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How Does Levonorgestrel Prevent Pregnancy?

To the Editor: Recent events in Germany have renewed the controversy over whether Plan B One-Step (levonorgestrel) and similar emergency contraceptives prevent pregnancies solely by preventing conceptions, and thus can be administered safely to victims of rape. A case of rape in Cologne, Germany, elicited much media attention early this year when two Catholic medical institutions there refused to dispense emergency contraception to the victim. Joachim Cardinal Meisner of the Archdiocese of Cologne made it clear that emergency contraception could be prescribed only if it had no abortifacient effect. The press agency of the archdiocese busied itself by adding that recent scientific evidence shows that some emergency contraception acts solely to prevent conception and does not impair endometrial receptivity—that is, it does not prevent an already conceived embryo from implanting in the uterus. Hence, Catholic medical institutions have allowed administration of levonorgestrel as emergency contraception (LNG-EC) to victims of rape.

In *The National Catholic Bioethics Quarterly*, the debate has been addressed by Rev. Nicanor Austriaco, OP, who claims that we have scientific certitude that Plan B and similar formulas act solely by preventing conception.¹ Austriaco's main argument is that no postfertilization effect of LNG-EC has ever been detected and that, even when ovulation occurs despite the administration of LNG-EC, conception is prevented because of a dysfunctional ovum. In support of his conclusion,

Austriaco cites, in work, studies by Marta Durand et al. and others.²

I have scrutinized which is the most respect, to find out if a certitude, taking into of dysfunctional ov findings, which a Table 1 (overleaf).

Noé et al. studied fertile phase of the LNG-EC. The fertility was identified by h sonographic data. women took LNG-I phase, that is, betw with respect to ovu women took LNG-I phase, between day percent of women took it twenty-four t intercourse, and 11 longer interval (up t

The Noé study g when intercourse o the expected day of had intercourse be counted with the e who took LNG-FC tory phase ovulated Another thirty-seve some delay, and six cycles (G. Noé, e March 2013). In ord would conservative the ova whose relea

The Role of God in the New Natural Law Theory

Fulvio Di Blasi

Abstract. Does God have any relevant role in the new natural law theory of Germain Grisez and John Finnis? Finnis declared in *Natural Law and Natural Rights* that he wanted to offer "a theory of natural law without needing to advert to the question of God's existence or nature or will." Grisez claims that "man's ultimate *beatitudo* cannot consist in the vision of God." Indeed, there is no consistent role for God in their philosophical theory. In this article, the author shows that their mistakes about God depend first on their metaphysical way of looking at nature, which is closer to thinkers like Hume and Kant than to Aristotle and Aquinas; and second on some strong misunderstandings in moral philosophy about the concept of ultimate end. He shows the unfortunate theological outcome their flawed metaphysics and morality have already produced. *National Catholic Bioethics Quarterly* 13.1 (Spring 2013): 35–45.

There is no role for God in the new natural law theory (NNLT). Germain Grisez and John Finnis, the principal architects of this theory over the last forty years or so, wish this were not the case. They talk extensively about God in their writings. They would strongly disagree with what I have just said; nonetheless, there is no consistent role for God in their theory. This is the unfortunate outcome of some major philosophical mistakes they make at both the theoretical and the practical levels. These mistakes have grown larger and more problematic as their theory developed. They ended up in a view of the world very different from the classical one, which is unfortunate, as they had wanted to be, from the beginning, good interpreters of St. Thomas Aquinas.

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Elizabeth Anscombe and the New Natural Lawyers on Intentional Action

Matthew B. O'Brien

Abstract. In *Intention* and her subsequent essays that addressed human action, Elizabeth Anscombe made signal contributions to the Aristotelian-Thomistic tradition, and to western philosophy more broadly. The new natural law theory of Germain Grisez, John Finnis, Joseph Boyle, and their collaborators mistakenly claims to be consonant with Anscombe's work. A central reason for this misappropriation lies in the failure to understand the ways in which Anscombe does and does not deploy a "first-person perspective" in analyzing intentional action. Far from supporting the new natural law, Anscombe's work, rightly understood, provides arguments for rejecting it. *National Catholic Bioethics Quarterly* 13.1 (Spring 2013): 47–56.

Suppose that a group of potholers (cave explorers) are trapped in a cave that is filling with water. A fat man is stuck in the opening of the cave, blocking their escape. Next to the man is a loose rock, however, and if the potholers move it, they can open a passage and escape, but when they dislodge the rock, it will crush the fat man's head and kill him. Is it possible for the potholers to move the rock in order to escape without thereby choosing the man's death as a means to their end?

This hypothetical case has become a classic among moral philosophers who debate the principle of double effect. Traditional morality forbids doing evil that good might come, and the question that this case makes vivid is, what determines the descriptions under which a person chooses a means to an end? When the late

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Is the New Natural Law Thomistic?

Michael Pakaluk

Abstract. Whether the new natural law theory counts as a plausible interpretation of St. Thomas Aquinas is not a mere antiquarian question in the history of philosophy but is itself a philosophical question, which bears on how we should interpret and assess the NNLT. Through an examination of problems in Germain Grisez' influential paper "The First Principle of Practical Reason," which proposed an interpretation of *Summa theologiae* 1-II, q. 94, a. 2, it is argued that the NNLT is on every major point at odds with Aquinas, such that the NNLT involves a rejection of the classical and Catholic traditions of natural law and not a reformulation, revival, or saving of that tradition. The NNLT gives a flawed account of individual morality, not a Thomistic account of law as binding a community. *National Catholic Bioethics Quarterly* 13.1 (Spring 2013): 57-67.

The Question and Its Importance

I shall argue here that the celebrated interpretation by Germain Grisez in his 1965 paper, "The First Principle of Practical Reason: A Commentary on the *Summa Theologiae*, 1-2, Question 94, Article 2"¹ is unsound and may be shown to be so.

Suppose that it is: What then? A defender of the new natural law theory could retort that the conclusion is irrelevant, because the history of philosophy is one thing, but philosophy is something else, and the NNLT is advanced as a contribution to the latter. That the NNLT originated in an article interpreting St. Thomas Aquinas

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¹ Germain Grisez, "The First Principle of Practical Reason: A Commentary on the *Summa theologiae*, 1-2 Question 94, Article 2," *Natural Law Forum* 10 (1965): 168-201.

Thomas Aquinas and the New Natural Law Theory on the Object of the Human Act

Rev. Kevin L. Flannery, SJ

Abstract. The author offers, first, an account of St. Thomas Aquinas's Aristotelian-inspired understanding of the object of a moral act and of what morally that species contributes to the act of which it is a part. Then, with special (but not sole) attention to two passages in Aquinas cited frequently by the proponents of the new natural law theory—that is, *Summa theologiae* 2-2.64.7 and the commentary on Peter Lombard's *Sentences* 2.40.1.2—the author argues that a close analysis of Aquinas's remarks on objects and intentions does not support the claim that the new natural law theory is Thomistic. *National Catholic Bioethics Quarterly* 13.1 (Spring 2013): 79–104.

At the heart of the new natural law theory (NNLT) as propounded by Germain Grisez, John Finnis, and Joseph Boyle is their understanding of the object of a human act. They readily acknowledge that the theory itself contains many ideas that are not found in—or at least not emphasized by—St. Thomas Aquinas; but, in expounding their understanding of the object, they cite Aquinas repeatedly and sometimes engage in the exegesis of particular passages. The present article argues that any suggestion that their theory represents Aquinas's understanding of the object cannot be sustained.

The article looks at NNLT's use of two passages in Aquinas: *Summa theologiae* (ST) 2-2.64.7 and *Scriptum super Libros Sententiarum Magistri Petri Lombardi*

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Fundamental Errors of the New Natural Law Theory

Steven A. Long

Abstract. This essay argues that the new natural law theory (NNLT) propounds five errors that place it on a collision course with the traditional Thomistic understanding central to the moral magisterium of the Roman Catholic Church. These root errors are argued to be (1) the denial of the primacy of speculative over practical truth, (2) the negation of unified normative natural teleology expressed in the NNLT doctrine of the putative “incommensurability” of basic goods prior to choice, (3) failure to affirm the transcendence of the common good, (4) negation of the essentially theonomic character of the natural law, and (5) the intentionalist construction of human action. The teaching of St. Thomas Aquinas is held to be a superior light for understanding Catholic moral life. *National Catholic Bioethics Quarterly* 13.1 (Spring 2013): 105–131.

Germain Grisez, John Finnis, John Boyle, and Robert George are well known for their development and application of an account of the natural law that has come to be known—in part owing to adverse criticism—as the “new natural law theory” (NNLT).

The genesis of this account may be observed in an effort to rescue the Church from what these authors viewed as a deficient analysis of natural law, one that (supposedly) obstructed a proper defense of *Humanae vitae*.¹ Seeking new ways to defend the Church’s teaching, NNLT authors, in fact, developed a comprehensive treatment of natural law. It is only just to note that their efforts have been from the outset placed

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¹ See Germain Grisez, *Contraception and the Natural Law* (Milwaukee: Bruce Publishing, 1964); and Germain Grisez, Joseph Boyle, John Finnis, and William E. May, “Every Marital Act Ought to Be Open to New Life: Toward a Clearer Understanding,” *The Thomist* 52 (1988): 365–426.

On the Transcendence of the Political Common Good

Aquinas versus the New Natural Law Theory

John Goyette

Abstract. The article aims to articulate and defend St. Thomas Aquinas's understanding of the transcendence of the political common good and argues against the new natural law theory's view of the common good as limited, instrumental, and ordered toward the private good of families and individuals. After a summary of John Finnis's explanation of the common good in *Aquinas: Moral, Political, and Legal Theory*, the article presents an analysis of the political common good in Aquinas's *Summa theologiae* and *De regno*. This analysis shows, contrary to Finnis, that for Aquinas the political common good transcends the private good of individuals and families, that it consists in the virtuous life of the political multitude, and that the family is insufficient to lead men to virtue apart from the civitas. *National Catholic Bioethics Quarterly* 13.1 (Spring 2013): 133–155.

The aim of this article is to examine the political common good, one of the more important points of contention between new natural law theorists and those who adhere to a more traditional understanding of Thomistic natural law. I propose to do so by examining John Finnis's account of the political common good in his book *Aquinas: Moral, Political, and Legal Theory*.¹ This book is ideal for examining the

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¹ John Finnis, *Aquinas: Moral, Political, and Legal Theory* (New York: Oxford University Press, 1998). Finnis's account of the specifically political common good is largely contained in chapter 7. This chapter differs only slightly from his essay "Public Good: The