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Professor Grisez argues that the "new morality" is based on a dualism that separates the human person from his/her body.

The roots of the new morality

By Germain Grisez

■ What is meant by "the old morality" and "the new morality?"[1] The old morality is the set of positions on moral questions respecting sex and human life which was held by almost all Jews and Christians as recently as sixty years ago. The new morality is an incompatible set of positions on such matters which is widely accepted today even by many who regard themselves as Jews or Christians.

Anyone who has argued an issue such as the justifiability of abortion knows that opponents do not merely differ about the facts involved. The opposing positions grow out of different world-views. In what follows I do not treat abortion or any other particular issue. Instead, I try to clarify the opposing sets of principles which are assumed by those who argue the different positions.

Many of those who accept the positions of the new morality on particular issues would reject most of the principles which underlie the new morality. They imagine that the outgrowth of the new morality can be grafted onto the roots of the old morality. I do not question the good faith of such persons and I do not intend to attribute to them views which they would reject. However, I do suggest that their thinking is muddled. Such muddled positions are especially common among those who work out of some Christian theology. Many believers assume that they can hold safe and secure as much of their tradition as they feel acceptable, while modifying or abandoning as much of it as they find reasons — usually the same reasons advanced by non-believers — for considering it out-dated and no longer acceptable.

Attempts to explain the difference

between the old morality and the new morality — especially attempts by proponents of the new morality — frequently distinguish the two more or less as follows. The old morality, it is said, was a legalistic code of prefabricated rules imposed by some moral authority and applied by subjects with blind obedience even in situations in which following the rules was irrational since it did more harm than good. The new morality, it is claimed, is not legalistic; it is a method proper to the making of moral judgments suited to the values at stake in unique situations. Moreover, the new morality leaves the individual responsible only to his own conscience for judging what is right.

I think this sort of attempt to explain the difference between the old morality and the new morality is misleading in a number of respects. More important, I think that even to the extent that this way of contrasting the two approaches bears upon some of their real differences, it ignores the roots of these differences.

The law has many precepts

Does the old morality differ from the new by virtue of the legalism of the former and the properly ethical methodology of the latter? I do not think so. The old morality is presented as the law of God. But as a law consisting of many precepts, the old morality demands consideration of the circumstances of each case and application of the appropriate precept in an appropriate way.

The new morality also is presented as a code, usually as the code developed in the course of the moral experience of a given society or culture.[2] According to the new morality, a responsible agent must use the existing code as a guide, and divergences from this code must be justified on grounds which any reasonable member of the society in the same situation would accept. The new morality is as much like law as the old. However, advocates of the new morality take their lead from pragmatic or so-called "realistic" jurisprudence. The old morality presupposes a different jurisprudence, one articulated in various versions of natural-law theory.[3]

'New' moralists condone much

Does the old morality differ from the new by the prefabrication of the precepts of the former and the situational adaptability of the latter? Again, I do not think so. If a proponent of the old morality maintained that one ought never to commit adultery, many proponents of the new morality maintain that one ought sometimes to commit adultery — for example, if it is necessary for a woman in captivity to become pregnant in order to obtain her release so that she might return to her family. Again, any particular version of the new morality must have a prefabricated theory of measurable goods and how to measure them if the one absolutely universal and unexceptionable rule — always choose the alternative which will yield the greatest measurable net value — is to be put into practice.

When proponents of the new morality describe so-called "concrete situations," they do not really describe concrete situations. Instead, they only describe kinds of action more specifically than was usual in the old morality.

For example, an advocate of the new morality might argue that suicide is not always wrong. "Consider a concrete situation," he will say, "in which a member of an underground organization

fighting a totalitarian regime is captured and knows he is about to be tortured. The diabolical methods of the torturers are sure to make him reveal the names of his companions. Moreover, he is going to be executed in any case. In this particular situation, perhaps love requires that the individual kill himself to protect his friends." What is described is not a *particular* situation, but a *kind* of situation, which can and will occur over and over again as long as there are totalitarian rulers and underground organizations.

Each case is unique

A truly situational approach to moral judgment would altogether preclude normative ethical theory. Every situation is unique, and what is unique cannot be described or argued about. Rational justification of moral judgment would be impossible if that judgment were relative to the uniqueness of the situation. As a matter of fact, proponents of the new morality do not regard morality as a matter of incommunicable intuition. If they did, they could not argue that the positions of the old morality are in any way mistaken, too restrictive or in need of rethinking.

As in the matter of legalism, so in the matter of universality versus uniqueness, the difference between the old and the new morality perceived by proponents of the new morality is not fundamental. Much more basic than the degree of specificity with which situations are described is the question of how situations are created in the first place. What one ought to do in a given situation is a question which cannot arise until a situation is *given*, and no situation requiring moral judgment is given apart from a person's basic moral choice either to acknowledge and submit to or to deny and reject the demands of meaning and value which are prior to human reflection and choice.

For example, when Jesus met the Samaritan woman at the well, the situation was not predefined. It took its shape, to a great extent, from what he brought to it — that is, from his basic commitment to do the will of his Father. The situation at the well would have been very different if an itinerant rug merchant, just as he was beginning to think about how he might obtain feminine companionship for the evening, had happened upon the woman. The new morality, like naive versions of the old morality, begs the questions of ethical theory which must be answered if one is to articulate a rational framework within which extra-moral data become aspects of morally relevant situations.

Thus, if one thinks that human bodily life is a personal good which ought to be recognized and respected as such whether people do so or not, then the situations one faces are quite different than if one thinks that bodily life is only an extra-personal and conditional value, which is generally good only insofar as it is instrumental to or a necessary condition of truly personal goods.

Law demands obedience

Moral situations are not like the scenes of a play, neatly delimited prior to one's interpretation of them. Moral situations are more like scenes which one selects when painting a picture; they are selected and delimited by the observer's interests. More basic than the question of the appropriate way to act in a situation is the question of the proper way to define the situation.

Finally, does the old morality differ

from the new by the authoritarianism of the fomer and the scope assigned to autonomous individual judgment by the latter? Superficially, especially for persons coming out of a religious context in which moral teachings were backed by the authority of the religious community, this contrast between the old morality and the new seems most marked. The old morality commanded and forbade one to act in certain ways whether one wished to or not, promising the rewards of heaven and threatening the pains of hell if one disobeyed. The new morality, supposedly, is based on love rather than on obedience. Individuals are supposed to be persons come of age, acting on their own responsibility, not children blindly obeying directives from someone else claiming superior moral wisdom or a special illumination from God.

Adults are like children

No doubt there are some differences here. But I think they pertain more to the rhetoric adopted in the communication of the diverse positions than to the essential differences between them.

The old morality appealed to the aspect of adult psychology in which most adults who are honest with themselves realize that they are like little children in many respects; the old morality perhaps overemphasized the sense of helplessness and dependence by its excessive use of an appeal based on insecurity.

The new morality appeals to the aspect of adult psychology in which most adults never get over adolescent resentment and rebelliousness; the new morality overemphasizes the urge for self-sufficiency by its use of an appeal based on an unrestricted desire for freedom to do as one pleases. Either of these appeals runs the risk of corrupting conscience and subverting the person's sense of moral responsibility. As various apologists, including Cardinal Newman, pointed out, the old morality made its demands on conscience, and only if one accepted these demands could divine revelation and ecclesiastical authority gain normative status for one's life.[4]

The new morality, like the old, promises happiness for those who follow it and threatens misery for those who reject it, although proponents of the new morality often define happiness and mis-

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ery in psychological terms. Secular eschatology has replaced other-worldliness. The sense of autonomy promoted by the new morality conceals unquestioning faith in the supposedly scientific dogmas proposed by secular experts on human nature and welfare.[5] These dogmas are imposed by the power of the state, by the established molders of public opinion, and by the all-but-overwhelming pressure of peer-group attitudes and beliefs.

The 'new' is dualistic

The old morality with respect to sexuality and human life is founded on the belief that human persons do not simply have and use bodies, but rather that human persons are rational, sentient, organic bodies. Neo-platonic and gnostic matter/spirit dualism denied the unity of the human person, but the old morality was shaped prior to the influences of such dualism on Jewish thought and on the Christian thought which kept close to the moral outlook of Jewish thought.

Bodily resurrection took its place in the Christian creeds among fundamental dogmas of faith. In the thirteenth century, Thomas Aquinas argued that such resurrection is essential to the salvation of human persons, because a soul is only a remnant of a person, not a complete person: "My soul is not I, and so even if my soul is saved in another life, I am not saved, nor any person."[6]

Classical modern philosophy substituted a radical dualism for this view of the unity of the bodily person. In Descartes the person is a thinking subject; in Hume a momentarily unified stream of consciousness; in Kant the person is an autonomous moral self somehow mysteriously related to an empirical self in the world of mechanical nature; in Hegel the person is the ultimate stage of the realization of Spirit which is only contingently related to this or that individual's body. Post-Hegelian philosophy has tried to restore the unity of the person, but for the most part this attempt has failed to affect moral thought.[7] The human body and its biological processes are consigned by most contemporary ethical theories to the natural world while the person, in whom meaning and value are focused, is identified with the conscious subject.

This dualism is the basis of the new morality with respect to human life and sexuality. If the person is not really a body, then destruction of the life of the body cannot be regarded as directly and in itself an attack on the person. The lives of the unborn, the lives of those not fully in possession of themselves — the hopelessly insane and the "vegetating" senile — and the lives of those who no longer are capable of engaging in praxis or problem solving become lives no longer meaningful, no longer valuable, no longer inviolable. Human life as such need not be respected unless it is of such quality as to be meaningful or valuable to persons. If a human individual is incapable of *personal* relationships, his or her life can be deemed to have fulfilled its potential.[8] In this assessment, the assumption is made that the personal is not only more than but even other than the merely bodily.

A very clear statement of the dualism which is the foundation of the new morality is the following passage from Joseph Fletcher:

Physical nature — the body and its members, our organs and their functions — all of these *things* are a part of "what is over against us," and if we live by the rules and conditions set in physiology or

any other *it* we are not men, we are not *thou*. When we discussed the problem of giving life to new creatures, and the authority of natural processes as over against the human values of responsibility and self-preservation (when nature and they are at cross-purposes), we remarked that spiritual reality and moral integrity belong to man alone, in whatever degree we may possess them as made *imago Dei*. Freedom, knowledge, choice, responsibility — all these things of personal or moral stature are in us, not *out there*. Physical nature is what is over against us, out there. It represents the world of *its*. Only men and God are *thou;* they only are persons.[9]

For Fletcher, the human body is not the person. It is something which the person has, not part of what the person is.

The old morality was based on the supposition that the first possession of the person is what is grasped by the hands and put into or onto one's bodily self. The new morality is based on the supposition that the first possession of the person is the body itself. The old morality was based on the supposition that the environment of the person begins with the surroundings of the body, the air one breathes and the earth under one's feet. The new morality is based on the supposition that the environment of the person begins with the body.

Life has value

Thus, for the old morality, the life of the human body in general and important specific physiological processes have in themselves immediate personal value. For the new morality, human life and bodily processes have value to and for persons, but this value is that of an instrument or condition of personal existence. While the body might be one's most valuable possession or most necessary environmental condition, its value depends upon its utility in realizing properly personal values. If a young body is not going to be able to serve this purpose or if an old body no longer serves it, then such a body loses its value.[10]

The impact of a dualistic concept of the person upon moral thinking is not limited to extremists such as Joseph Fletcher. The same fundamental principle of the new morality is found in the documents which were given unauthorized publicity as expressing the "majority view" in the Pontificial Commission on Population, Family, and Births — that is, the famous "birth-control commission" of Pope Paul VI.

For example, in the theological working paper of the majority group, we find

the following sentence: "The mutual gift endures throughout life, while biological fecundity is not continuous and is subject to many irregularities; therefore, it ought to be assumed into the human sphere and regulated in it."[11] This sentence contains several propositions, but the interesting one which the new morality asserts and which the old morality denies is that biological fecundity ought to be assumed into the human sphere.

The new morality maintains that biological fecundity needs to be assumed into the human sphere because the new morality takes for granted that the body is not as such personal. The old morality maintains that the immanent, biological teleology of human sexuality is of itself morally relevant because the old morality takes for granted the personal meaning and value of the physiological processes of the bodily person.[12]

The self is subjective

Partly due to dualism and partly due to other factors, the new morality restricts the locus of personal and interpersonal values. For the old morality, personal and interpersonal values are located in single persons as wholes and in all persons as a whole. For the new morality, personal and interpersonal values are located in minds, especially in conscious experiences. Sentiment, enjoyment, a good intention, love as a psychic act and so forth have an exclusive importance in the new morality which they did not have in the old. By contrast, what pervades the bodily person, human life as such, had an importance in the old morality which it lacks in the new.

Thus the old morality regards masturbation as self-abuse, since a person's sexual organs are identified with the self.[13] The new morality regards masturbation as a harmless outlet of sexual desire, a use of a bodily function to provide self-gratification. The self for the new morality is the conscious subject which experiences desire and gratification.

Acts have lasting aspects

In thinking of personal values, such as life itself, as pervasive of the bodily person, the old morality easily accepts both the individuality and the sociality of human persons. Bodily life is a biological continuum shared by individuals of the same flesh and blood. Sexual intercourse constitutes two-in-one-flesh regardless of a couple's intentions.[14] For the old morality, offspring spring off from their parents as new sprouts from a common human stock. Thus for the old morality contraception, which does not attack a human individual, nevertheless attacks human life at the moment of its bodily self-communication to a new individual.

The difference between the old and the new morality with respect to the locus of personal values has another important implication. Pervasive values recognized by the old morality, such as human life itself, are continuant or substantial. They last over time even when one does not pay attention to them. Values located in consciousness, such as the enjoyment or the good intentions recognized by the new morality, are occurent or event-like. They are ephemeral states of consciousness which tend to go away when one does not pay attention to them.

Since human acts are constituted relative to values, the old morality puts an emphasis on the lasting aspects of acts — for example, on virtues and vices as

states of character, on institutions as a permanent framework for society, and on covenants of fidelity as extra-psychic, morally objective principles of interpersonal unity. The new morality emphasizes the value to be achieved by acts as transient performances, the value of experienced interpersonal relationships, and the importance of making and keeping others happy.[15]

While the dualistic conception of the person shared by all proponents of the new morality leads them to restrict the locus of personal values to the mind, non-theistic proponents of the new morality have an additional reason for denying intrinsic value to the bodily aspects of human sexuality and human life in general. Jews and Christians believed that divine intelligence and love are the source of all other reality. Thus, for traditional theism, creation is bright with meaning and warm with value whether or not human persons see the meaning and feel the value.

The systems differ

But for non-theists there is no meaning and value for human intelligence to discover. All intelligibility is a projection of the mind; all value is a projection of desire. Thus, for non-theists, the conscious subject is a source of value; being the source of value, the conscious subject is more valuable than anything to which it gives value. Human sexuality and other processes of bodily life are meaningful and valuable only to the extent that persons make them to be such.[16]

Obviously, there are problems in this non-theistic approach. Not least of these problems is the relativism which is implied by any theory which makes human subjectivity the measure of all things.[17] It is not necessary to be an atheist to be a proponent of the new morality, but it helps theistic advocates of the new morality if for all practical purposes they are able to think about reality and the human person as if they were atheists.

The old morality's conception of personal dignity implies that there are certain kinds of acts that ought never to be done. These are acts which directly violate goods — such as bodily life itself — which the old morality views as intrinsic aspects of the human person.

As I have suggested already, the old morality and the new morality conceive human action differently. The old morality conceives of value as pervasive of the person and as continuant or substantival. As a consequence, the old morality emphasizes the lasting aspects of acts. The new morality conceives of personal values as conscious events which are occurent. As a consequence, the new morality is not so much interested in states of character and structures of interpersonal relationship as it is in actions as behavioral processes which are directed to experiences of satisfaction and which are consummated in such value-happenings.

The old morality judges the happiness of a marriage, for example, by the fidelity of conjugal love; the new morality, if it does not judge marital happiness by the frequency and intensity of orgasms, estimates it by the regularity and depth of experience of affectionate communication. Thus, while proponents of the new morality might say in some

other context that the husband and wife's mutual gift of themselves to each other lasts throughout their whole life, when divorce comes into question, no proponent of the new morality will defend the position that the marital bond endures regardless of what the couple think and feel about it. Marriage is dissolved when the experience of love is no longer available.[18]

'New': Values = desires

The theory of action presupposed by the old morality implies that a human action never completely realizes, but always more or less participates in, the value toward which it is directed. Actions directed to the fostering and protection of human life are themselves instances of the exercise of life. The pervasiveness and continuity of the value permits one to distinguish between pro-life and anti-life acts, but it does not permit one to measure the value produced by any act, since the act and the value are not related as process and product. For the old morality, values which shape human acts are not determinate objectives. By one's action one enters into the field of a value, which always extends — unsurveyed and unmapped — beyond any particular act or group of acts.

The theory of action presupposed by the new morality implies that a human action either succeeds in reaching or fails to reach the goal toward which it is directed. Action and value are related as means to end, as process to product. Action tends to be conceived as a bodily movement or a vocal expression. The value is an event in consciousness brought about or expressed by the action.

Thus the new morality tends to regard personal values in detachment from acts, which are themselves only instrumentally valuable. Personal values are determinate and limited events occurring in conscious experience. Values correspond to desires; the order of values corresponds to the hierarchy of preferences. Since the intensity of preferences within any consciousness can be compared, proponents of the new morality are confident that in principle values can be measured out or weighed up against one another.

This difference between conceptions of human action leads directly to one of the most important differences between the underlying principles of the old and the new moralities. The old morality, assuming that intrinsic values cannot be measured, supposes that it is possible and necessary for a human person to freely determine his or her own existence by establishing a personal hierarchy of commitments to the various incommensurable goods.

'Old': Seek divine goodness

The old morality, in other words, is based upon the belief that human persons establish their own existential identities by the free choice of their personal wills.[19] The new morality, based on the assumption that personal values are measurable and commensurable, supposes that human persons have or ought to have freedom in a variety of other senses — personal autonomy and social liberty often are regarded as important — but consistent proponents of the new morality assume that persons do not have free wills.

For the old morality, a person's basic moral option is not what means to use but what identity to establish. Moral goodness, for the old morality, consists

in the establishment of an identity open to all particular goods, just insofar as they are participations in or reflections of divine goodness, the Good Itself. Moral evil consists in turning from such open-heartedness toward an idolatrous attachment to some particular good, which is treated as if it were ultimate. In other words, for the old morality, to accept measurable net value as the principle of what is to be done — the new morality's standard of rightness — is the essence of immorality.[20]

Because the old morality regards the life of human persons as a beginning of eternal life and because it maintains that the person is a body, it regards bodily life as sacred, i.e., inviolable. This sacredness is the value of life insofar as it transcends experience and remains a mysterious breath communicated personally by the divine spirit.

Some acts are never allowed

For the new morality, a person's basic moral choice is to do the act which yields the greatest measurable net value. Since anyone naturally desires good and can act only for something conceived as good, failure to act for the greatest measurable net value in any given case cannot be attributed by an advocate of the new morality to evil choice. Instead it is attributed to immaturity, to ignorance, to weakness. The new morality, in consequence, has much to say about development, education and treatment, but little to say about conversion.

The old morality's conception of personal dignity is not based so much upon the value achieved or experienced by a person, as upon the person's uniqueness as an individual in principle capable of free self-determination. As God created freely, so the human person, made in the image of God, is capable of free choice. The old morality, at the same time, anchors the individuality of the person in the uniqueness of the particular body, for the person is not simply an agent self, a moral subject.

The new morality's conception of personal dignity is based upon the value realized in or experienced by a person. This value is commensurable with the personal value which is or might be realized in any other human subject.[21] The uniqueness of individuals, unanchored in bodily individuality, becomes less important. Some individuals have a dignity which others do not.

The old morality's conception of personal dignity implies that there are certain kinds of acts which ought never to be done. These are acts which directly violate goods — such as bodily life itself — which the old morality views as intrinsic aspects of the human person.[22] The new morality's belief in commensurable values and in the variable worth of persons according to their variable potentiality to cause or to experience values precludes moral absolutes.

Thus a proponent of the old morality might say, for example, that no President should ever conspire to obstruct legal processes which would bring to light and punish illegal acts done by his subordinates in the course of their effort to assure his reelection. A proponent of

the new morality would reject any such absolute prohibition. He might say, for example, that if a President is engaged in a complex redirection of foreign policy which he needs a second term to complete, and if his subordinates with the approval of someone closely identified with himself foolishly engage in illegal acts in their effort to assure his reelection, and if the exposure to public view of these illegal acts might put his reelection and the all-important redirection of foreign policy in jeopardy, then it might be morally permissible and even obligatory for such a President to conspire to obstruct processes which would bring to light and punish such technically illegal acts.

'New' allows exceptions

Faint-hearted proponents of the new morality suggest that one might calculate that the greatest measurable net value will never really be realized in the long run if certain elementary requirements of justice are violated. For this reason, they speak of some moral norms as "practically universal" or "virtually exceptionless."[23] Inasmuch as all the so-called calculations proposed in such arguments by advocates of the new morality are only rationalizations for sound moral judgments arrived at in another way, no one can show that the greatest measurable net value might be realized in particular cases by making the exception to the "practically universal" or "virtually exceptionless" norm.

However, if one advocate of the new morality proposes some such norm, another advocate of the new morality will excogitate a "concrete situation" in which the greatest measurable net value would be realized only if one violated the norm. For instance, if an advocate of the new morality admits as a virtually exceptionless norm that no one should ever force a six-year-old child to engage in sodomitic intercourse, another advocate of the new morality might suggest that love would require an upright person to perform such a rape if this were believed to be a useful shock treatment for a mental illness from which the child happened to be suffering.

Are men like God?

The old morality conceives of the moral agent as operating with very limited knowledge and very limited resources within a vast drama of which no human person can comprehend the meaning. The old morality does not suppose that a human agent has the capacity to weigh and measure the most important personal goods one against another. The old morality presupposes that human judgment must be subject to superior direction, since the greatest net measurable value in alternatives presented to human judgment might involve evil if considered in the perspective of the divine plan. At the same time, according to the old morality, what human judgment must perceive as evil can be permitted by a divine providence which alone is in a position to determine in what the greatest net value lies and how it is to be achieved.[24]

The new morality in its consistent, non-religious versions conceives of the moral agent as having the responsibility which the old morality assigned to divine providence. Human knowledge and power are limited, but the goals to be achieved by human action are likewise limited and immanent in human experience. No evil should be suffered which can be avoided, for the acceptance of suffering cannot be justified by

trust in a divine redeemer and hope in a salvation beyond human capability.

Because the old morality regards the life of human persons in this world as a beginning of eternal life and because the old morality maintains that the person is a body, the old morality regards bodily life as sacred. This sacredness is not simply the so-called "sanctity" of life, which means "inviolability." Rather, this sacredness is the value of life insofar as it transcends experience, insofar as bodily life itself remains a mysterious breath communicated personally by the divine spirit.

The new morality regards the bodily life of human persons as a physiological substratum of consciousness. The evolutionary explanation of human origins shows the continuity of human bodies and their processes with the physical world. Human consciousness is tossed by accident from the surface of the meaningless churning of nature's boiling broth, and is destined to fall back once more into that endless, pointless process. Thus, while it lasts, human consciousness and what takes place in it can be wonderful or miserable. Which it is to be is up to us alone. ■

The old morality commanded and forbade one to act in certain ways whether one wished to or not, promising the rewards of heaven and threatening the pains of hell if one disobeyed. The new morality supposedly is based on love rather than on obedience, on one's own responsibility rather than heeding the directives of someone else.

FOOTNOTES

[1]A version of this article was delivered as a lecture presented by the Department of Philosophy and the Joseph and Rose Kennedy Institute for the Study of Human Reproduction and Bioethics, Georgetown University, Washington, D.C., November 12, 1974, sponsored by the Matchette Foundation.

[2]Theological proponents of the new morality frequently take for granted a version of sociocultural relativism which is generally rejected by philosophers who have thought through the problems of ethical theory. For typical and effective critiques see Peter A. Bertocci and Richard M. Millard, *Personality and the Good: Psychological and Ethical Perspectives* (New York: David McKay, 1963), pp. 260-294; Morris Ginsberg, *On the Diversity of Morals* (London: Mercury Books, 1962), pp. 26-40 and 97-129; Abraham Edel, *Ethical Judgment: The Use of Science in Ethics* (Glencoe, Ill.: Free Press, 1955), pp. 297-310; John Hospers, *Human Conduct: Problems of Ethics*, shorter ed. (New York, Chicago, San Francisco, Atlanta: Harcourt, Brace, Jovanovich, 1972), pp. 25-39.

[3]It is a mistake to think of natural-law theory as a single position. Introductions to the history of its complex development may be found in works such as Leo Strauss, *Natural Right and History* (Chicago: U. of Chicago, 1953); A. P. d'Entrèves, *Natural Law: An Introduction to Legal Philosophy* (New York: Hutchinson's, 1951); Heinrich Rommen, *The Natural Law* (St. Louis: Herder, 1948). A very useful work is Josef Fuchs, *Natural Law: A Theological Approach* (London and New York: Gill and Macmillan, 1965), although the same author's more recent works seem to me less sound both as scholarship and as Catholic theology. I have articulated an interpretation of Thomas Aquinas's theory of natural law in an article, "The First Principle of Practical Reason: A Commentary on the *Summa theologiae*, 1-2, Question 94, Article 2," *Natural Law Forum*, 10 (1965), pp. 168-201; this article is reprinted with some deletions in Anthony Kenny, ed., *Aquinas: A Collection of Critical Essays* (Garden City, N.Y.: Doubleday, 1969), pp. 340-382.

[4]See John Henry Cardinal Newman, *An Essay on the Development of Christian Doctrine*, 10th ed. (New York and Bombay: Longmans, Green, 1897), pp. 86-87 (chapter II, sect. ii, subsection ii); also *Apologia pro*

Faint-hearted proponents of the new morality might calculate that the greatest measurable net value will never really be realized in the long run if certain elementary requirements of justice are violated. Thus they speak of some moral norms as 'practically universal' or 'virtually exceptionless.'

vita sua: Being a History of His Religious Opinions (Oxford: Clarendon, 1967), pp. 214-241. An excellent study of the biblical theology of conscience is by an Anglican scripture scholar, C. A. Pierce, *Conscience in the New Testament* (London: SCM Press, 1955), especially the observations on conscience and ecclesiastical authority, pp. 120-130. A sound pastoral treatise, "Statement on the Formation of Conscience," was issued by the Canadian Catholic Conference, December 1, 1973. Unfortunately, the media of communication which in 1968 widely disseminated the statement of the same Conference in reaction to *Humanae vitae* paid little attention to the 1973 statement; theologians who quickly adopted the Canadian Catholic Conference of 1968 as a theological locus seem to be ignoring the more careful and mature considerations of the same body five years later.

[5]An illustration of contemporary secular dogmatism is the credence widely given those who blame all problems of poverty and pollution on overpopulation. More sober evaluations are available; for example, Barry Commoner, *The Closing Circle: Nature, Man and Technology* (New York: Knopf, 1971); B. Bruce Biggs, "Against the Neo-Malthusians," *Commentary*, 58 (July, 1974), pp. 25-29.

[6]*Super primam epistolam ad Corinthos lectura*, XV, lectio ii.

[7]P. F. Strawson, *Individuals: An Essay in Descriptive Metaphysics* (London: Methuen, 1959), pp. 87-116, presents cogent arguments against dualism which also exclude a materialistic reduction. Phenomenological writers often insist upon the bodiliness of the human person, but in a way which implies a residual dualism — for example, by characterizing man as an "incarnate spirit." See my critique of such dualism in *Contraception and the Natural Law* (Milwaukee: Bruce, 1965), pp. 39-42.

[8]Richard A. McCormick, S.J., "To Save or Let Die," *America*, 130 (July 13, 1974), pp. 9-10, suggests "potential for human relationships" as a guideline for letting die, arguing that if this potential would be "utterly submerged and undeveloped in the mere struggle to survive, that life has achieved its potential." I agree that human life need not be prolonged by all possible means, but do not accept McCormick's suggested criterion.

[9]*Morals and Medicine* (Boston: Beacon, 1960), p. 211, emphasis his. Fletcher's version of I-and-thou is bastardized by his joining of interpersonalism with dualism. Martin Buber and Gabriel Marcel, who are the primary exponents of I-and-thou, carefully avoid such dualism. Marcel explicitly maintains that it is a basic error to say "I have a body"; one should say "I am my body" — though, of course, not *only* my body. See Gabriel Marcel, *The Mystery of Being*, vol. 1, *Reflection and Mystery* (Chicago: Regnery, 1960), pp. 111-133.

[10]I have developed the argument of this paragraph at greater length in "The Value of a Life: A Sketch," *Philosophy in Context*, 2 (1973), pp. 7-15. *Philosophy in Context* is published by the Department of Philosophy, Cleveland State University, Cleveland, Ohio.

[11]The document is titled, "Documentum Syntheticum de Moralitate Regulationis Nativitatum," and the quoted sentence, which appears in II, 4, reads in the original: "*Ipsum donum mutuum per totam vitam perdurat, foecunditas biologica non est continua et est subjecta multis irregularitatibus, ideo in sfaerem humanam assumi et in ea regulari debet.*" The sentence appears in *The Birth Control Debate*, Robert G. Hoyt, ed (Kansas City, Mo.: NCR, 1968), p. 71: "The mutual giving of self perdures throughout the entire life, biological fecundity is not continuous and is subject to many irregularities and therefore ought to be assumed into the human sphere and be regulated within it."

[12]Thus Pope Paul VI, *Humanae vitae*, 10: "*Si primum biologicos processus reputamus, paternitas conscia significat cognitionem et observantiam munerum, ad eos attinentium; quoniam humana ratio in facultate vitae procreandae biologicos deprehendit leges, quae ad humanam personam pertinent.*" Josef Fuchs, S.J., "The Absoluteness of Moral Terms," *Gregorianum*, 52 (1971), pp. 430-431, states: "The nature of man consists above all in his being a person (i.e., possessing *ratio*). Nature is not understood as human, unless it is thought of as *personal* nature. Thus, it is not

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enough to say nature (for example, sexuality) 'belongs to' the human person. [Fuchs states in a footnote at this point: 'This terminology occurs in the encyclical '*Humanae vitae*', no. 10."] For then it would be possible to understand nature (sexuality) as non-personal [note omitted]; hence one could speak of the meaning of sexuality, rather than of the meaning of *human* sexuality and make the consideration of this meaning (i.e., sexuality) a moral problem for the person reflecting upon his sexuality." The language Fuchs thinks he finds in *Humanae vitae* is not there; "*quae*" refers to "*leges.*" Fuchs carelessly attributed to Pope Paul dualistic assumptions which one finds in the document quoted in note 11, of which Fuchs was a co-author. One need not assume that the structure of the conjugal act as a human act is a datum of biology in order to appreciate the relevance of biological teleology to sexual morality; see my article, "Toward a New Formulation of a Natural-Law Argument Against Contraception," *Thomist*, 30 (1966), pp. 343-361.

[13]A psychological explanation of masturbatory activity as pseudo-sex is provided by Claire Russell and W.M.S. Russell, *Human Behaviour: A New Approach* (Boston and Toronto: Little, Brown, 1961), pp. 268-312, esp. 284-285. This psychological theory is illuminating with respect to the origins of the alienation of conscious self from body which generates dualism as a basic rationalization and the entire new morality as superstructure.

[14]See St. Paul on two-in-one-flesh unity by virtue of sexual relations with a prostitute, 1 Cor. 6:16.

[15]The difference between action as conceived by the old and the new moralities corresponds to the distinction which Russell Shaw and I make between second-level and third-level action in *Beyond the New Morality: The Responsibilities of Freedom* (Notre Dame and London: U. of Notre Dame, 1974), pp. 6-8, 16-22, 35-40, 85-105.

[16]The true sense in which the conflict between the old and the new moralities is a religious one becomes clear if one studies the history of an issue such as abortion. The rejection of abortion is firmly rooted in the Indo-European religious tradition; the acceptance of abortion and advocacy of its legalization is closely related to the secular humanist and dialectical materialist movements of the 19th and 20th centuries. See my book, *Abortion: The Myths, the Realities, and the Arguments* (New York and Cleveland: Corpus, 1970), pp. 117-266.

[17]I treat this topic more fully in a forthcoming work, *Beyond the New Theism: A Philosophy of Religion* (Notre Dame and London: U. of Notre Dame, 1975), chapters 12 and 13.

[18]By 1964-1965, many Catholic proponents of the morality of contraception insisted that the approval of contraception would be compatible with and might even reinforce rejection of abortion and divorce. By now it becomes clear that this position is theoretically untenable, despite the sincerity of those who tried to maintain it. On indissolubility, see my article, "Divorce: Rational Ethics Says 'No,' " *Commonweal*, 86 (April 14, 1967), pp. 122-125. It is noteworthy that the teaching of Vatican II, which was used and abused by the pro-contraceptionists, is virtually ignored in the campaign for divorce.

[19]I develop this point more fully in "The Moral Basis of Law," *Thomist*, 32 (1968), pp. 293-298; "Man, the Natural End of," *New Catholic Encyclopedia*, vol IX pp. 137-138; and with Russell Shaw in the work cited in note 15, pp. 1-10, 85-95, 107-114, 150-156, and 201-207.

[20]I have developed this point more fully in "Methods of Ethical Inquiry," *Proceedings of the American Catholic Philosophical Association*, 41 (1967), pp. 160-168; with Russell Shaw in the work cited in note 15, pp. 85-105 and 128-136.

[21]This point is developed more fully in my work on abortion cited in note 16, pp. 273-307.

[22]The conception of acts intrinsically evil is essential to the old morality; I have developed a theory of such acts in my work on contraception cited in note 7, pp. 76-106; in my article cited in note 20, pp. 165-167, in my work on abortion cited in note 16, pp. 307-321; with Russell Shaw in our work cited in note 15, pp. 128-148.

[23]See Josef Fuchs, S.J., article cited in note 12, pp. 450-451; Richard McCormick, S.J., *Ambiguity in Moral Choice* (The 1973 Pere Marquette Theology Lecture), pp. 82-96.

[24]I develop this point more fully in the forthcoming work cited in note 17, chapter 19.