question is more adulterer than thief, but there are *two* acts and *two* moral species—because there is nothing about theft as such that makes it to be of its nature ordered to adultery. An act that of its nature tends toward an end is per se ordered toward it. But one may steal the live-long day and never commit adultery, because these two are only accidentally related. It is thus apparent that we cannot even so much as distinguish a simple act from a complex act unless we first can answer the question, *Is this act essentially ordered to the end sought by the agent, or not?* If not, then we have two acts, and two moral species, and of course one is through the choice of the agent accidentally further ordered to the other, as the thief may order his stealing to the remote end of adultery.

In teaching that where the object is essentially ordered to the end that the most defining and per se species is derived from the end, St. Thomas makes it clear that without natural teleology we cannot determine the species of actions nor distinguish simple from complex acts. It is thus apparent that for him there is a primary and per se instance of the human act: that instance, namely, in which the act of the agent is per se ordered to the end sought by the agent, and therefore in which the most defining and containing species is derived from the end. The complex case is the case where the object is not per se ordered to the end, and so there are two or more acts and moral species. It follows that the determination of the presence or absence of per se order between object and end will be decisive: If the object is not per se ordered toward the end intended

by the agent, then we have not merely an object but a distinct act with a distinct species.

Compare the case of adultery and stealing with the case of the surgeon, who opens the chest cavity in order to gain access to the heart and repair it. There is not first an act of torture, followed by a medical act, but one act, because the opening of the chest cavity is naturally ordered toward repair of the heart insofar as there is *no other way by nature to gain access to the heart*. When either an act tends of itself toward an end, or alternately where an end is such that by its nature only one sort of act can achieve it, we see per se order of act to end. It is this per se order that makes it possible for us to say that certain actions are unable to contribute to the structure of a good life.

Of course, the further intention of the agent in a complex act may either increase or diminish culpability for an evil act. But nothing about the *further* intentions of the agent can rectify an act if the act is such by its per se ordering as to be evil. Of course, some actions are such that they may be ordered to diverse ends. The distinction made by St. Thomas in I–II, question 1, article 3, ad 3, between natural and moral species is pertinent here. The same *physical act* that may be an act of wrongful homicide could alternately be an act of judicial justice or of reasonable defense. Yet while the physical species is not the same as the moral species, it is surely one of the essential causal factors in the determination of the moral species—it is not irrelevant to the moral character of the act performed. But more is needed than a merely *physical* consideration insofar as we consider a human action, which involves knowledge, will, and intention of an end.

Of course, even an act that is as such by its proximate ordering as to be a *malum in se* may either be made worse, or perhaps in some slight manner mitigated by, the further intention of the agent (the one who murders in “mercy killing” is, if seeking the cessation of pain, not free of the guilt of murder—but such a person might be less culpable by way of emotional paralysis caused by the pain of a loved one and owing to the confused and erroneous effort to relieve it). St. Thomas identifies the importance of the integral nature and proximate teleology of action in the article in which he addresses self-defense by private parties, in question 64, article 7, of the *Summa theologiae*, where he considers the objection that if one may kill in defense, why then cannot one fornicate? I think of this as the “adolescent objection.” In any case, his answer is conspicuous: He answers: “The act of fornication or adultery is not necessarily directed to the preservation of one’s own life, as is the act from which sometimes homicide follows.”⁶

⁶ ST II–II, q. 64, a. 7, ad 4.

**Third Proposition: *Veritatis Splendor* §78
Presupposes the Constitutive Normative
Importance of Natural Teleology**

Of course, the natural *sequitur* to the propositions already considered would be a brief tour of the principal conundrums of action theory, especially as these surface in the work of St. Thomas Aquinas. It is especially important to see that even the famed criteria for the application of the principle of double effect are nothing other than the result of applying St. Thomas's account of the teleological grammar of the moral act to a restricted set of cases—a consideration undertaken in detail in my book. While these wider propositions do importantly bear upon our understanding of *Veritatis Splendor* §78, the analysis already given above provides what is strictly necessary for correct understanding of *Veritatis Splendor* §78. Hence, my third proposition here is limited to directly addressing the *sense* to be given to the teaching of *Veritatis Splendor* below:

By the object of a given moral act, then, one cannot mean a process or an event of the merely physical order, to be assessed on the basis of its ability to bring about a given state of affairs in the outside world. Rather, that object is the proximate end of a deliberate decision which determines the act of willing on the part of the acting person.⁷

By “event of the merely physical order,” *Veritatis Splendor* refers to purely physical accident outside of choice as such (for example, accidental physical infecundity does not make an act contraceptive). It does not refer either to deliberately chosen means or to the normative natural teleological grammar of the moral act itself as “an event of the merely physical order.” Any other construction of this passage would be gravely inconsistent with the Catholic moral tradition.

The word “voluntary” refers to the inward direction of the agent in choosing an action with a nature and proximate teleology thus orderable and actually ordered in a certain manner—per se or per accidens—toward whatever further purpose the agent seeks. It does not mean that in choosing an act that only what is choice-worthy about the act to the agent enters into the object of the act: This would be pure *angelism*, a complete loss of the very basis upon which one may determine the nature of the object and species of the moral act. This is the difference

⁷ In the text above I use the standard translation. “Ergo nefas est accipere, velut obiectum definiti actus moralis, processum vel eventum ordinis tantum physici, qui aestimandus sit prout gignat certum rerum statum in mundo exteriori. Obiectum est finis proximus deliberatae delectionis, quae voluntatis personae agentis est causa.”

between the good of conjugal union enjoyed by a couple accidentally infertile, and the evil of a couple deliberately choosing with respect to a given venereal act to render it infertile through contraceptive means or through surgery. Note the reference to the particular venereal act, for if the sterilization is accidental, as for instance it is accidental when it is merely a foreseeable effect of other important surgery, then it is this other surgery that is judged reasonable or not (of course, taking into consideration the accidental evils attendant). Likewise, one may reasonably accept to lose certain natural goods in a life-saving surgery that one could not reasonably choose simply to “remove,” apart from the need for such surgery, without incurring the sin of bodily mutilation. The difference is in the very nature of the action and that toward which it tends: Bodily harm *simpliciter* is not the same as a positive good to which some accidental harm attends.

The above-quoted words of *Veritatis Splendor* §78 must also be understood in the context that is further articulated in the same paragraph, namely:

Consequently, as the *Catechism of the Catholic Church* teaches, “there are certain specific kinds of behavior that are always wrong to choose, because choosing them involves a disorder of the will, that is, a moral evil.” And Saint Thomas observes that “it often happens that man acts with a good intention, but without spiritual gain, because he lacks a good will. Let us say that someone robs in order to feed the poor: in this case, even though the intention is good, the uprightness of the will is lacking. Consequently, no evil done with a good intention can be excused. ‘There are those who say: And why not do evil that good may come? Their condemnation is just’ (Rom 3:8).”⁸

This is just to say that there is something other than will and reason that actually “norm” the will and reason, which determine whether the reason is *recta ratio* and the will ordinate or inordinate. The order of reason is defined in relation to norms that are not simply projected by reason

⁸ “Hoc sensu, sicut *Catholicae Ecclesiae Catechismus docet*, ‘sunt rationes agendi, quas eligere est plenum erroris, quia earum electio admittit inordinatum voluntatis, id est malum morale’ (*Catechismus Catholicae Ecclesiae*, §1761). ‘Frequenter enim—ut apud Aquinatem legimus—aliquis bona intentione operatur, sed inutiliter, cum bona voluntas desit; ut si quis furetur ut pascat pauperem, est quidem recta intentio, sed deest rectitudo debitae voluntatis, unde nullum malum bona voluntate factum excusatur. “Sicut qui dicunt: faciamus mala ut veniant bona: quorum damnatio iusta est” (Rom. 3, 8)’ (S. THOMAE *In duo praecepta caritatis et in decem legis praecepta*. De dilectione Dei: Opuscula theologica, II, n. 1168, Ed. Taurinen. [1954] 250).”

but discovered by it, and which are teleologically derived from the ordering instilled by God into human nature.

Thus when the encyclical affirms that the object of the moral act is not “a process or an event of the merely physical order” it clearly means that the moral assessment of an action must consider what is chosen by the agent and what is intended in the way of an end by the agent. *For the object is what the act is about relative to reason and so cannot exclude the relation to reason.* A sufficient moral assessment clearly cannot focus merely upon the physical characteristics of an action without any consideration of whether the act was voluntary or not, performed with or without knowledge, and without consideration of the purpose guiding the act even if that purpose is insufficient to ameliorate the deficiency of the act chosen (and of course the further purpose may greatly increase the degree of evil in the action as well as the culpability of the agent).

Yet, no more can the object—what the act is about relative to reason—exclude the act itself and its integral nature and proximate teleology. The act itself and its integral nature and proximate teleology may be enough to judge the action in question to be an evil one (presuming here as always a genuinely human act). Hence nothing in the insistence of *Veritatis Splendor* that by the object of the moral act “one cannot mean a process or an event of the merely physical order” vitiates its citation of the *Catechism of the Catholic Church* that “certain specific kinds of behavior” are “always wrong to choose, because choosing them involves a disorder of the will, that is, a moral evil.” Indeed (again, presuming a genuinely human voluntary act) “no evil done with a good intention can be excused.” The integral natures and proximate teleologies of such actions are such that they may never be chosen without wrongdoing, and so these are contrary to reason. Presuming in such cases a genuinely human act, performed voluntarily and so subject to moral judgment, the choice of such morally deficient actions always involves a disorder of the will (because one is willing that which is objectively disordered). *Neither the relation to reason nor the act itself and its integral nature and teleology are rightly excluded from the object of the moral act.*

The AIDS Case and the Sisters of the Belgian Congo

This matter of the relation of the physical to the moral becomes particularly clear in relation to the famed and difficult example of the sisters in the Belgian Congo. In the consideration of the issue of the married couple suffering with AIDS and contemplating the use of contraceptive means for the sake of avoiding infection, some authors have gone so far as to advert to this case, wherein sisters in the old Belgian Congo, in danger of murder and rape, were permitted by the Holy See to wear diaphragm devices. This

matter has recently been brought forward by Redemptorist Fr. Brian Johnstone, who said in an April 25, 2006, interview with the *National Catholic Reporter* that this example highlights the truth that it is not the “physical character” of the act, but the “intention behind” the act, that is pertinent. In the case of a married couple with AIDS the intention is said to be the prevention of the spread of disease, and the morally significant character of the act is said to be not contraceptive but health-affirming, such that the contraceptive effect is a mere unwanted side-effect. Hence, by the principle of double effect, such an act is alleged to be morally licit.

However, to the contrary, two important points invalidate this line of analysis and make clear the genuinely crucial role of natural teleology in judging the object and species of moral actions. I wish to apply these reflections by drawing out the importance of these two points for the historical case of the sisters in the Belgian Congo, showing their significance alike for the AIDS example and, as illustrating the importance of a correct understanding of the constitutive role of natural teleology, with respect to understanding human action.

The two points that invalidate Fr. Johnstone’s analysis are:

1. the historical example of the Holy Office’s permission to the sisters in the Belgian Congo was given on the basis of a principle *diametrically opposed* to the principle alleged to be the reason for the decision and to justify condom usage by married couples for the sake of avoiding disease transmission;
2. the standard principle of double effect—as acknowledged by, for example, Fr. Johnstone and others holding like views—can be shown not to apply to the case of a married couple with AIDS.

Those arguing as does Johnstone seem implicitly to suppose that the integral nature of a *voluntarily chosen act* is not materially included within the moral object of the act, but the case of the sisters in the Belgian Congo *actually contradicts this judgment*. Why? In order for an act to fall under the moral species of contraceptive sin, *one must first either choose or intend a venereal act*. That is, *contraception is a species of venereal sin*, and so in order to commit a contraceptive sin *one must first choose or intend a venereal act*.⁹

⁹ One is of course aware of the famed thought-experiment example of the one secreting a contraceptive in the oatmeal of a young married couple. This surely would be a *malum*, but not specifically a *contraceptive* one since the couple may or may not join in the conjugal embrace. The evil is one of harming the married couple by wrongfully wounding their capacity for conjugal fruitfulness. Even if the couple does not come together in the conjugal embrace, the one secreting

Since the sisters *did not choose to perform nor did they intend any venereal act whatsoever, and in fact since they indeed intended to resist the forcing of such an act upon their persons, it was accordingly impossible for them to be guilty of any contraceptive sin whatsoever on the classical analysis.*

But note carefully that *the very reason of this impossibility* was the datum that under no conditions did they either choose, or intend to perform, any venereal act whatsoever. Accordingly one might question the prudential reasonability of the permission ceded them to use contraceptives on other grounds (perhaps of proportionality, for example, inasmuch as the contraceptive permitted was abortifacient and could be thought unduly to increase the moral culpability of the assailant), but one could not properly say that the sisters were guilty of contraceptive sin. In short, it is because *the sisters neither chose nor intended to perform any venereal act whatsoever* that the sisters *could not* have been guilty of specifically *contraceptive sin*. It is like accusing someone of lying who neither intends nor chooses to speak—it is simply impossible that someone who neither intends nor chooses to communicate be guilty of lying. Even if the person memorizes thousands of pages of false narratives word for word, if the person neither intends nor chooses to speak, the person cannot be guilty of lying. An interrogator who, using chemicals to coerce speech, accordingly harvested from such a person only thousands of pages of false narratives, would have no plausible claim that the interrogated victim “lied”—for the person in question neither chose nor intended to communicate, and lying is a sin in the genus of speech acts (whether spoken or written or even, for the mute, signed).

Here we see that far from the putatively “merely physical” character of action being excluded from the object of the moral act, the fact that the

the contraceptive poison has done evil in seeking to harm the couple’s married life over which he has no just authority. Thus this is not a sin in the genus of venereal acts because the malefactor neither chooses nor intends any venereal act, but does choose to harm the couple by coercively interfering in their marriage in a manner ordered if only for a time to suppress the fruitfulness of their union, which is a wrongful act. Further, did God permit, even demons could place contraceptives in the oatmeal of the couple—but surely metaphysical realists should be loathe to admit that angels can commit venereal sins, which last is an idea perhaps more fitted to lurid horror movies than to moral perspicacity? Likewise, operating on a couple so that, unbeknownst to them, conjugal union would cause death, would not be a *venereal* sin, but a sin manifesting the malice of wrongful *homicide*. Or, suppose the couple is operated on so that conjugal union will cause the crippling of the spouses: This is not a venereal sin, but one of inflicting bodily harm. What makes the example interesting is that the harm in the original example is venereal: but the sin whereby this is inflicted is not itself a venereal sin.

sisters neither chose nor intended any venereal act is the decisive point that made it impossible for them to be guilty of any sin in the genus of venereal acts. *This is crucial: The sisters neither intended nor chose any venereal act, and hence could commit no venereal sin while holding firm in that intention.*¹⁰

By contrast, in the case of the married couple suffering with AIDS and proposing to use a condom in order to prevent the spread of disease, the couple proposes to use the contraceptive *precisely in relation to a venereal act that they choose to perform*. They do so knowing that it will by its nature have the evil effect of blocking conception in the particular act in which they choose to use the contraceptive.

But is not the bad effect of contraception one for which they are not responsible, since they intend only to prevent the spread of disease? No, because one is responsible not alone for the intention of the end, but for the choice of morally choice-worthy *means*. In one's voluntarily chosen act, the integral nature of the act is always materially included in the moral object—one cannot knowingly choose to burn a man to death and then justify it because one intends only light and warmth, but not the man's death. When the married couple *chooses* to use a condom in relation to a given, intended conjugal act, they *choose* to act in a contraceptive way, admittedly for other purposes than contraception, but still *choosing* to act in this way. The same might be said for those who pursue mercy killing because they seek to end the pain of a sufferer—the end sought (pain relief) is not evil, but the act performed is evil. This leads to the second point.

Second Point

According to Fr. Brian Johnstone himself, as likewise according to all who know the classical conditions for the application of the principle of double effect, these are the requisite conditions:

¹⁰ With respect to (1) above: The lines of St. Thomas from *Summa theologiae* I–II, q. 18, a. 6, are often cited by proponents of the permissibility of condom use by a married couple suffering with AIDS for the sake of preventing the spread of infection. St. Thomas there writes of external acts, “nor have external acts any measure of morality, save insofar as they are voluntary.” It is thought that this shows that the mere physical character of contraception is insufficient to place an act within the species of contraceptive sin. *This is true*; but it is *not true* that the physical character of the act performed is not materially included within the moral object of a voluntarily chosen act. The reason is simple: An act of contraception may occur because a venereal act is forced upon someone who wholly refuses it, and in that case the whole moral culpability for the *contraception* and any consequent evil falls upon the person forcing the act. *But, if one voluntarily chooses to perform an act, then the integral nature of the act voluntarily chosen is always materially included in the moral object of the act.*

- The act is not intrinsically evil
- One intends the good effect, not the evil effect
- The good effect does not occur by means of the evil effect, since one may not do evil to obtain good
- There is “proportionate reason,” meaning, roughly, that the good outweighs the evil

In the case of the married couple who propose to use a condom to prevent the spread of AIDS, *neither the first, nor the third, nor the fourth of these conditions obtains.*

First Condition of Double Effect

The first condition does not obtain, because as *Humanae Vitae* argues in articulating the morality of the conjugal act and condemning contraception, “*This particular doctrine, often expounded by the magisterium of the Church, is based on the inseparable connection, established by God, which man on his own initiative may not break, between the unitive significance and the procreative significance which are both inherent to the marriage act.*”¹¹ Further, *Humanae Vitae* §17 clearly affirms that:

Consequently, unless we are willing that the responsibility of procreating life should be left to the arbitrary decision of men, we must accept that there are certain limits, beyond which it is wrong to go, to the power of man over his own body and its natural functions—limits, let it be said, which no one, whether as a private individual or as a public authority, can lawfully exceed. *These limits are expressly imposed because of the reverence due to the whole human organism and its natural functions,* in the light of the principles We stated earlier, and in accordance with a correct understanding of the “principle of totality” enunciated by Our predecessor Pope Pius XII.¹²

In short, it is wrong to suppose that *for any purpose whatsoever, including the purpose of preventing the transmission of disease,* one can rightly choose to use

¹¹ Pope Paul VI, *Humanae Vitae* §12, emphasis added.

¹² Emphasis added. “Quare, nisi velimus ut procreandae vitae officium hominum arbitratui concedatur, necessario aliquos fines, quos ultra progredi non liceat, agnoscamus oportet illi potestati, quam homo in proprium corpus in eiusque naturalia munera habere potest; fines, dicimus, quas nemini, sive privato sive publica auctoritate praedito, violare licet. Qui limites non aliam ob causam statuuntur, quam ob reverentiam, quae toti humano corpori eiusque naturalibus muneribus debetur, secundum principia, quae supra memoravimus, et rectam intelligentiam principii totalitatis, ut aiunt, quod Deceptor Noster v. m. Pius XII illustravit.”

a contraceptive with respect to any conjugal act. *Veritatis Splendor* affirms in §78 that:

Consequently, as the *Catechism of the Catholic Church* teaches, “there are certain specific kinds of behavior that are always wrong to choose, because choosing them involves a disorder of the will, that is, a moral evil.” And Saint Thomas observes that “it often happens that man acts with a good intention, but without spiritual gain, because he lacks a good will. Let us say that someone robs in order to feed the poor: in this case, even though the intention is good, the uprightness of the will is lacking. Consequently, no evil done with a good intention can be excused. ‘There are those who say: And why not do evil that good may come? Their condemnation is just’ (Rom 3:8).”¹³

Third Condition of Double Effect

Nor is the third condition of double effect applicable to the case at issue. That condition states that the good effect may not be achieved by means of the evil effect. But the evil effect of condom use is the prevention of the transmission of sperm in the conjugal act, and it is this prevention of the transmission of sperm in the conjugal act that prevents the passing on of infection insofar as the sperm is infected. Hence, the good effect of preventing the transmission of disease is achieved through the evil effect of preventing the transmission of sperm in the conjugal act.

Fourth Condition of Double Effect

The evil effect countenanced is disproportionate to the good sought, because the good sought is physical but the evil effect countenanced is moral, that is, the inversion of the marital act.

It follows that neither the first, nor the third, nor the fourth conditions essential for the applicability of the principle of double effect actually apply to the case in question. Indeed, even with respect to the second condition there is a consideration: If by “intention” we mean intention of the end, then it is true that the couple would not “intend” contraception but only avoidance of AIDS transmission. But if we include the analogous use of “intend” whereby one “intends” the means whereby one “tends” toward the end, then of course the couple does intend the evil. But even apart from the issue of the semantics of “intention,” we can clearly say that in the case in question the couple does *choose* to perform a wrongful act. After all, the principal intention of the end may indeed be a health concern, but this does not justify choosing to do wrong: One may not do

¹³ For the Latin, see note 7 above.

evil that good may come. These points are sufficient to demonstrate by Catholic moral principles that the proposed act is morally evil.

Conclusion

The indispensable condition for fathoming the consistency and integrity of Catholic moral teaching on these points is a profound appreciation for unified natural teleology both with respect to the definition of moral rectitude and with respect to the intelligibility of human action. With respect to the latter, it is this teleological grammar that determines the object and species of the moral act. Likewise one must bear in mind that the object of the moral act comprises *both* the relation of the act to reason *and* the act itself with its integral nature and proximate teleology. There is much talk today of the error of “physicalism”—and of course, the exclusion from the object of the moral act’s relation to reason would be an error. Nonetheless, the far more preponderant error today is that of “angelism” or the reduction of the object of the act merely to the relation to reason or to that which makes the act attractive to the agent (whether this occur by way of transcendental subjectivity or by way of logicism is a secondary issue). The teaching of the *Catechism of the Catholic Church* and of *Veritatis Splendor*, together with that of St. Thomas Aquinas, which these Church documents cite, is incompatible with these errors, and is properly understood solely within the context of the tradition’s overarching context of normative unified teleology. N V