

DO CIRCUMSTANCES GIVE SPECIES?

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IN HIS COMMENTARY on question 72, article 9 of the *Prima Secundae*, Cajetan states that Aquinas has changed his mind from a previous view expressed in the *Sentences*.¹ The issue is whether circumstances give species to sins. When a thief steals a chalice, for instance, what are we to do with the sacredness of the chalice, which Aquinas considers a circumstance? Should we say that this circumstance gives species to the action, making it an act not only of theft but also of sacrilege, or should we say that it remains a circumstance, outside the species of the action, so that the thief commits only the act of theft and not the sin of sacrilege? There is little doubt, in both the *Sentences* and the *Summa*, that at least sometimes the thief commits sacrilege. The question is under what conditions this is the case.

Consider two thieves who steal a chalice from a church. The first simply wants the gold, and the church happens to be a convenient place from which to take it. The second wants the gold, but in addition seeks to do damage to God through taking what is sacred. Both thieves commit the offense of theft, but what of the sin of sacrilege? Do both commit sacrilege, or only the second? After all, although the first thief is aware that his action "harms" God, it is not this that he seeks; he only wants the profit from the gold. The answer given in the *Sentences* is unequivocal: both thieves commit sacrilege. The answer that may be derived

¹ Cajetan, *Commentaria in Summam Theologicam S. Thomas Aquinatis*, ed. R. Garroni (Rome: Editio Leonina, 1892), I-II, q. 72, a. 9

from the article in the *Summa*, on the other hand, seems to be that only the second thief commits sacrilege.²

The two texts differ, as Cajetan reads it, over the role of the will. In the *Sentences*, Aquinas explicitly states that circumstances can give species even when intention does not bear on them. In the *Summa*, however, he seems to imply that circumstances can give species only when they arise from some new motive for acting. The sacredness of the chalice, for instance, gives species only when the thief intends to steal the chalice precisely because it is sacred.

The task here is more difficult than that of reconciling the two texts. Even if they are compatible, it will seem to some that Aquinas *should have* contradicted the *Sentences* passage, for it is inconsistent with Aquinas's teaching that moral actions take their species from the end intended.³ It is necessary, therefore, to give some account of how circumstances can give species even if they are not intended, which in turn requires a treatment of specification through the *materia circa quam*.

In what follows, I will begin by laying out the apparently conflicting texts. I will then develop the interpretation of the *Summa* text, in which specifying circumstances must be intended. I will next explain how circumstances can give species through the *materia circa quam*. Finally, I will show that the suggested interpretation of the *Summa* text is incorrect, and that Cajetan's two texts can be reconciled.

² We should note that Cajetan himself gets around this conclusion, but his manner of avoiding it will inevitably lead him into difficulties concerning the specification of actions, for he says that in order to give species it suffices for something to be *with* the end intended. Unless he can provide a clear delineation of what belongs with the end, he will be unable to identify the species of actions, for every circumstance is in some manner *with* the end intended.

³ For this view see Germain Grisez, *The Way of the Lord Jesus*, vol. 1, *Christian Moral Principles* (Chicago: Franciscan Herald Press, 1983), 247 n. 3. Also see Stephen L. Brock's comment on this view (*Action and Conduct: Thomas Aquinas and the Theory of Action* [Edinburgh: T & T Clark, 1998], 218 n. 57).

L THE CONFLICTING TEXTS

The unequivocal text of the *Sentences* reads as follows:

Plainly, circumstances sometimes transform an action into a new species of sin; the only question is how they do so. Some have said that circumstances make for a new species only insofar as they are taken as an end of the will, for moral actions receive their species from the end. This view, however, is insufficiently considered, for sometimes the species of sin changes without the sinner's intention bearing upon that circumstance. For example, a thief just as readily takes a gold vessel that is not sacred as one that is sacred, yet the action changes into a new species of sin, namely, from theft simply speaking into sacrilege. Furthermore, according to this view the only circumstance that could change the species of sin would be "that for the sake of which," which is plainly false. We should say, therefore, that all circumstances can change the species of a sin but they do not always do so.⁴

Aquinas concludes that circumstances give species to a sin whenever they provide some new disorder in opposition to virtue; it is not necessary for the circumstance to serve as an end of the will.

As Cajetan informs us, however, by the time Aquinas writes the *Prima Secundae* he has apparently changed his mind, for he says:

Whenever there is a new motive to sin, there is another species of sin, since the motive for sinning is the end and object. Sometimes in the corruption of different circumstances, the motive may remain the same, for example, the greedy person is propelled by the same motive to take when he should not, where he should not, and more than he should, and similarly with other circumstances, for he does all of these things on account of the inordinate desire to accumulate money. The corruption of these different circumstances does not diversify the species of sins, but they all belong to one and the same species of

+IV *Sent.*, d. 16, q. 3, a. 2c: "Ad tertiam esse, est dubium. Quidam enim dicunt, quod hoc accidit in quantum illae circumstantiae accipiuntur ut fines voluntatis, quia a fine actus moralis accipit speciem. Sed hoc non videtur sufficienter dictum: quia aliquando variatur species peccati sine hoc quod intentio feratur ad circumstantiam illam; sicut fur ita libenter acciperet vas aureum non sacratum sicut sacratum; et tamen in aliam speciem peccatum mutatur, scilicet de furto simplici in sacrilegium; et praeterea secundum hoc sola illa circumstantia quae dicitur cujus gratia, speciem peccati mutare posset; quod falsum est. Et ideo aliter dicendum, quod omnis circumstantia potest speciem peccati mutare, sed non semper mutat.

sin. At other times, on the other hand, the corruption of diverse circumstances arises from distinct motives ... and so leads to diverse species of sins.⁵

It seems that the thief commits sacrilege only if he takes the chalice precisely because it is sacred. If he takes it simply because it is gold, then he commits theft without sacrilege. Aquinas makes precisely this application of his new doctrine when he discusses the species of imprudence in the *Secunda Secundae*.

When the corruption of diverse circumstances has the same motive, then the species of sin is not diversified, for example, it belongs to the same species of sin to take what is not one's own, either where one ought not or when one ought not. But if there are diverse motives, then there would also be diverse species, for example, if someone takes from where he ought not in order to do harm to a holy place then the species would become sacrilege; but if someone else takes when he ought not simply on account of an excessive desire for possessions, then the species would be simply greed.⁶

Apparently, then, Aquinas did change his mind on the specifying role of circumstances. Formerly, he held the view that

⁵ *STh* I-II, q. 72, a. 9: "Respondeo dicendum quod, sicut dictum est, ubi occurrit aliud motivum ad peccandum, ibi est alia peccati species, quia motivum ad peccandum est finis et obiectum. Contingit autem quandoque quod in corruptionibus diversarum circumstantiarum est idem motivum, sicut illiberalis ab eodem movetur quod accipiat quando non oportet, et ubi non oportet, et plus quam oportet, et similiter de aliis circumstantiis; hoc enim facit propter inordinatum appetitum pecuniae congregandae. Et in talibus diversarum circumstantiarum corruptiones non diversificant species peccatorum, sed pertinent ad unam et eandem peccati speciem. Quandoque vero contingit quod corruptiones diversarum circumstantiarum proveniunt a diversis motivis. Puta quod aliquis praepropere comedit, potest provenire ex hoc quod homo non potest ferre dilationem cibi, propter facilem consumptionem humiditatis; quod vero appetat immoderatum cibum, potest contingere propter virtutem naturae potentem ad convertendum multum cibum; quod autem aliquis appetat cibos deliciosos, contingit propter appetitum delectationis quae est in cibo. Unde in talibus diversarum circumstantiarum corruptiones inducunt diversas peccati species."

⁶ *STh* II-II, q. 53, a. 2, ad 3: "Ad tertium dicendum quod quando corruptio diversarum circumstantiarum habet idem motivum, non diversificatur peccati species, sicut eiusdem speciei est peccatum ut aliquis accipiat non sua ubi non debet, et quando non debet. Sed si sint diversa motiva, tunc essent diversae species, puta si unus acciperet unde non deberet ut faceret iniuriam loco sacro, quod faceret speciem sacrilegii; alius quando non debet propter solum superfluum appetitum habendi, quod esset simplex avaritia. Et ideo defectus eorum quae requiruntur ad prudentiam non diversificant species nisi quatenus ordinantur ad diversos actus rationis, ut dictum est."

circumstances give species whenever they give rise to some new deformity, whether or not that circumstance is itself intended as an end. But in the *Prima Secundae* Aquinas holds that circumstances give species only when they are sought by the agent as an end or motive.

II. HOW THE END INTENDED SPECIFIES

One might suppose that question 72 of the *Prima Secundae*, where Aquinas at last recognized that unintended circumstances cannot give species, is the point at which he finally awakened to the full implications of his often-repeated teaching that morals take their species from the end.⁷ The new doctrine is already present, in nascent form, in Aquinas's fundamental theory of action; question 72 simply fleshes it out. After all, the specifying role of the end may be readily perceived by considering the very nature of actions, whether human or otherwise, which Aquinas says involve some agent giving rise to a change in some subject—for example, fire bringing about heat in wax.⁸ The action is a certain emanation that arises in the agent and moves to bring about some change in the patient. When we identify the species of an action, we pick out this emanation. The fire's action, for instance, is specified as heating, because it is an emanation of heat from the fire to the wax. If an action is essentially an agent giving rise to some form in a patient, then one action will differ from another depending upon the change that is brought about. The act of heating brings about the change of heat in the patient, while the act of killing brings about the change of death.

The end of the action is intimately linked to the form by which the agent acts, even as fire heats by the form of heat that it already possesses. In fact, when Aquinas speaks of the end giving species

⁷ Amongst others, Servais Pinckaers ("La role de la fin dans l'action morale selon saint Thomas," in *Le renouveau de la morale* [Paris: Casterman, 1964], 114-43) and John Finnis ("Object and Intention in Moral Judgments according to Aquinas," *The Thomist* 55 [1991]: 1-27) have emphasized the specifying role of the end intended.

⁸ *STh* I, q. 41, a. 1, ad 2. For an excellent account of the basic elements of action see Brock, *Action and Conduct*.

to the action, he often interchanges it with the form in the agent, which also can be said to give species to the action.⁹ If the act of heating is specified by the heat that comes to be in wax, then it might just as readily be specified by the heat in the fire. One form can be substituted for the other, because, says Aquinas, the form in the agent is always similar to the change it brings about in the patient.¹⁰ When this teaching is applied to human actions, which arise from the will, the conclusion that actions are specified by their ends is doubly confirmed, as Aquinas says while addressing this issue in question 1, article 3 of the *Prima Secundae*.¹¹ It follows that moral actions receive their species from the end intended. What falls outside intention, being accidental to the action, cannot give species, as Aquinas makes dear in the very first article of question 72, and which he repeats more succinctly in article 8:

The species of sin is not taken from its disorder, which is outside the intention of the sinner, but more from the very act itself insofar as it terminates in some object, into which the intention of the sinner is led. Therefore, wherever there occurs a diverse motive inclining the intention to sin, there is a diverse species of sin.¹²

One article later Aquinas reaches the natural conclusion that circumstances must be intended as a motive if they are to give species.

⁹ In *STh* I-II, q. 72, a. 3, Thomas explicitly states the interchangeability of these two in natural actions, for he says that natural agents are determined to one end.

¹⁰ See *De Malo*, q. 1, a. 3. Most properly, an action is not specified by the form that comes to be in the patient, but rather by this form as it is intended, or planned to be brought about, by the agent.

¹¹ *STh* I-II, q. 1, a. 3.

¹² *STh* I-II, q. 72, a. 8: "Respondeo dicendum quod, cum in peccato sint duo, scilicet ipse actus, et inordinatio eius, prout receditur ab ordine rationis et legis divinae; species peccati attenditur non ex parte inordinationis, quae est praeter intentionem peccantis, ut supra dictum est; sed magis ex parte ipsius actus, secundum quod terminatur ad obiectum, in quod fertur intentio peccantis. Et ideo ubicumque occurrit diversum motivum inclinans intentionem ad peccandum, ibi est diversa species peccati."

III. THE SPECIFYING ROLE OF THE MATERIAL

The idea that actions take their species from what is intended, however, when used as an overarching principle, has many inadequacies. Indeed, the ultimate upshot of this reading of question 72, article 9 is the unraveling of morality. Even the sin of adultery becomes inexplicable. As Cajetan himself points out, the adulterer—at least the average adulterer—does not intend to take pleasure in a woman precisely insofar as she is someone else's wife.¹³ Rather, he simply seeks pleasure in a woman; what attracts him are certain physical features, not the fact that this woman is another man's wife. Since the woman's marital status falls outside his intention, his action should not be specified as having sexual relations with another man's wife; it might better be specified as having relations with a blonde or a brunette, features that the adulterer very well might intend.

Given the nature of adulterous intentions, therefore, it should be no surprise that when Thomas comes to identify the species of lust he does not refer to the end intended but rather to the material of the action.

The sin of lust consists in someone using venereal pleasures apart from right reason, which can happen in two ways. First, according to the material in which the sinner seeks these pleasures; second, when the proper material is present but other required conditions are not kept. Since circumstances, insofar as they are circumstances, cannot give species to moral actions, the species of moral actions must be taken from the object, which is the material of the action; therefore, the species of lust must be assigned from the material or object.¹⁴

¹³ Cajetan, *Commentaria* I-II, q. 72, a. 9.

¹⁴ *STh* II-II, q. 154, a. 1: "Respondeo dicendum quod, sicut dictum est, peccatum luxuriae consistit in hoc quod aliquis non secundum rectam rationem delectatione venerea utitur. Quod quidem contingit dupliciter, uno modo, secundum materiam in qua huiusmodi delectationem quaerit; alio modo, secundum quod, materia debita existente, non observantur aliae debitaе conditiones. Et quia circumstantia, in quantum huiusmodi, non dat speciem actui morali, sed eius species sumitur ab obiecto, quod est materia actus; ideo oportuit species luxuriae assignari ex parte materiae vel obiecti."

Thankfully, for the institution of matrimony, the end of the will has dropped from view and the material has taken prominence.

The material plays a key role in Thomas's explanation of how circumstances give species. We have seen that in the *Sentences* Thomas says that circumstances give species when they give rise to some new deformity, a point that he often reiterates.¹⁵ But he also says that circumstances give species only insofar as they provide some condition or modification of the material.¹⁶ By understanding the specifying role of the material, therefore, we will come to see how circumstances, even when not intended, can give species.¹⁷

From what we have seen of actions, the specifying role of the *materia circa quam*, or the subject of the action, should be no surprise. An action is not the production of some pure form without a subject, as if the act of fire simply brings about heat, and not heat in some subject. Nevertheless, it may be difficult to imagine how wax can specify the act of fire. Surely, there is not some new species of action for each distinct subject, as if heating wax were one kind of action, heating water another kind, and heating wood yet a third species of action. All of these actions seem to be, in kind, simply heating, and the variety of subjects serve as different circumstances.

We should not suppose, however, that the wax specifies the act of heating simply insofar as it is wax. Rather, it specifies under some other formality, even as the act of seeing is specified by its object under the formality of being colored. A rock is not seen insofar as it is a rock, or insofar as it is hot or cold, but insofar as it is colored.¹⁸ There are many characteristics of a rock—its weight, its temperature, and so on—but it specifies the act of seeing insofar as it is colored, because only through color is the

¹⁵ See, for example, *STh* I-II, q. 88, a. 5; II-II, q. 154, a. 1, ad 1; II-II, q. 154, a. 6; *De Malo*, q. 7, a. 4.

¹⁶ See *STh* I-II, q. 18, a. 10; *De Malo*, q. 2, a. 6, ad 2.

¹⁷ Brock (*Action and Conduct*, 88-93) emphasizes the specifying role of the material, and Kevin Flannery hints at it in "What Is Included in a Means to an End?", *Gregorianum* 74 (1993): 499-513, at 512-13.

¹⁸ *STh* I, q. 59, a. 4. See also *STh* I, q. 80, a. 1, ad 2; I-II, q. 54, a. 2, ad 1; *Q. de Caritate*, a. 4; and *Q. D. de Anima*, a. 13, ad 2.

rock visible; the rock specifies seeing, then, precisely insofar as it is able to be seen. Similarly, wax specifies the act of heating precisely insofar as it is able to be heated. The wax does not specify the act of heating insofar as it is soft or round or fragrant; rather, it specifies the act of heating insofar as it is able to undergo the change of becoming hot. And just as diverse objects, such as a rock, a tree, and a dog, all specify the act of seeing insofar as each is colored, so diverse materials such as wax, water, and wood all specify the act of heating insofar as each is able to become hot.

We may say, more generally, that the material of any action must be able to undergo the appropriate change. If a billiard ball is to be moved, it must be movable; if a wire is to conduct electricity, it must be "electrocutable." The material specifies an action precisely under this formality—its ability to undergo the change.¹⁹

The disorder of adultery, then, is readily accounted for by its material. The act of sexual intercourse aims to introduce some change in the subject, which Aquinas identifies as the woman. The proper material for the change, however, is a man's own wife; any other woman is unfit material, unable to undergo the change introduced in the rational sexual act. Therefore, intercourse with any other woman must be disordered. Similarly, the act of sacrilegious theft may be explained through unfit material. The thief seeks to introduce some change that cannot be borne by the chalice on account of its sacredness. Regardless of the end

¹⁹ See Brock, *Action and Conduct*, 89. We find this idea—that the material specifies insofar as it is able to undergo the change—in Aquinas's commentary on *De Anima*. He is concerned with what we might roughly call the act of digestion, of which the material is food. The change that the food undergoes is a transformation into the organism: when I digest an apple I transform the apple into my very being. Food serves as the object of the action because it, unlike poison or a rock, is able to undergo this transformation; the apple is able to be changed into my being. "Food is changed into that which digests it; therefore, food has the capacity to become that which digests it. It follows that food, insofar as it is the object of digestion, is capable of becoming part of a living being" (II *De Anima*, c. 9): "Alimentum autem est in potentia ad id quod alitur, convertitur enim in ipsum; relinquitur ergo quod alimentum, in quantum est nutritionis obiectum, sit aliquid existens in potentia ad animatum per se, et non secundum accidens"). Just as a rock is the object of seeing insofar as it is visible, so food is the object of digestion insofar as it is able to become the living organism, and so too is wax the object of heat insofar as it is able to become hot.

intended by the individual, then, these actions are disordered through their material. Furthermore, the sacredness of the chalice and the marital status of the woman, which are part and parcel of the material, also give species, though they be unintended circumstances.

On the one hand, then, Aquinas's emphasis upon the specifying role of the end intended seems to favor the interpretation that he changed his mind in the *Summa*; on the other hand, his emphasis upon the specifying role of the *materia circa quam* seems to allow, even later than the *Prima Secundae*, that sometimes circumstances can give species even when they are not directly intended.

IV. THE MATERIAL VANQUISHED?

It is not clear, however, that Cajetan's reading of question 72, article 9 is undermined by introducing the *materia circa quam*. After all, in question 72 itself it seems that the material, as a specifying principle, is absorbed into intention. Article 3 asks whether sins are specified by their causes. The body of the article concludes that only the final cause, that is, the end, can give species; but of even greater interest is the second objection, which reads:

Amongst all the causes it seems that the material cause pertains least to the species, but the objects of sins are as their material cause. Therefore, since sins are specified through their objects, it seems to follow that sins will much more be specified through the other causes.²⁰

Thomas replies:

Objects, insofar as they are compared to exterior acts, have the notion of *materia circa quam*; but insofar as they are compared to the interior act of the will they have the formality of ends, and it is from this formality that they give the species to the act. And even as they are *materia circa quam* they have the formality of

²⁰ *STh* I-II, q. 72, a. 3, obj. 2: "Praeterea, inter alias causas minus videtur pertinere ad speciem causa materialis. Sed obiectum in peccato est sicut causa materialis. Cum ergo secundum obiecta peccata specie distinguantur, videtur quod peccata multo magis secundum alias causas distinguantur specie."

terms, from which motion is specified, as is said in V *Physics* and X *Ethics*. But even the terms of motion give species to the motion insofar as they have the formality of an end.²¹

Furthermore, in question 73 we find Aquinas making the following statement:

Even if the object is the material in which the act terminates, nevertheless, it has the formality of an end insofar as the intention of the agent bears upon it. But the form of moral actions depends upon the end.²²

Evidently, then, the material specifies only insofar as it is intended. The material can hardly liberate circumstances from the dominance of intention, if the material itself falls under intention's reign.

The same conclusion can be reached by recognizing that the specifying role of the *materia circa quam*, as befits the material cause, is merely potential: it specifies only as a potential for receiving the end. Indeed, the material adds nothing beyond what the end already provides. The endpoint of heat, for instance, is built into the very formality under which wax specifies the fire's act—the ability to become hot. If we already know that the activity of the fire is directed towards heat, then the material's potential toward heat is redundant.

We may grant, then, that circumstances give species insofar as they provide some condition of the material, but it does not follow that unintended circumstances give species, for the material itself specifies only insofar as it is intended. Whatever specification the material provides is better provided through the end of the will.

²¹ *STh* I-II, q. 72, a. 3, ad 2: "Dicendum quod obiecta, secundum quod comparantur ad actus exteriores, habent rationem materiae circa quam; sed secundum quod comparantur ad actum interiorem voluntatis, habent rationem finium, et ex hoc habent quod dent speciem actui. Quam vis etiam secundum quod sunt *materia circa quam*, habeant rationem terminorum, a quibus motus specificantur, ut dicitur in V *Phys.* et in X *Ethics*. Sed tamen etiam termini motus dant speciem motibus, in quantum habent rationem finis."

²² *STh* I-11, q. 73, a. 3, ad 1: "Dicendum quod obiectum, etsi sit *materia circa quam* terminatur actus, habet tamen rationem finis secundum quod intentio agentis fertur in ipsum, ut supra dictum est. Forma autem actus moralis dependet ex fine, ut ex superioribus patet."

V. MATERIAL AND REASON

Cajetan's reading of question 72, article 9, however, is not yet secure, for this explanation of the specifying role of material is not entirely accurate. In a certain sense, of course, the material does specify potentially, insofar as we recognize its specifying role only in relation to some actual form. We have already seen that the specifying role of the end refers back to the form in the agent, even as the heat that comes to be in the wax specifies the act of the fire only insofar as it arises from the form of heat already present in the fire. Similarly, the formal aspect under which the material specifies depends upon the form in the agent. The same material of wax, for instance, might be the object both of the act of heating and of the act of seeing, but it will specify these actions under different formalities. Which formal aspect we look to, whether the ability to be seen or the ability to be heated, depends upon the form in the agent. Or, as Aquinas says, we must look to the principle of an action to determine what aspects of an object give species.

When it is compared to one active principle an act will be specified according to some formality of an object, but when it is compared to another active principle it will not be specified by that same formality. For to know color and to know sound are different species of acts if they are referred to the senses, because these are sensible in themselves. But if they are referred to the intellect, they will not differ in species because the intellect comprehends both of them under one common formality, namely, being or truth. Similarly, to know white and to know black differ in species if they are referred to sight but not if they are referred to taste. One may conclude that the act of any potency is specified according to that which *per se* pertains to that potency, not by that which pertains to it *per accidens*.²³

²³ *De Malo*, q. 2, a. 4: "Ad cuius evidentiam considerandum est, quod cum actus recipiat speciem ab obiecto, secundum aliquam rationem obiecti specificabitur actus comparatus ad unum activum principium, secundum quam rationem non specificabitur comparatus ad aliud. Cognoscere enim colorem et cognoscere sonum sunt diversi actus secundum speciem, si ad sensum referantur; quia haec secundum se sensibilia sunt; non autem si referantur ad intellectum; quia ab intellectu comprehenduntur sub una communi ratione obiecti, scilicet entis aut veri. Et similiter sentire album et nigrum differt specie si referatur ad visum, non si

The position that seeks to absorb the material into intention supposes that the principle of human actions is the will, so the form in relation to which the material specifies is the motive of the will. Aquinas, on the other hand, does not refer to the will. Rather, he says that the principle of human actions is reason, so the material specifies insofar as it refers *per se* to reason. He continues:

If we consider objects of human actions that differ in something pertaining *per se* to reason, then the acts will differ in species insofar as they are acts of reason, but they might not differ in species insofar as they are acts of some other power. For example, to know one's wife and to know one who is not one's wife are two actions whose objects differ in something pertaining to reason, for to know one's own and to know what is not one's own are determined by the measure of reason. This same difference, however, is related *per accidens* in comparison either to the power of generation or to the sexual desire. Therefore, to know one's own and to know what is not one's own differ in species insofar as they are acts of reason but not insofar as they are acts of the generative power or of the sexual desire. An act is human, however, insofar as it is an act of reason. Clearly, then, the two differ in species insofar as they are human actions.²⁴

What refers *per se* to the act of sensing, whether the color of a rose, its odor, or some other aspect, depends upon which power of sensation one is considering. Similarly, what aspects of a woman refer *per se* to the sexual act depends upon which power one is considering, reason or the power of generation, for the single act of sexual intercourse arises from multiple active

referatur ad gustum; ex quo potest accipi quod actus cuiuslibet potentiae specificatur secundum id quod *per se* pertinet ad illam potentiam, non autem secundum id quod pertinet ad eam solum per accidens." Also see *STh* I-II, q. 18, a. 5; and I, q. 77, a. 3.

²⁴ *De Malo*, q. 2, a. 4: "Si ergo obiecta humanorum actuum considerentur quae habeant differentias secundum aliquid per se ad rationem pertinentes, erunt actus specie differentes, secundum quod sunt actus rationis, licet non sint species differentes, secundum quod sunt actus alicuius alterius potentiae; sicut cognoscere muherem suam et cognoscere mulierem non suam, sunt actus habentes obiecta differentia secundum aliquid ad rationem pertinens; nam suum et non suum determinantur secundum regulam rationis; quae tamen differentiae per accidens se habent si comparentur ad vim generativam, vel etiam ad vim concupiscibilem. Et ideo cognoscere suam et cognoscere non suam, specie differunt secundum quod sunt actus rationis, non autem secundum quod sunt actus generativae aut concupiscibilis. In tantum autem sunt actus humani in quantum sunt actus rationis. Sic ergo patet quod differunt specie in quantum sunt actus humani."

principles, and each of these principles may aim to introduce its own form into the material. If the woman is one's wife, then the material is able to take on the form introduced by reason, even as wax can take on heat, but if the woman is not one's wife, then the material is unable to take on the form introduced by reason. These same aspects of the woman, however, are irrelevant to the power of generation, for any woman is capable of taking on the form introduced by the power of generation. Everything hinges, then, on the form that reason seeks to introduce into the *materia circa quam*. Those aspects by which the material is able or unable to bear this form will give species to human actions. All other aspects of the material will be circumstantial.²⁵

But what form does reason seek to introduce? Clearly, the power of generation aims to introduce the form of new life. Since a woman is in potential to bring about new life, whereas a man is not, this difference of male and female refers *per se* to the power of generation. It also refers *per se* to reason, for homosexual activity is a distinct moral species.²⁶ In the act of sexual intercourse, then, reason also seeks to introduce the form of new life. But in addition, reason seeks to order the action to the education or maturity of the child, as Aquinas's account of fornication makes clear, for he says that fornication is evil precisely because an unwed woman is not of herself in potential to raise the child well.²⁷ Reason, then, aims to introduce new life as ordered to maturity. While any woman is in potential to life, only one's wife has the inherent capacity to bring this new life to maturity.²⁸

²⁵ Theo Belmans (*Le sens objectif de l'agir humain: Pour retirer la moral conjugate de Saint Thomas* [Vatican City: Libreria Editrice Vaticana, 1980], 163-70) attributes almost all error in moral theology to the view that the object of the human act is a thing. Perhaps he is expressing the idea that the object of an action is not simply a thing but a thing insofar as it relates to the principle of the act. The material of an act is considered not simply as a physical object; it is considered insofar as it relates to the order of the action arising from reason.

²⁶ *STh* II-II, q. 154, a. 11.

²⁷ *STh* II-II, q. 154, a. 2; *ScG* III, c. 122; *De Malo*, q. 15, a. 1.

²⁸ The power of generation and the order of reason have to do with types or with what happens for the most part, not with what may occur on occasion. It does not matter, therefore, that some woman may on occasion be able to raise the child to maturity well, since

What the power of generation lacks, but reason includes, is the order to some human good, namely, the education of the child. In general, Aquinas says that the role of reason is to order to the end, for with our reason we can see the relationship between the end and that which is for the sake of the end.²⁹ Indeed, if we consider merely the new life, abstracting from the need for education, reason still adds something above the power of generation, for reason aims at new life not simply as new life, but as a human good, as ordered to the end of human life.

Reason, then, seeks to introduce not simply some form, as do other powers; it seeks to introduce a form insofar as it is ordered to the human good. The material refers *per se* to reason, then, insofar as it is able or not able to bear the order to the end. Those aspects of the material that give moral species are those that allow or do not allow the form to be ordered to the end. Just as a rock refers *per se* to the power of sight insofar as it is visible, so a woman refers *per se* to deliberate sexual acts insofar as she is able to be ordered to the end.

Evidently, then, the material specifies without reference to the end of the will, but rather in relation to reason ordering to the end. As Aquinas himself says, "the good or evil that an exterior action has in itself, on account of required material and required circumstances, is not derived from the will but more from reason."³⁰ As such, the specifying role of the material cannot be reduced to the specifying role of the end, and the circumstances that serve as conditions of the material, thereby giving species, need not be intended as an end.

for the most part both parents are needed. Nor does it matter that some woman might be infertile, and therefore unable to generate new life, for a woman is the type of thing that generates new life in relation to the male power of generation. See *De Malo*, q. 15, a. 2, ad 12; *STh* II-II, q. 154, a. 2.

²⁹ See *STh* I, q. 18, a. 3; I-II, q. 12, a. 1, ad 3; I-II, q. 90, a. 1.

³⁰ *STh* I-II, q. 20, a. 1: "Bonitas autem vel malitia quam habet actus exterior secundum se, propter debitam materiam et debitas circumstantias, non derivatur a voluntate, sed magis a ratione."

VI. THE ACTION PERFORMED IS INTENDED

What are we to make of the texts that claim that the *materia circa quam* gives species only insofar as it is intended?³¹ We must acknowledge that the action an individual actually performs is some particular kind of action because the will moves to bring about this particular change in this particular material. The fornicator commits an act of fornication because he wills to do so. There is no pure act of fornication existing merely by material and reason; there are only individual acts of fornication that exist because certain individuals choose to perform an act of sexual intercourse with certain women. The point, then, must be conceded: the material is an end of the will, and only as such does it specify human actions.

Granting that the material of any given action depends upon the will moving to act in it, we are still left with the question of which characterizes which. Does the will give character to the material, or does the material give character to the will? The material, it seems, gives character to the will. The end of the will does not precede the specifying role of the material; rather, the specifying role of the material to some extent determines the end of the will.³² Precisely because the material of the act of fornication is unable to be ordered to the end of educating the child, the fornicator cannot intend, in his action, the good proposed by reason. By his choice to perform this action in this material, he has excluded the possibility of ordering his action to the human good. Whatever his end might be, it will have joined to it a privation, namely, the lack of the true good presented by reason. If he seeks pleasure, for instance, then his end is best described not simply as pleasure, but as pleasure apart from the order of

³¹ A more complete treatment of the specifying relationship between the exterior and interior actions is found in Steven J. Jensen, "A Defense of Physicalism," *The Thomist* 61 (1997): 377-404.

³² See *STh* 1-11, q. 20, aa. 1 and 4; *De Malo*, q. 2, a. 3.

reason.³³ The good sought by the will, then, is identified and characterized in part by the material. The fornicator must seek some good apart from the end of reason, because he has chosen to perform this action in unfitting material.³⁴

In what sense, then, must the material serve as an end before it can give species? The agent must, as Aquinas says, "intend to do such and such a voluntary action in such and such material."³⁵ Only in this manner is his action directed to this material; if it were directed to some other material, then it would be another action. It does not follow that the agent's intention must be directed to every detail of the specifying material. The adulterer may well intend to direct his activity to a particular woman because of certain bodily features, and not at all because the woman is married to another man. Nevertheless, it remains that he does direct his activity to this particular woman, who *is* married to another man. The material specifies because it is intended, but those aspects of it that serve to specify depend not upon intention but upon their relation to reason.³⁶ Given that the will (or the person through his will) has directed itself to this material, it is itself constrained in the good that it can seek; whatever it aims to achieve must be sought apart from the order of reason.

³³ This account, therefore, may already be reconciled with *STh* I-II, q. 72, a. 9. When a circumstance indicates some new deformity, the will is constrained to seek one less aspect of the good of reason, and therefore must have a new motive. As we will see, however, Aquinas seems to have something else in mind in *STh* I-II, q. 72, a. 9; rather than a circumstance demanding some new depleted motive, the circumstance accompanies a new motive.

³⁴ See *STh* I, q. 48, a. 1, ad 2. Also see *ScG* III, c. 9; *De Pot.*, q. 3, a. 6, ad 11 and 12; *De Malo*, q. 1, a. 1, ad 12; *De Virt. in Comm.*, q. 1, a. 2, ad 5.

³⁵ *STh* I-II, q. 72, a. 1: "Qui intendit talem actum voluntarium exercere in tali materia."

³⁶ Strictly speaking, intention does not specify human actions; rather, actions take their species from that which is intended. Aquinas often refers to what is *praeter intentionem* as not giving species. When he speaks of the relation between species and intention (as opposed to *praeter intentionem*), he does not say that intention gives species; he prefers to say that the species is taken from what is intended (see *STh* I-II, q. 72, a. 1; II-II, q. 64, a. 7; II-II, q. 109, a. 2, ad 2; II-II, q. 150, a. 2).

VII. UNANSWERED QUESTIONS

We began this discussion by noting two texts evidently so in conflict with one another that Cajetan judged Aquinas had changed his mind. We have left these conflicting texts largely untouched in order that we might first understand more clearly Aquinas's general teaching on the moral specification of human actions. It is now time to see how the two texts can be reconciled.

Our difficulty arises from the article of the *Summa*, or at least from Cajetan's reading of it, for it seems to say that circumstances give species only insofar as they arise from a new motive, thereby excluding the possibility, asserted in the *Sentences*, that circumstances can give species even when they are not intended by the will.

A more careful reading of the *Summa* article, however, reveals that Aquinas concludes that circumstances do not give species. Hardly a consolation, one might suppose. On Cajetan's interpretation, at least the two articles agree that circumstances sometimes give species; they differ only in their explanation of how circumstances give species. Now I am suggesting that the *Summa* article claims that circumstances do not give species.

This strong claim seems difficult to reconcile with the closing statement of question 72, article 9, which reads, "Sometimes, on the other hand, the corruption of diverse circumstances arises from distinct motives ... and so leads to diverse species of sins."³⁷ In order to read this passage correctly, however, we must forget what we know from other texts of Aquinas, namely, that he thinks circumstances sometimes do give species to human actions; otherwise, we are apt to suppose that Aquinas must be saying the same thing here. But if we approach the text without any such supposition, then we can see that all of the objections argue that sometimes circumstances do give species. The *sed contra*, on the other hand, argues that circumstances do not give species. Both the objections and the *sed contra*, then, prepare us for a negative

³⁷ *STh* 1-11, q. 72, a. 9.

answer; Aquinas should conclude that circumstances do not give species.

This negative answer, however, remains opaque unless we examine the immediately preceding articles. The general principle that moral actions take their species from the motive is implied, but not explicitly stated, in articles 6 and 7. It is stated for the first time in article 8, which asks whether excess and defect diversify sins. Not surprisingly, Thomas answers that they do, as wanting too much pleasure is distinct from wanting too little pleasure. The true source of the specification, however, lies with the distinct motives that underlie excess and defect. Wanting pleasure too much arises from the love of pleasure, while wanting pleasure too little arises from the hatred of pleasure. In the reply to the first objection he clarifies the point.

Even if more and less are not the cause of diversity of species, nevertheless they sometimes follow upon the species insofar as they arise from diverse forms, for example, as when it is said that fire is lighter than air. Therefore, the Philosopher says in book 8 of the *Ethics* that those who thought there were not diverse species of friendship, because they are said to be more or less, based their belief upon an insufficient indication. In the same way, to exceed reason or to fall short of it pertains to diverse sins according to species insofar as they follow upon diverse motives.³⁸

It turns out, then, that excess and defect do not themselves give species; rather, they follow upon a new species. We might identify fire as the element that is lighter than air, but the lightness itself does not give species; rather, it follows upon the form of fire, which does give species. Similarly, we might identify sins through excess and defect, but these quantities do not in fact give species; they follow upon the form that does give species, namely, the new motive.

³⁸ *STh* I-II, q. 72, a. 8, ad 1: "Ad primum ergo dicendum quod magis et minus, etsi non sint causa diversitatis speciei, consequuntur tamen quandoque species differentes, prout proveniunt ex diversis formis, sicut si dicatur quod ignis est levior aere. Uncle philosophus <licit, in viii ethic., quod qui posuerunt non esse diversas species amicitiarum propter hoc quod dicuntur secundum magis et minus, non sufficienti crediderunt signo. Et hoc modo superexcedere rationem, vel deficere ab ea, pertinet ad diversa peccata secundum speciem, in quantum consequuntur diversa motiva."

Aquinas proceeds to ask whether circumstances give species to sins. The objections and the *sed contra* prepare us for a negative answer, but instead the answer parallels that given in article 8. Yes, they do, but not really. Actually, diverse motives give species, but sometimes circumstances follow upon these diverse motives and serve to identify the new species. In a parallel text of *De Malo*, Aquinas drops any pretense that the circumstances themselves give species, and simply states that the motive serves as a new form of the will, thereby giving species to sin. He says, "These species of gluttony are not diversified on account of diverse circumstances, but because of diverse motives."³⁹

The shift, then, from the *Sentences* to the *Prima Secundae*, question 72, article 9, is more radical than Cajetan supposes. Aquinas changes not simply his account of how circumstances give species, whether by adding a new defect or by some new motive; he moves from saying that circumstances unquestionably give species to saying that they do not give species.

This article from the *Prima Secundae* is striking in its singularity. In several places, dated both before and after it, Aquinas asks whether circumstances give species to actions or to sins.⁴⁰ Everywhere else, whether in the *Sentences*, in *De Malo*, or earlier in the *Prima Secundae*, Aquinas responds that they do indeed give species, but in question 72, article 9, his answer reverses. There, and there alone, he states that circumstances do not give species. He seems, however, oblivious to this radical change.

The reason behind his unconcern is rather straightforward: his use of the term 'circumstance' is ambiguous. Initially, it refers to what is outside the essence or species of an action, but Aquinas proceeds to give a list of circumstances, including place, time, effects, and so on.⁴¹ Confusion arises from supposing that these two—the definition and the list—are interchangeable. What are we to do, after all, with a circumstance that give species? For

³⁹ *De Malo*, q. 1, a. 3, ad 14: "Ad primum ergo dicendum, quod praedictae species non diversificantur propter diversas circumstantias, sed propter diversa motiva, ut dictum est."

⁴⁰ See *N Sent.*, d. 16, q. 3, a. 2c; *STh* I-II, q. 18, a. 5; I-II, 72, 9; and *De Malo*, q. 2, a. 6.

⁴¹ *STh* I-II, q. 7, a. 3; or *De Malo*, q. 2, a. 6.

example, when a thief steals from a holy place and thereby commits sacrilege, what are we to do with the circumstance of place? It is amongst Aquinas's list of eight circumstances, but in this particular instance it falls within the very essence of the action. Is it, then, a circumstance or not? Strictly speaking, says Aquinas, such circumstances cease to be circumstances.

A circumstance does not always give species to the moral act, but only when it adds a new deformity pertaining to another species of sin. For example, if beyond this, that someone takes to himself a woman who is not his wife, it is added that he takes the wife of another man, then there is added the deformity of injustice. Therefore, that circumstance gives a new species, and properly speaking it is no longer a circumstance; rather, it is a specific difference of the moral act.⁴²

The term 'circumstance', then, has two meanings. In a loose sense, it refers to anything on the list of circumstances, whether it gives species or not; in a strict sense, it refers to that which falls outside the species of an action. Clearly, in this second meaning of circumstance, there can be no way in which circumstances truly give species to actions. A specifying circumstance is an oxymoron. If it specifies, then it is no longer a circumstance, at least in the strict sense. In a text we have already quoted concerning the species of lust, Aquinas says as much:

Since circumstances, insofar as they are circumstances, cannot give species to moral actions, the species of moral actions must be taken from the object, which is the material of the action; therefore, the species of lust must be assigned from the material or object.⁴³

⁴²*De Malo*, q. 7, a. 4: "Circumstantia non semper dat speciem actui morali, sed solum tunc quando novam deformitatem addit ad aliam speciem peccati pertinentem: puta, cum aliquis super hoc quad accedit ad non suam, accedit ad eam quae est alterius, et sic incidit ibi deformitas iniustitiae; unde illa circumstantia dat novam speciem, et proprie loquendo, iam non est circumstantia, sed efficitur specifica differentia actus moralis." Also see *STh* 1-11, q. 7, a. 3, ad 3; 11-11, q. 154, a. 1, ad 1; IV *Sent.*, d. 16, q. 3, a. 1e, ad 1.

⁴³ *STh* 11-11, q. 154, a. 1: "Et quia circumstantia, in quantum huiusmodi, non dat speciem actui morali, sed eius species sumitur ab obiecto, quad est materia actus; ideo oportuit species luxuriae assignari ex parte materiae vel obiecti."

The last two texts appear at face value to contradict one another. In the first, Thomas says that a circumstance gives species to the act of adultery. In the second, he says that the species of lust, which includes adultery, cannot be taken from circumstances, because circumstances do not give species. The apparent conflict, however, is easily resolved by recognizing that in the second text Aquinas is using 'circumstance' in the strict sense.

Usually, when Aquinas asks whether circumstances give species to human actions, he uses the term 'circumstance' in the loose sense, and so he answers in the affirmative. But when he comes to *Prima Secundae*, question 72, article 9, he seeks to address another phenomenon, namely, circumstances-in the strict sense-that appear to give species. These circumstances do not add some new deformity to the sin, and yet they enter into our definitions of various species. Aquinas explains that the circumstances don't really give species; rather, they serve as signs of new species that arise from distinct motives.

Cajetan's two conflicting articles, then, reach opposite conclusions about the role of circumstances because they use different senses of the term 'circumstance'. In the *Sentences*, Aquinas concludes that circumstances-in the loose sense-give species to sins when they add a new deformity. In the *Summa*, he concludes that circumstances-in the strict sense-do not give species, but they can sometimes serve to identify a new species when they follow as proper accidents upon some distinct motive.⁴⁴

⁴⁴ In *STh* II-II, q. 92, a. 2, Aquinas combines both these manners in which circumstances can give species: "The vice opposed to religion consists in transcending the mean of virtue according to some circumstances. As was said above, however, not just any diversity of corrupt circumstances changes the species of sin but only when they refer to diverse objects or diverse ends, for moral actions take their species from these, as stated above" ("respondeo dicendum quod, sicut supra dictum est, vitium religionis consistit in hoc quod transcenditur virtutis medium secundum aliquas circumstantias. Ut autem supra dictum est, non quaelibet circumstantiarum corruptarum diversitas variat peccati speciem, sed solum quando referuntur ad diversa obiecta vel diversos fines, secundum hoc enim morales actus speciem sortiuntur, ut supra habitum est"). Although Benzinger refers us to *STh* I-II, q. 72, a. 9, we know that cannot be correct, since the latter article mentions only the end and not the object, unless "diversa obiecta vel diversos fines" (in *STh* II-II, q. 92, a. 2) is taken appositively, a reading that contradicts the remainder of the article. We will look in vain for any single article spelling

Furthermore, the view that Aquinas considers but rejects in the *Sentences* is not the view adopted in the *Summa*. In the *Sentences* he rejects the view that a circumstance, in order to give species, must serve as the end of the sinner, so that a thief commits sacrilege only if he wants the chalice precisely insofar as it is sacred. In the *Summa*, Aquinas adopts the view that circumstances give species, or rather they serve as signs of species, when they are the proper accidents of some new motive. The circumstance need not itself be a new motive; rather, it must follow upon some new motive. The two articles express two different relationships between a motive and a circumstance. The circumstance might be the motive, as in the *Sentences*, or the circumstance might follow upon the motive, as in the *Summa*. The apparently conflicting articles are in fact addressing two disparate matters.

VIII. ONE MORE PROBLEM

There remains one troubling text, quoted above, where Aquinas says that the new species of sacrilege arises only when the thief intends to do damage to the holy place.⁴⁵ This text is certainly problematic. While commenting upon it Cajetan himself says, "In this matter I would gladly be a student, for I know how to teach neither myself nor others."⁴⁶ A close reading, however, reveals that it, like *Prima Secundae*, question 72, article 9, does not contradict the *Sentences* passage, for the two examples given are not precisely parallel. Before seeing how they differ, it is worth noting that the whole import of this *Secunda Secundae* text is to deny the application of the "new" doctrine on circumstances to the case of imprudence. In other words, Aquinas is not so much

out specification through circumstances that combines both a reference to the object and to the end, although Aquinas does spell out both these manners of specification in separate articles. It seems likely that the "as stated above" does not refer to circumstances giving species, but simply to moral actions receiving their species, in which case we can identify the single article of *STh* I-II, q. 18, a. 6, in which Aquinas clearly designates both these manners in which moral actions can be specified. See also *STh* I-II, q. 72, a. 1, ad 1.

⁴⁵ *STh* 11-11, q. 53, a. 2, ad 3.

⁴⁶ Cajetan, *Commentaria* 11-11, q. 53, a. 2: "In hoc dubio libenter essem discipulus: quoniam docere nee me nee alios novi."

concerned with applying the doctrine, as with showing why it does not apply. It is also worth noting that when he comes to treat explicitly of sacrilege, he makes no mention of the need for an intention to harm God or holy objects; all that is needed is the violation of some holy object.⁴⁷

We might suppose that both texts are concerned with theft and sacrilege, but upon examination we see that the *Summa* passage is concerned with the sin of greed rather than theft. In the *Sentences*, Thomas claims that the act of theft is further specified as sacrilege, becoming sacrilegious theft, whenever the thief takes a holy object, no matter what he may intend in the action. In the *Secunda Secundae* he says that the act of greed is further specified as sacrilege only when the greedy person intends to do some harm to God. The two texts, then, are not in absolute opposition. Is there some reason to suppose that these two actions, theft and greed, might relate differently to sacrilege? Is there some reason why theft might be further specified without intention, while greed requires intention for its further specification? We can, at this point, only speculate. Aquinas says that justice and injustice concern exterior actions insofar as they relate us to other people;⁴⁸ the virtue of generosity and the vice of greed, on the other hand, immediately concern our desires for possessions and the internal relation they bear to reason.⁴⁹ Perhaps, then, the further specification of greed as sacrilegious greed requires a new motive because greed is already a vice concerned primarily with our desires and our motives. The unjust act of theft, on the other hand, is further specified through any defect relating to others (including God), whether there is any new motive or not.

The same conclusion might be reached from Aquinas's teaching that circumstances give species to human actions insofar as they make for some new condition in the object or material, for the objects of theft and greed are not identical: theft bears upon the object that is taken, while greed bears upon the passion or desires for possessions. Possibly, therefore, the sacredness of the object

⁴⁷ *STh* II-II, q. 99, a. 1.

⁴⁸ See *STh* I-II, q. 60, aa. 2 and 3; II-II, q. 58, aa. 8 and 9.

⁴⁹ See *STh* II-II, q. 118, a. 2; and especially II-II, q. 118, a. 3, ad 2.

might make for a new condition in the material, thereby transforming theft into sacrilegious theft. The same sacredness, however, is not a condition of the passion that desires the sacred object, so it does not by itself transform the vice of greed into sacrilegious greed. It becomes a condition of the desire only when the agent intends to do some harm. This difference in objects might explain why Aquinas quite often refers to sacrilege as a species of theft,⁵⁰ but nowhere besides this passage do we find him referring to it as a species of greed.

Only in four passages does Aquinas state the doctrine that circumstances give species when they arise from a new motive.⁵¹ In each of these, when he gives an example of circumstances that do not give species, he refers to the sin of greed. In three of them, when he gives an example of circumstances that do give species, he refers to the sin of gluttony. Only in this text from the *Secunda Secundae* does he continue with the example of greed, to show how it might be specified as sacrilege if the avaricious person seeks to damage a holy place. I suspect that in this reply to an objection he was looking for a simpler example than gluttony, which gets rather involved, and so he turned to sacrilegious greed, with no thoughts of sacrilegious theft, which as we have seen, receives its species apart from a new motive. Indeed, only fifteen questions later we find Aquinas saying, "For the sin of theft, which inflicts reparable harm, the punishment of death is not given for judgments in this present life, unless the theft is aggravated through some weighty circumstance, as is plain for sacrilege, which is theft of something holy."⁵² The motive of the thief, it seems, is not relevant.

Whether or not these attempts to distinguish theft from greed are successful, we are still left with a difficult text. This text of the

⁵⁰ See *STh* I-II, q. 18, a. 10, sc; II-II, q. 66, a. 6, ad 2; II-II, q. 99, a. 2, obj. 2 and 3; *De Malo*, q. 2, a. 6, co. and ad 2 and ad 3.

⁵¹ *STh* I-II, q. 72, a. 9; II-II, q. 53, a. 2, ad 2; II-II, q. 148, a. 4; *De Malo*, q. 14, a. 3.

⁵² *STh* II-II, q. 66, a. 6, ad 2: "pro furto, quod reparabile damnum infert, non infligitur secundum praesens iudicium poena mortis, nisi furtum aggravetur per aliquam gravem circumstantiam, sicut patet de sacrilegio, quod est furtum rei sacrae, et de peculatu, quod est furtum rei communis, ut patet per augustinum, super ioan.; et de plagio, quod est furtum hominis, pro quo quis morte punitur, ut patet *Exod. xxi.*"

Secunda Secundae, however, is troublesome for any interpretation of Aquinas's doctrine concerning specification through circumstances; it does not correspond well with what Aquinas says of sacrilege anywhere else. In this matter I would rather be a student than a teacher, for I can teach neither myself nor others.

Ultimately, however, Aquinas does not contradict the teaching that he laid out in the *Sentences*, namely, that a circumstance can give species to a sin even if it is not intended. In union with this teaching, he also teaches that circumstances in the strict sense can identify species when they follow upon some new motive. He explicitly gives only two examples of this occurrence, namely, gluttony and sacrilegious greed, neither of which opposes the idea that other actions, such as sacrilegious theft, can receive their species through an unintended circumstance that makes for some condition of the object.⁵³

⁵³ I would like to thank Fr. James Stromberg, Fr. Stephen L. Brock, and Fr. Kevin Flannery for their assistance with earlier drafts of this paper.

THE MORALITY OF CONDOM USE BY
HIV-INFECTED SPOUSES¹

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THE ARGUMENT THAT there are times when it is moral to use condoms to reduce the risk of transmitting the HIV has recently resurfaced, this time from a surprising source: Fr. Martin Rhonheimer, a philosopher who is no dissenter from Church teaching. In several recent publications he has attempted to determine the morality of the use of condoms to reduce the risk of transmitting the HIV.² The Church has no explicit teaching on this matter. Certainly, it teaches that contraception is always wrong and Rhonheimer agrees with that teaching. He seeks to determine if use of the condom by HIV-infected spouses is intrinsically evil.

Rhonheimer rightly observes that condoms themselves are not intrinsically evil—they are just things and they may have moral as well as immoral uses. It is the use of devices and chemicals as contraceptives that makes them immoral—not their very existence nor every use. He argues that condoms can never morally be used for contraceptive purposes but that there are other moral uses for condoms, even when they have a contraceptive effect. He supports the Church's teaching that married couples may never

¹ I received very helpful comments on this essay from Mark Lowery, Mark Latkovic, Steven Long, Bill Murphy, Ed Peters, and Fr. Peter Fagan. Father Rhonheimer also graciously read an early version of the essay and provided very useful comments.

² His first article on this subject was "The Truth about Condoms," *The Tablet*, 10 July 2004. A fuller statement of his position can be found in "A Debate on Condoms and AIDS," *The National Catholic Bioethics Quarterly* 5 (2005): 40-48.

use devices and chemicals as contraceptives. But he maintains that promiscuous people, sexually active homosexuals, and prostitutes, all of whom are at risk of spreading or contracting the HIV, would be showing a "certain sense of responsibility" were they to use condoms. He does not say that it is moral for them to use condoms, only that it may be less vicious for them to do so than not.

Most significant and controversial is his argument that an HIV-infected spouse could morally use a condom for the purpose of reducing the risk of infection. He argues that such an act does not violate the condemnation of contraception laid out in *Humanae vitae*. He argues that HIV-infected spouses would not be using a condom as a contraceptive. Thus, they would not be using an evil means, that is, performing an evil act, to achieve a good end. Rather, these spouses would be tolerating the contraceptive effect of the condom as a side effect. In this essay I will explain my reasons for rejecting Rhonheimer's conclusion.³

The differences between Rhonheimer and myself go beyond a difference on how to assess the morality of the use of a condom by an HIV-infected spouse. Indeed, it derives not from a disagreement about the truth of the Church's teaching on contraception, for there we agree, but on how one properly determines the goodness or badness of a moral action. Here is not the place to give a full response to Rhonheimer's method of moral analysis, but the attentive reader will realize that we disagree on some of the fundamentals of moral analysis.⁴

³ Several other responses to Rhonheimer are available; see a letter to the editor by William May, *The National Catholic Bioethics Quarterly* 4 (2004): 667-68; Fr. Benedict Guevin, in "A Debate on Condoms and AIDS," *The National Catholic Bioethics Quarterly* 5 (2005): 37-39; Peter J. Cataldo, "Condoms and HIV Prevention: Thwarting the Procreative End," *Ethics and Medics* 30, no. 5 (May 2005): 3-4; Luke Gormally, "Marriage and the Prophylactic Use of Condoms," *The National Catholic Bioethics Quarterly* 5 (2005): 735-49.

⁴ Rhonheimer's most recent formulation of his understanding of the moral object is "The Perspective of the Acting Person and the Nature of Practical Reason: The 'Object of the Human Act' in Thomistic Anthropology of Action," *Nova et Vetera* 2 (2004): 461-516. In the footnotes of that article he responds to criticisms of his work by Stephen Brock, Steven Long, and Kevin Flannery, and to some lack of correspondence between his thinking and that of Ralph McInerney. My thinking more closely aligns with that of Rhonheimer's critics. I have explained my understanding of the object of the moral act in several places: "Moral

Rhonheimer does not recommend that HIV-infected spouses use condoms; he maintains that rarely would the risk of transmitting the HIV be proportionate to the goods sought. He is simply saying that such use of a condom would not be a contraceptive act and could be morally permissible if the goods sought were proportionate to the risk. This position does not make him a proportionalist, of course; many moral actions require an analysis of the proportionality of goods.⁵

When might the risk be proportionate? Before considering this question, we must acknowledge that in many cases spouses may not take the trouble to make an honest assessment of the risk involved. Many individuals pursuing certain goods allied with sexuality (usually the pleasure) sometimes fail to give due consideration to risks that might be involved. Along with Rhonheimer, I suspect a sober calculation of the goods might lead many spouses to seek nonsexual ways of expressing their love and ways of experiencing nonsexual pleasures with each other.

The chief goods of marital intercourse are the ability to beget a child, the expression of spousal love or of the desire for spousal union, the achievement of union, and the experiencing of an intense pleasure that relaxes the spouses and enhances their sense of intimacy and well-being. HIV-infected spouses risk transmitting through the act of sexual intercourse a virus that causes a lethal

Terminology and Proportionalism," in *Recovering Nature: Essays in Natural Philosophy, Ethics, and Metaphysics in Honor of Ralph McInemy*, ed. Thomas Hibbs and John O'Callaghan (Notre Dame: University of Notre Dame Press, 1999), 127-46; "The Error of Proportionalism," in *Ethical Principles in Catholic Health Care*, ed. Edward James Furton (Boston: National Catholic Bioethics Center, 1999), 67-71; and "Veritatis Splendor, Proportionalism, and Contraception," *IrishTheologicalQuarterly* 63 (1998): 307-26. I believe my differences with Rhonheimer involve what constitutes the object of the moral act, what the "end" of the act is, what practical reason is, and how "nature" impacts the evaluation of an action. My critique of the method of moral analysis of Germain Grisez, John Finnis, William May, and Joseph Boyle (Appendix 4 in my *Humanae Vitae: A Generation Later* [Washington, D.C.: The Catholic University of America Press, 1991]: 340-70) may shed light on some of the disagreements that I have with Rhonheimer. Rhonheimer has his own disagreements with Grisez's method but shares to some significant extent its understanding of practical reason.

⁵ In fact, I would argue that HIV-infected spouses may sometimes morally engage in an "unprotected" act of sexual intercourse-if they judge the goods to be proportionate to the risk.

disease. If a condom were to completely remove the risk of transmitting the HIV, the possibility of achieving the other goods of marriage might seem proportionate to the evil of preventing conception. Yet a condom does not in fact completely eliminate the risk of transmitting the HIV. Therefore, spouses must calculate that the importance of achieving the above goods outweighs the risk of transmitting the HIV and enduring the resultant infertility. The calculation must be something like: "We so want to experience the goods of marital intercourse that we are willing to risk the transmission of a virus that causes a lethal disease. A condom will reduce that risk and at the same time prevent conception. We are willing to take that risk and also tolerate the infertility caused by the condom." It is possible that some spouses so value the goods of conjugal intercourse that they are willing to risk the transmission of HIV, with or without a condom. This will likely be more and more the case as the progress made in treating the HIV and AIDS reduces the risk.

If condom use by heterosexuals is inherently contraceptive or if it is inherently nonunitive, such calculation as that laid out above would be otiose, for then condom use would be intrinsically evil. Here I will attempt to establish both (1) that condomized⁶ spousal sexual intercourse is intrinsically immoral because it violates the *unitive* meaning of the sexual act⁷ and (2) that condom use by fertile⁸ heterosexuals always retains a *contraceptive* meaning, even when done to reduce the risk of transmitting disease. I will be analyzing the morality of the use of condoms by homosexuals, fornicators, and prostitutes as well.

⁶ I used the neologism "condomized" rather than "condomistic" because I understand the suffix "-ized" to mean something that is characterized by a noun has been made into a verbal adjective and that it refers to an action that shares in the nature of the thing named: on the analogy with "marginalized" I think "condomized" is correct. "Condomistic" seems to me to be parallel with "hedonistic" which suggests "sharing something in common with" but not necessarily "being an instance" of the named reality.

⁷ My arguments depend to some considerable extent upon an interpretation of canon law that would require deposit of the semen for an act to be consummated; I will attempt to justify such an interpretation below.

⁸ For the moment I am prescinding from the question how use of the condom or any other devices or chemicals causing infertility affects the moral structure of the sexual acts of infertile heterosexuals. I briefly engage that question later in this essay.

Let me note the limits of what I am attempting in this essay. I am not assessing the effectiveness of the use of a condom for reducing the transmission of the HIV nor the wisdom of distributing condoms to slow the transmission of the HIV; I am only considering the morality of condom use as a means to reduce the transmission of the HIV. To do so completely would require a full defense of the Church's understanding of marriage, a task beyond the scope of this essay. Thus, I am addressing those who accept the Catholic understanding of marriage and sexuality. To present the moral necessity that sexual intercourse take place only within marriage and that it be open to procreation (i.e., that contraception is intrinsically evil), is beyond the scope of this essay.⁹ I will be explaining at some length key elements of the Catholic understanding of marriage (e.g., what is meant by the unitive meaning of the conjugal act and what constitutes a procreative kind of act), for these points are of quite immediate importance for the argument I am making. I am also addressing those who understand terminology essential to Catholic moral analysis, some of it characteristic of Aristotelian/Thomistic metaphysics as it has been traditionally applied to the parts of the moral act and developed into such principles as that of the principle of double effect. When needed to make my argument as clear as possible, I will occasionally clarify such terminology, but not in any full or systematic way.¹⁰ In the final analysis I will be arguing that the use of a condom prohibits a heterosexual act of sexual intercourse from being unitive and that the use of a condom by heterosexuals is always contraceptive.

⁹ I have done this elsewhere, see, for instance, my *Humanae Vitae: A Generation Later*, 98-128; and my talk available on CD and DVD, *Contraception: Why Not?* {updated version; available through Trinity Formation Resources [www.mycatholicfaith.org, 2006]}.

¹⁰ It is, of course, a vexing problem that so many who follow Thomas interpret key terms of his analysis differently. As noted above, Rhonheimer and I have some significant disagreements about fundamentals. My use of numerous examples is intended to go back to the "things in themselves" and thus to obviate some of the tangles created by use of contested terminology.

I. THE UNITIVE MEANING OF THE SEXUALACT

Rhonheimer takes no stand on whether the use of a condom adds another immoral element to the intrinsic evil of a homosexual act of "sexual intercourse." I believe it does not since homosexuals do not really participate in acts of sexual intercourse; their use of the genital organs is not procreative in any sense. Since their acts possess no procreative potency or *telos*,¹¹ their use of condoms can never thwart the potency of those acts. Therefore, I think the use of a condom by an HIV-infected homosexual could mitigate the evil of the action. (Such a claim does not entail, of course, that campaigns to distribute condoms to homosexuals are moral for-as Rhonheimer agrees-they may encourage homosexual acts by giving a false sense of security about not spreading the HIV.)

What should also be observed is that the sexual acts of homosexuals cannot objectively express a unitive meaning. The unitive purpose of sexual intercourse is not achieved simply when two individuals mutually give each other pleasure by means of the genital organs. It is a misconception that the unitive meaning of the conjugal act is equivalent to its pleasure-giving power. Pleasure is a physiological and emotive response to the physical and emotive interaction of sexual contact; the unitive meaning is something quite different-and is another source of pleasure.

The act of sexual intercourse is in itself bonding or unitive. It accomplishes three different kinds of bonding: that of the physical act of two bodies becoming one, that of a feeling of psychological closeness, and the spiritual or marital (and fully human) bonding of reaffirming a lifetime commitment. The spiritual bond, the "unitive meaning" meant by the Church, achieved and expressed

¹¹ Finding the proper terms to describe the intrinsic teleology of actions is not easy, though the concept itself is not *so* difficult. Throughout this essay I use "intrinsic teleology," "per se ordination" or "per se of a kind or class," "natural *telos/end*," "meaning," and "character" interchangeably to refer to the natural potency of what is being done (e.g., tomato seeds are ordained to producing tomato plants and tomatoes). Speaking of natural purposes and even natural intentions would also be philosophically precise, I believe, but some readers will find it awkward to think of condoms and contraceptives as having intentions apart from those of the agent.

in part by the physical and psychological bonding of marital sexual intercourse, is expressive of the indissoluble union that is marriage. A major reason that sexual intercourse is an act suitable for expressing a lifetime union is that it is a procreative type of act and procreation creates a lifetime-not to say eternal-bond (more about this below). *Familiaris consortia* (citing a speech by Pope John Paul II) describes conjugal love in this way:

[C]onjugal love involves a totality, in which all the elements of the person enter—appeal of the body and instinct, power of feeling and affectivity, aspiration of the spirit and of will. It aims at a deeply personal unity, the unity that, beyond union in one flesh, leads to forming one heart and soul; it demands indissolubility and faithfulness in definitive mutual giving; and it is open to fertility (cf. *Humanae vitae* 9).¹²

Only spouses can authentically achieve all the kinds of bonding because they have the necessary complementarity of sexual organs, they have gender complementarity, and only they have made the lifetime commitment that makes human sexual intercourse moral.

Heterosexuals having sex outside of marriage and those engaging in homosexual sexual acts (and let me, here and elsewhere, be understood, along with these actions, to be speaking of nonvaginal sexual acts of heterosexuals as well) often claim that they can achieve all these modes of bonding. Fornicating and adulterous heterosexuals can achieve the physical bond proper to sexual intercourse and also the psychological bond to some extent, but those engaging in homosexual sexual acts cannot authentically achieve any of the kinds of bonding proper to sexual intercourse.

Fornicating and adulterous heterosexuals achieve the physical bonding, the bonding that comes from the complementarity intrinsic to sexual intercourse, whereas those engaging in homosexual sexual acts simply experience an intense pleasure that arises from acts that simulate a natural act of sexual intercourse.

¹² *Familiaris consortia* 13, citing John Paul II, "Address to the Delegates of the Centre de Liaison des Equipes de Recherche" (November 3, 1979) 3; *Insegnamenti de Giovanni Paolo II*, II, 2 (1979), 1038.

Heterosexuals engaging in nonmarital sex may also achieve a degree of psychological bonding, again by virtue of their complementarity; in fact, sometimes women whose kidnappers force sex upon them bond psychologically with their captors. Individuals engaging in homosexual sexual acts may also experience a psychological bonding, but again it is the bonding natural not to the acts of sexual intercourse but to the experience of a shared intense pleasure. Almost any shared intense pleasure (watching a favorite athletic team win a major event, for instance) is capable of creating some kind of bond, however fleeting.

The unitive bond that spouses express and foster through their acts of sexual intercourse incorporates and transcends the physical and psychological bonds. A marital commitment perfects the physiological and psychological bonds created by sexual intercourse; those who understand their sexuality to be a gift to be bestowed exclusively on their spouse, who believe their marriages to be indissoluble, and who are open to children, express all those understandings with their sexual acts. In spousal sexual intercourse, spouses not only give each other pleasure, they reiterate their vows of total self-giving.

Whereas good human relationships are generally forged by a large variety of acts that create bonds, the act of sexual intercourse and its tremendous bonding power is morally a part only of the marital relationship. The vow that spouses take to a lifetime union and their acts of marital intercourse merge with the abundance of other binding acts (having conversations, sharing meals, working and recreating together) that are characteristic of good human relationships to make marriage one of the most unitive all of human relationships.

John Kippley links well the unitive and procreative meaning of the sexual act. He speaks of the covenantal dimension of the marital act: every noncontracepted act of sexual intercourse restates the pledge made at the wedding that the spouses belong exclusively to each other until death do them part.¹³ Christopher West uses an analogy with the Eucharist to explain why

¹³ John Kippley, *Sex and the Marriage Covenant* (2d ed.; San Francisco: Ignatius Press 2005), 49-71.

fornication is wrong.¹⁴ He observes that we understand full well that it would be wrong for a seminarian to attempt to consecrate the Eucharist before ordination: all attempts to do so would be futile and bogus. The acts of fornicators, adulterers, and homosexuals are similarly inauthentic as fully human sexual acts; they are intrinsically incapable of sharing in the unitive meaning of which a marital act is intrinsically capable.

Pope John Paul II's theology of the body significantly deepens our understanding of the unitive meaning of marriage. He speaks of the nuptial meaning of the body, by which he means that the body itself expresses that human beings are essentially meant to be in relation with each other. He speaks of Adam's "original solitude" that is overcome by the "original unity" that he enjoys with Eve before the Fall. One supposes that had man not fallen each of us would have been in a monogamous spousal relationship—we all would have had matches made in heaven! The desire that many experience for multiple sexual partners and the difficulty of sustaining marital unions are results of the Fall. Fidelity and indissolubility would surely have characterized prelapsarian marriages. The Church's understanding of marriage as a symbol of Christ's love for the Church serves to illuminate the unitive meaning of marriage.

The procreative meaning of the sexual act is not incidental to the unitive meaning; it is, in fact, part of its deepest essential structure. Genesis reports that after God created male and female human beings he told them to "be fruitful and multiply and fill the earth" (Gen 1:26-27). Clearly, male and female unity and new life are a kind of package deal. The Church maintains that the action that naturally makes the spouses "one flesh" is an act that is "per se apt for the generation of offspring."¹⁵ The sexual act expresses a lifetime commitment precisely and most fittingly because by nature it is ordained to the creation of new human life, a life with an immortal soul that incarnates the love of the spouses; the procreative meaning of the sexual act is a future-

¹⁴ Christopher West shared this with me in a private conversation.

¹⁵ "per se aptum ad proles generationem, ad quem natura sua ordinatur matrimonium, et quo coniuges fiunt una caro" (canon 1061 §1).

oriented and, indeed, an eternity-oriented meaning. *Familiaris consortia* describes how the total self-giving that is marriage requires openness to procreation:

In its most profound reality, love is essentially a gift; and conjugal love, while leading the spouses to the reciprocal "knowledge" which makes them "one flesh," does not end with the couple, because it makes them capable of the greatest possible gift, the gift by which they become cooperators with God for giving life to a new human person. Thus the couple, while giving themselves to one another, give not just themselves but also the reality of children, who are a living reflection of their love, a permanent sign of conjugal unity and a living and inseparable synthesis of their being a father and a mother. (14)

The unitive meaning requires that the sexual act express or instantiate the complete self-giving that is marriage. Another way of speaking this truth is to say that fertility intrinsically belongs in the sexual act; to withhold one's fertility is to withhold a defining feature of the act. *Familiaris consortia* speaks of contraceptive sex as a "lie" since it does not speak the language of complete self-giving:

[S]exuality, by means of which man and woman give themselves to one another through the acts which are proper and exclusive to spouses, is by no means something purely biological, but concerns the innermost being of the human person as such. It is realized in a truly human way only if it is an integral part of the love by which a man and a woman commit themselves totally to one another until death. The total physical self-giving would be a lie if it were not the sign and fruit of a total personal self-giving, in which the whole person, including the temporal dimension, is present: if the person were to withhold something or reserve the possibility of deciding otherwise in the future, by this very fact he or she would not be giving totally. (11)

And later it states:

When couples, by means of recourse to contraception, separate these two meanings that God the Creator has inscribed in the being of man and woman and in the dynamism of their sexual communion, they act as "arbiters" of the divine plan and they "manipulate" and degrade human sexuality-and with it themselves and their married partner-by altering its value of "total" self-giving. Thus the innate language that expresses the total reciprocal self-giving of husband and wife is overlaid, through contraception, by an objectively contradictory language, namely, that of not giving oneself totally to the other.

This leads not only to a positive refusal to be open to life but also to a *falsification of the inner truth of conjugal love*, which is called upon to give itself in personal totality. (32; emphasis added)

Two truly do become one through the act of procreation—twenty-three male chromosomes and twenty-three female chromosomes unite to provide the forty-six chromosomes necessary for a human being. Thus, procreative-kinds-of-acts effectively "speak" the language of union; they speak the language of being willing to bring about a new human being with another, and all the united activity of raising children that being parents together entails. The unitive meaning is achieved when spouses engage in acts expressive of complete self-giving wherein true physical union takes place, that is, when something that has a procreative meaning takes place.

IL WHAT IS AN ACTION THAT IS "PER SE APT FOR THE GENERATION OF OFFSPRING"?

A key question is: what constitutes a sexual act that has a procreative meaning, that is "per se apt" for the generation of offspring? What is minimally necessary for an act that of its essence is suitable for the procreation of offspring? The sexual act that would express the procreative meaning to its fullest would be an act between spouses who are fertile, intending to conceive a child, who have chosen to have intercourse at the most fertile time of the woman's cycle, and who are prepared responsibly to care for that child. But the *fullest* meaning is not the same as what is required for a meaning to be essentially present. The term "per se" is a fairly technical term; it means that something is a member of a class but not necessarily a fully mature or perfect member of that class.

Perhaps an analogy will help. A tomato seed by its very nature, that is, per se, is an embryonic tomato plant but obviously is not yet a full or adult tomato plant; it is as yet imperfect in the sense of being incomplete, of being not yet fully developed. There are also tomato seeds and fully grown tomato plants that are

defective; some tomato seeds will never grow into adult tomato plants and some of those that do will never be able to do what a tomato plant is ordained to do (i.e., produce tomatoes), but they are nonetheless essentially tomato plants. It could be an internal defect or the defectiveness of contributing elements (such as nutrients in the soil) that prevents the tomato seed from developing into a tomato plant or an adult tomato plant from producing tomatoes, but both are essentially "tomato plants." Thus a thing can essentially be a member of a class without being fully or perfectly a member of that class. Moreover, things have acts or operations that express the fullness of their being. When a tomato plant produces a fully ripe tomato it has achieved the fullness of its being. When a tomato plant has begun to sprout roots it has begun a trajectory of development of its essential properties that is ordained to the production of a tomato.

Another difficulty is determining precisely when an entity has come into being, when it has the essence that characterizes a being. A new human being comes into existence when the sperm has successfully fused with the ovum,¹⁶ but determining precisely when that has taken place is not easy. It is similarly difficult sometimes to determine when an action of a certain type has begun, and sometimes even to determine what precise thing would need to happen for the action or event to begin. All events begin at some time but deciding precisely when they begin may not be so clear. When, for instance, does a meal begin? When the food is put on the table? When the forks have been raised? When the first bite has been taken? Determining as precisely as possible that something has begun is sometimes of great importance—for instance, determining when a marriage began.

For artificial actions, we can define even somewhat arbitrarily what constitutes its beginning. Officials have mandated that when

¹⁶The Pontifical Academy for Life recently put out a statement which says that penetration of the ovum by the sperm constitutes the beginning of a new human being. That claim does not alter the point that is made here, for determining when penetration has completed also has its challenges. See "Final statement of the XIIth General Assembly and of the International Congress on: 'The Human Embryo before Implantation. Scientific Update and Bioethical Considerations' (February 27-28, 2006)"; available on the Vatican web site (http://www.vatican.va/roman_curia/pontifical_academies/acdlife/index.htm).

the kicker's foot touches the football, the football game has begun. Note that when the game has begun, we have what is "essentially" a football game in its early stages. The ball may not be kicked far, it may not be returned, and, in fact, in the course of the game, no points may be scored, but a game was begun (and played) even if its final end-determining a winner and a loser-was not achieved. On the other hand, an action that has begun and participates in the essence of that thing may have to achieve greater fullness before one could say that the act has been completed. When the pitcher throws out the first pitch, a baseball game has begun, but at least four-and-a-half innings need to be played for the game to be complete.

What act constitutes the beginning of a marriage, and even more importantly what constitutes the act that "consummates" the marriage? Marriage is an act whereby two become one. The Church teaches that a marriage *begins* when the individuals give consent to entering into a lifetime union open to children and that the marriage is *consummated* when an act per se apt for the generation of offspring has taken place. Those who have validly given consent have entered into a union that is essentially marriage; when they consummate the marriage they perform an action that brings the properties of marriage more fully into existence (somewhat like a tomato seed beginning to sprout roots). The act that expresses and further actualizes marital oneness is an act suitable for procreation, not an act of sharing a meal or a blood transfusion, for instance. Neither a kiss nor a hug is sufficient. The Church states that for a marriage to be consummated, that is, for the spouses to have participated in an action that begins to express the fullness of the marriage commitment that they have embraced, they must perform an act "per se apt for the generation of offspring."

Canon law does not precisely describe what is required for that action to have taken place, but it has been standard to maintain that what is necessary is that the male have penetrated the female and deposited semen in her vagina. One commentary on the *Code of Canon Law* reports on the accepted interpretation of the 1917 code, an interpretation in no way abrogated by the new code:

The 1917 code defined the act by which marriage is consummated as "a conjugal act to which the matrimonial contract is by its nature ordered and by which the spouses become one flesh." Commentators agreed that the minimum necessary for consummation was that the man's penis penetrate the woman's vagina at least partially and deposit semen there. Consummation was not effected, however, by *coitus interruptus* in which the man penetrated the woman's vagina but withdrew before ejaculation or by intercourse using a condom. In both cases, consummation did not occur because of the failure to ejaculate semen in the vagina.¹⁷

What justifies the decision that semen must be deposited in the vagina for an act "per se apt for the generation of offspring" to have taken place? Why is the deposit of semen in the vagina necessary? Why is not penetration sufficient? Or, on the other hand, why is it not necessary that both individuals be fertile?

Those who argue that penetration is sufficient for consummation argue from the perspective that when male genital flesh touches female genital flesh two have become one. I would argue that penetration alone does not seem sufficient to consummate a marriage since penetration is not in itself an "act per se apt for generation." It is only the beginning of that act; the Church seems to mandate that it be a completed act "per se apt for the generation of offspring." For a completed act, ejaculation within the vagina seems necessary. Here, theology of the body language may be illuminating. For a husband to ejaculate within the vagina is for him to give of himself to the female. The semen is the vehicle for the sperm and the vagina is the receptacle of the semen. When semen has been deposited and the female has received the semen, they have become "one flesh" in a physical and factual way; moreover, the act that they have performed is an act that is ordained to the creation of "one flesh," a new human being. When the semen has been deposited in the vagina, a sexual act apt for the generation of offspring has taken place. A tomato seed that has sprouted a root has launched this seed on the trajectory to becoming a tomato plant that produces tomatoes. A

¹⁷ John P. Beal, James A. Coriden, and Thomas J. Green, eds., *New Commentary on the Code of Canon Law* (New York: Paulist Press, 2000), 1258. This section of the commentary was authored by John P. Beal.

completed act of sexual intercourse has launched semen on its way to doing its part to create a new human life.

Let us take up the second question: for a consummated act of sexual intercourse to take place, is it sufficient for the semen to be deposited? Has union in fact taken place, or do we need an act that has not been rendered nonprocreative? If a woman were taking the pill for contraceptive purposes or using a diaphragm, for instance, would consummation have taken place? Again, by allowing marriage for those past child-bearing age or whose ovaries or uterus have been removed, the Church allows that consummation can take place even when there is no real possibility of procreation; male penetration is necessary but female fertility is not. (Perhaps like a tomato seed planted in soil in which it cannot grow.) In fact, it is not the actual procreative power of the semen that is necessary for consummation. Even semen devoid of sperm serves to consummate a marriage, and that with a woman who may be without key reproductive organs—she needs a vagina, but not ovaries or a uterus. The acts of the infertile are still *per se* apt for procreation though they are not in fact, or in *se*, procreative; that is, they are of a *kind* that is apt for procreation but they are an imperfect or defective instance of that kind (as a three-legged dog is still *per se* a dog though defectively a dog, and even though it cannot do all the things dogs can do).

As mentioned above, what is essentially a thing need not achieve or display the fullness of that thing or being. The claim here is that heterosexual acts of sexual intercourse are ordained to procreation *per se*, by their very nature, of their very essence. They intrinsically have an ordination or potency to procreation—what might be called an intrinsic potency, whether or not that potency is capable of actualization (just as the eyes of a blind person have an intrinsic potency to seeing, even if it cannot be actualized). Acts that preserve the ordination to procreation even if that ordination cannot be actualized essentially bear and express that procreative meaning. Procreation is "written into" heterosexual acts of sexual intercourse; again, procreation is still a part of the natural ordination or intrinsic potency or meaning of such sexual acts, even if it cannot be actualized. A

completed act of heterosexual sexual intercourse, an act in which semen is deposited in the vagina, is by its very nature procreative even if specific acts cannot achieve that natural purpose. Because it intrinsically maintains the procreative ordination, a completed act of heterosexual sexual intercourse can achieve the unitive purpose-it still "speaks" an ordination to the kind of union appropriate to those who beget a child with each other.

The way in which Pope John Paul II spoke about contraception may assist us in understanding why those who are involuntarily sterile are still capable of expressing a procreative meaning with their sexual acts. John Paul II described sexual intercourse as a kind of language. Those who contracept "lie" with their sexual acts because they are trying to falsify or negate the procreative power of the acts; their bodies intrinsically speak of the willingness to be a parent with another while their contracepting contradicts that speech. Contracepted sex says only, "I want to have this momentary pleasure with you." Noncontraceptive sex says, "I want to have the kind of union with you that those who are parents together have." Those who are sterile have done nothing to alter the meaning of the sexual act; they have done nothing to alter the deep potency of their actions. Whether or not procreation does or can take place, a physical reality, a truly unitive act, occurs that, by nature-by a "intrinsic potency" -is ordained to procreation. The infertile speak the full meaning of the sexual act but their physiology is not capable of actualizing the full meaning of that speech.

Consider this analogy. Parents who say to their children, "We will do what we can to establish a savings account to help pay your college expenses," and who set up an account and eventually make and deposit enough money to do so were speaking the truth (these are like the fertile who bear children); those who spoke the same words and who set up an account but did not make enough money to do so in spite of their best efforts were also speaking the truth (these are like the infertile who would like to have children). Again, a contrast with contraceptive acts is illuminating: those who contracept are like parents who set up the account but who because they spend their money selfishly do not deposit enough

money to provide much help at all. Let us extend the analysis to acts of intercourse governed by the principles of natural family planning (NFP): those who are using NFP to confine their acts of sexual intercourse to the infertile period still "speak" the language of openness to children although they have judged that it is not best for them to have a child at this time (they don't spend selfishly any money that could be used for college education but they do take advantage of some free tickets to the movies!). They have not altered the essential intrinsic potency of their acts. Contraceptors, on the other hand, most emphatically and directly attempt to remove the procreative power from their acts of sexual intercourse.

In sum, for the *fullness* of the procreative meaning to be able to be expressed, full fertility would be necessary; for the *essentials* of the procreative meaning to be expressed, much less is necessary. What seems to be essential are male and female bodies that can enter into an act that initiates the procreative process. A hug is not sufficient, a kiss is not sufficient, nor even is penetration sufficient. What is sufficient is that the male deposit some of his reproductive material, his semen, into the vagina.

III. THE MORALITY OF CONDOM USE BY INFERTILE COUPLES

A) *Infertility and Contraception*

As I have stated earlier, I hold that it is immoral for any heterosexual couples to use a condom because their condomized acts are not unitive. It is therefore not necessary to demonstrate that condom use by infertile heterosexuals would be wrong for any other reason.

Nonetheless, the claim that infertile couples are not contracepting when they use a condom seems important for Rhonheimer's argument. According to his reasoning, the instance of infertile couples using a condom to reduce risk of transmitting the HIV demonstrates that the use of the condom for heterosexuals is not intrinsically contraceptive because it is not contraceptive in that instance. Since he believes he has found an

instance of the moral use of condoms by heterosexuals, he believes he has demonstrated that the use of a condom is morally indifferent and that its morality can only be judged by the intent of the agents. Thus he argues that since infertile heterosexuals can use a condom without contracepting, so, too, can fertile heterosexuals use a condom without contracepting.

There seems to be some begging of the question going on here. The claim that the condom cannot be a contraceptive for the infertile is based on the fact that contraceptives are defined by their use to thwart fertility and those who are infertile cannot act so as to thwart their fertility since they have no fertility to thwart. It is worth noting that even were condoms not contraceptive for the infertile, this would not mean that they would not be intrinsically contraceptive for the fertile. Bludgeoning with lethal blows someone who is already dead does not lead to the death of that person and thus by definition is not an act of murder, but bludgeoning with lethal blows someone who is not dead may lead to the death of that person and thus is an act of murder. So although condoms might not be contraceptive in the full sense for the infertile, that does not mean that they might not qualify as contraceptive for the fertile.

It is certainly true that the infertile cannot remove fertility from acts that have no possibility of being fertile. It can be argued, however, that they can still perform actions that per se have a contraceptive *telos* or meaning. Indeed, their acts are still capable of expressing in themselves an ordination to procreation. That, in fact, is why marriage between the infertile is permitted: because they can engage in actions that by their nature, by their intrinsic potency, are ordained to procreation even though they cannot actualize that potency. If their acts can have that *telos* in a per se way and can express the meaning of sexual intercourse, it would seem that it is possible for them to do things that would violate that *telos* or meaning. If they fail to do or to give to each other what is minimally necessary for an act of sexual intercourse to be per se apt for procreation, they would be falsifying the meaning of the act. Condom use prevents them from doing or giving what is necessary for an act to be per se procreative of its kind.

The same point may be argued from a different angle. I have argued above that the use of condoms by homosexuals does not add another immoral element to the sexual act since their acts can never be of a procreative kind. The sexual acts of homosexuals, however, are intrinsically devoid of procreative meaning. The sexual acts of heterosexuals—the completed sexual acts of heterosexuals, the acts in which semen is deposited in the vagina—intrinsically have the ordination to procreation, they intrinsically express a procreative meaning. When couples are infertile, that meaning cannot be actualized. But if they were to do something that prevented the semen from being deposited in the vagina, they would be doing something that thwarts the procreative ordination, that fails to express the procreative meaning. Their acts become more like the acts of homosexuals, acts in which there is no procreative meaning being expressed.

B) Do Contracepted Acts Consummate a Marriage?

The question naturally arises whether an act of sexual intercourse that is contraceptive, that is, that is deliberately rendered infertile or nonprocreative, serves to consummate a marriage. At issue is more than the use of condoms. The question is whether any contraceptive measures, such as the diaphragm,¹⁸ the IUD, and the several forms of the chemical contraceptives, prevent an act of sexual intercourse from consummating a marriage. Although this question is not directly relevant to the question being pursued here, it clearly involves the principles articulated above. Evidently, the standard interpretation of the 1917 *Code of Canon Law* allowed that contracepted acts serve to consummate a marriage. The passage from the commentary on the 1983 code cited above continues in this fashion:

Even though illicit, other methods of birth control which did not prevent the ejaculation of semen in the vagina did not prevent consummation. The marriage law *coetus* explicitly restated the traditional view that natural sexual intercourse

¹⁸ The diaphragm presents a special problem. The male deposits semen but it does not remain in any meaningful sense in the female; thus I believe use of a diaphragm may also be nonnitive.

constituted consummation and that contraception did not prevent consummation as long as the physical integrity of the act was maintained.¹⁹

John Beal, the author of this passage, maintains, however, that the new *Code of Canon Law* breaks with this understanding and that it holds that contracepted acts do not serve to consummate marriage. He argues that the phrase "suitable in itself for procreation" must be interpreted in light of the canonical tradition to mean that the acts cannot be contracepted. He also notes that, in spite of the traditional understanding, the code commission has denied that such is meant by the new phrasing and that the Holy See has not instituted a practice of finding contracepted acts nonconsummating acts.²⁰ Beal urges an emendation of the passage.

I find it remarkable that the Church has not yet definitively determined whether contracepted acts of sexual intercourse serve to consummate a marriage-or, at least, that some well-trained canon lawyers evidently think that decision has not yet been made definitively. I suspect we need to consider the possibility that the Church's thinking on these matters was formulated without full understanding of what males and females contribute to the reproductive process and thus does not speak fully to the realities as we know them today. Historically Judaism and Christianity have accorded to the semen a quasi-sacred status as the element crucial to reproduction. Today we understand not just semen but sperm to be essential from the man and not menstrual blood at all but the ovum that is essential from the woman. Yet my deliberations honor the historical evaluations of the importance of the semen because even with modern understandings of the reproductive process there is warrant for understanding deposit of semen in the vagina as essential to the definition of a completed sexual act.

I am inclined to think that contraceptive sex (other than condomized sex which is nonconsummating because of its nonunitive

¹⁹ Beal, Coriden, and Green, eds., *New Commentary on the Code of Canon Law*, 274.

²⁰ Gormally informs us that the Church allows that those who have had vasectomies can be validly married ("Marriage and the Prophylactic Use of Condoms," 744).

properties) does serve to consummate a marriage. But the opposite position is not without its logical and persuasive power and should be at least briefly stated. It is this: contracepting couples deliberately withhold from their sexual acts that which properly belongs in the marital act and is defining of it; they are trying to render their acts not procreative. To speak in terms of the theology of the body, they are not engaging in an act expressive of total self-giving. Consider this analogy. Suppose a baby absolutely needed its mother's milk to survive and that any other milk would be lethal for the child. If the mother were producing milk but refused her child, she would be guilty of killing her child. If the mother were not producing milk because of reasons beyond her control, it would not be her refusal to feed her child that kills the child, it would be the unavailability of suitable milk. Not to give something that one doesn't have is obviously very different from withholding what one does have to give. Therefore, since marriage itself is ordained to procreation and those who marry vow that they will accept children, contraceptive intercourse seems not to be a suitable expression of that vow.²¹

Nonetheless, as stated, I am inclined to think that contracepted acts of sexual intercourse serve to consummate a marriage. Some actions completely nullify the character of what one is doing and other actions simply distort or diminish or harm what one is doing. Even though those who contracept attempt to make their sexual acts not generative, their acts retain an intrinsic ordination to procreation—they remain acts that are per se apt for generation although they have been damaged in their ability to fulfill that ordination. To take vows of marriage while one is involved in an adulterous affair does not necessarily nullify one's marriage; to take vows to the priesthood while one is sexually active does not nullify one's ordination. Nevertheless, in both cases, the act of taking the vows is a less-than-perfect expression of those vows. Contracepted spousal acts of sexual intercourse are still capable of expressing the desire for spousal union, although imperfectly

²¹ This example serves to explain why sexual intercourse between the infertile would be consummating.

so. Newlyweds who contracept may in fact understand that marriage is ordained to children and be prepared to have children, but not pursue that good of marriage immediately. At this juncture, I would argue that contracepted acts of sexual intercourse still retain their intrinsic ordination to procreation in spite of the intention of the spouses (of course, I maintain that they are wrong to try to thwart that ordination) and thus their contracepted acts (like the acts of those who are infertile because of defect or age) can still consummate a marriage. They remain "per se" apt for generation (apt because of their "kind"), though they are not "in se" apt for generation (not apt in this particular instance). As Beal notes, they are illicit but not invalid "matter" for the consummation of the marriage. They are sinful acts, but not nonconsummating acts. The analogy here would be to a mother who is not totally withholding her milk from her needy child but is perhaps feeding the child less than is fully beneficial for the child; she would be doing so in a way that might harm the child's well-being but not kill the child. I would not, however, find it difficult to accept a decision that contracepted acts of sexual intercourse do not serve to consummate a marriage.

C) Condomized Sexual Intercourse as Nonconsummating

The above analysis points to the conclusion that condomized sexual intercourse does not effect union.²² At the risk of being crude, let us note that condomized sexual intercourse is simply two bodies rubbing against each other or, in fact, rubbing against latex. In fact, I believe that condomized sexual intercourse shares in the essential characteristics of *coitus interruptus* or withdrawal and mutual masturbation more than in an act of expressive of complete self-giving. *Coitus interruptus* is wrong not only because it is contraceptive but also because it is not unitive. There are differences between condomized sexual intercourse and *coitus interruptus*, of course: the condom-wearing male climaxes or ejaculates within a condom that is within the female and the act more nearly simulates a completed act of sexual intercourse than

²² William May made this point in his letter (see note 3, above).

does *coitus interruptus*. Still, condomized sexual intercourse is similar to *coitus interruptus* because in both cases the male does not truly give of himself to the female; he leaves nothing of himself behind. *Coitus interruptus* is somewhat like an "air kiss"; the lips may briefly touch the flesh but has a real kiss taken place? Condomized sexual intercourse is like kissing through a window. Indeed, some wags have observed that having sex while using a condom is much like taking a shower with a raincoat on; to a very great extent it defeats the purpose-if that purpose is union. It is like a virtual game of football; it resembles the real thing but is not the real thing.

Although Rhonheimer does not commit himself one way or the other, I believe that his principles entail that a condomized act of sexual intercourse would serve to consummate a marriage. Since he clearly does not believe that the deposit of semen is necessary for a unitive act to take place, it seems he necessarily would also hold that of an act of *coitus interruptus* would suffice for consummation. Although penetration has taken place, with *coitus interruptus* the semen is deposited outside of the vagina. Does it make a difference that with condomized acts of sexual intercourse ejaculation takes place in the female although none of the semen is deposited in her vagina? In my view, again, it is not only the penetration that is sufficient; rather, the male must deposit semen in the woman's vagina.

D) *The Charge of Physicalism*

Some will say that all of the above is physicalistic,²³ that it relies too much on the physical ordination of the sexual act instead of on the intention of the spouses. Indeed, Rhonheimer objects to the comparison of condomized sexual intercourse with sodomy or masturbation: he calls "incorrect and counter-intuitive" the argument that "puts condomistic sex of any kind in a certain analogy-though not similarity-with sexual acts 'against nature,' like sodomy and masturbation, even in the present case

²³ Indeed, William May (ibid.) apologizes for his lapse into "physicalism" in speaking about the need for a "*debitum vas*" for an act of sexual intercourse to be an authentic act.

where the condom is used only for preventing infection, and in the case of sterile couples." He elaborates:

It seems to me obvious that solitary sex or acts of sodomy-anal and oral sex-are "unnatural" and even plainly "against nature": their behavioral structure is as such not of a generative kind. The same cannot be said of condomistic sex: there *the act as such is of a generative kind*, but is modified by human intervention. It is only this modification which renders the act non-generative.²⁴ (Emphasis added)

I am afraid that I do not share Rhonheimer's intuition or find it obvious that condomized sexual intercourse is not essentially like masturbation-and anal and oral sex-and, I would like to add, *coitus interruptus*. All these acts aim at sexual arousal and ejaculation elsewhere than in the vagina. It seems to me to be an accidental feature that a condomized act of sexual intercourse in certain respects closely resembles a normal act of sexual intercourse.

Is it physicalistic to be concerned that certain physical features must be present for an act to be an authentic version of a kind of act? Many have charged that the Church's condemnation of contraception is "physicalistic," that it gives undue importance to the biological ordination of the sexual act to reproduction. There have undoubtedly been arguments against contraception that should be rejected because they are "physicalistic"; I believe those arguments to involve the false premise that it is *always* wrong to violate the natural ordination of any physical organ. Yet, I believe that no one can effectively mount an argument against contraception that does not depend upon the fact that the sexual organs and sexual acts have as their natural ordination the procreation of a new human life.²⁵ I do not believe that any of my argumentation above depends upon the assumption that one cannot interfere with the procreative ordination of an act of sexual intercourse because the *biological* purpose of the sexual organs is

²⁴ Rhonheimer, "A Debate on Condoms and AIDS," 44.

²⁵ I explain at greater length why I think the procreative power of the sexual act is essential to an explanation of the wrongness of contraception in "Barnyard Morality" *America* 171, no. 4 (13 August 1994): 12-14.

reproduction. The biological purpose of the sexual organs of animals is the *reproduction* of another member of the species, whereas the natural purpose of human sexual organs and acts (natural means much more than biological when human nature is concerned) is both the *procreation* (not *reproduction*) of a new immortal human being and the expression of the desire for union or to be totally self-giving (an expression connected to the procreative power of the sexual act). A human act of sexual intercourse is essentially different from an animal act for it participates in the immortal dimension both of the agents and the potential offspring. That is not to say that what is physical and biological and "animal" is negated or "erased" by the human. Rather, they are permeated by the human; they are carriers of a transcendent reality which is humanity. *Familiaris consortia* speaks of spouses as "cooperators" with God in the creation of new human life:

With the creation of man and woman in His own image and likeness, God crowns and brings to perfection the work of His hands: He calls them to a special sharing in His love and in His power as Creator and Father, through their free and responsible cooperation in transmitting the gift of human life: "God blessed them, and God said to them, 'Be fruitful and multiply, and fill the earth and subdue it.'"

Thus the fundamental task of the family is to serve life, to actualize in history the original blessing of the Creator—that of transmitting by procreation the divine image from person to person. (FC 81)

Fecundity is the fruit and the sign of conjugal love, the living testimony of the full reciprocal self-giving of the spouses: "While not making the other purposes of matrimony of less account, the true practice of conjugal love, and the whole meaning of the family life which results from it, have this aim: that the couple be ready with stout hearts to cooperate with the love of the Creator and the Savior, who through them will enlarge and enrich His own family day by day." (FC 28, quoting *Gaudium et spes*)

Those who contracept violate not only the biological or physiological ordination of the sexual organs, they also diminish the structure of the act as an act of complete self-giving and they shut God out of the creative arena that is human sexuality.

What is physical and material, then, can be of enormous importance. Indeed some physical and material elements must be present for transcendent realities to be present; the physical and material are in fact "carriers" of transcendent realities. Analogously, certain exact physical elements must be present for all the other sacraments. For instance, if no unleavened bread or wine is available the Eucharist cannot be consecrated; confessions over the telephone are not valid. To say that certain physical elements must be present for the consummation of marriage to take place is in keeping with these requirements. Pope Benedict XVI insists that one of the problems of the modern age is its refusal to admit objective truths.²⁶ Sometimes it takes some finely tuned analysis to determine what exactly something is. But once we determine that this bread and wine have been consecrated, clearly it must be treated in a completely different way from unconsecrated bread and wine. Only certain kinds of acts serve to consummate a marriage. Thus to understand which acts serve to consummate and which do not is of extreme importance.

IV. IS THE HETEROSEXUAL USE OF CONDOMS ALWAYS CONTRACEPTIVE?

I have argued above that the use of a condom by spouses is not morally permissible even when used with a noncontraceptive intent because condomized "sexual intercourse" is not unitive. Here I will argue that the use of a condom by fertile heterosexuals always involves a contraceptive intentionality even if the spouses themselves disavow a contraceptive intention.²⁷

Rhonheimer acknowledges that to use a condom so that one does not infect a future child with the HIV is a contraceptive act because one is using the condom to reduce the risk of a pregnancy. Thus, although those who have genetic diseases that they do not want to pass on to a child have good reasons, nonselfish reasons, for not wanting to get pregnant, they are not

²⁶ See, e.g., his homily at the Mass "pro eligendo romano pontifice," 18 April 2005.

²⁷ The argument is also made by Benedict Guevin, "A Debate on Condoms and AIDS," and by Peter J. Cataldo, "Condoms and *HN* Prevention."

morally permitted to use a contraceptive to avoid a pregnancy that would transmit a disease. The contraceptive is an evil means to a good end since the good end can only be achieved by attempt to prevent a pregnancy. We are in agreement on this point.

But suppose one's primary concern and intent is not to reduce the risk of a potential HIV-transmitting pregnancy but to reduce the risk of transmitting the HIV to one's spouse (or to avoid contracting it from one's spouse)? As noted above, I maintain that condomized heterosexual intercourse is always immoral because a completed, authentic act of sexual intercourse does not take place. But here I am prescinding from that claim and exploring whether there is also always a contraceptive meaning to condomized sexual intercourse pursued for the sake of preventing transmitting the HIV to one's spouse.

The Church teaches that one should never do evil to achieve good. Rhonheimer agrees that for spouses intentionally to render their sexual acts nonprocreative is intrinsically evil and ought never to be done. But he does not think that condom use by HIV-infected spouses necessarily entails a contraceptive intent; he claims that their intent is to reduce the risk of transmitting the HIV and that the contraceptive effect of the condom is a side effect. He claims that the spouses are not choosing to contracept: they are choosing to reduce the risk of transmitting the HIV. Thus, it seems, he understands the resultant infertility to be an evil, a physical evil, but not a moral evil. If the spouses directly choose to cause infertility as a means of not transmitting the HIV, they would be sinning. But, in Rhonheimer's view, they do not choose infertility; they tolerate it as side effect and a proportionate evil to be tolerated in pursuit of other goods.

In spite of similarities in language to the principle of double effect (PDE), Rhonheimer maintains that he is not employing the PDE to justify spousal use of a condom to reduce the risk of transmission of the HIV. He states that to employ the PDE "presupposes that one already knows the nature of the object; that is, whether the very action that causes the evil effect is itself good or at least indifferent."²⁸ He states:

²⁸ Rhonheimer, "A Debate on Condoms and AIDS," 42

[T]he question we are dealing with here is precisely about the object and my argument is an argument about the object of using a condom; so the principle of double effect is not pertinent here. I assert that "using a condom" as such is an act that cannot be specified morally without including a basic intentionality.²⁹

Rhonheimer's reasoning here is not altogether clear to me. He believes that the infertility caused by the condom is not intrinsic to the use of the condom but is a side effect of the condom only in some instances, and is trying to show that one of these instances is when the condom is used by someone seeking to reduce the risk of transmitting the *HN*. If Rhonheimer is correct, in that case the condom would be a morally indifferent means and the intentionality of desiring to reduce the risk of transmitting the HIV to one's spouse would justify tolerating the infertility that also results from the use of the condom. That seems to me to be a classic case of the PDE.³⁰ I think Rhonheimer in the final analysis is employing the PDE, but establishing whether or not this is the case is not of great importance here. Rather, what is of importance is whether use of the condom between spouses can ever be morally chosen as a means to avoid transmission of the *HN*, given that the condom also causes infertility in such instances.

It is worth remembering that Rhonheimer agrees that if heterosexual condomized sexual intercourse were inherently contraceptive, the *HN*-infected spouse could not use a condom as means to a good end, for he would be using an evil means to achieve a good end. But, again, Rhonheimer believes that the infertility resulting from the use of a condom to prevent the spread of the HIV is an unintended side-effect and thus not sinful.

I believe that the use of a condom by heterosexuals is always contraceptive. Here I must resort to some technical terminology

²⁹ Ibid.

³⁰ As mentioned above, Rhonheimer and I have a different understanding of the object of the act and thus would predictably understand the principle of double effect differently. It is my hope that my understanding is consistent with a fairly traditional reading of Thomistic natural-law theory.

but I will also make my point step by step.³¹ The moral tradition of the Church has spoken of a *finis operantis/agentis* and a *finis operis/actus*; that is, it speaks of both the intention of the agent (*finis operantis/agentis*) which is also known as the end of the agent (and sometimes the motive) and the end of the act itself (*finis operis/actus*) which is the object of the act. The *finis operis/actus* is a *telos/end*, ordination, meaning, or character of an act that is inherent in an act and so intrinsic to it or "embedded" in it that one cannot choose that action without also choosing that end along with any other further ends the agent might have. A whole moral act, the particular act of a particular human being that is either a sin or an act of merit, includes both a *finis operantis* and the *finis operis* (sometimes they are the same, as when one gives alms to benefit the poor; sometimes they are different, as when one gives alms as a part of an act of seduction). Both must be ordered to right reason, and both must be ordered to each other. For instance, one cannot kill an innocent person (the object or *finis operis*) to gain an inheritance to feed the hungry (the end, the *finis operantis*); one's object is immoral no matter how good one's end.

Rhonheimer and I differ about what is the "object" of the act of spouses using a condom to reduce the risk of transmitting the HIV. He allows that "'having sexual intercourse by using a condom' is the description of an act in its natural species. Only when it is conceived as being related to an end can this act be understood as a human act and in its moral species."³² Since I think it implicit that the description "having sexual intercourse by using a condom" means "*heterosexual human beings* having sexual intercourse using a condom," I believe it goes beyond the merely physical and has elements that allow a moral evaluation. A condom used by heterosexuals in the course of an act of sexual intercourse is a device that inherently thwarts procreative potency and thus discloses how the act is aligned with human goods, with right reason. By analogy, the physical act of abortion can be

³¹ I explain my understanding of the proper description of the moral act in articles listed above, note 4.

³² Rhonheimer, "A Debate on Condoms and AIDS," 43.

described as "dismembering a fetus in the womb"; if we don't understand the fetus to be human we don't yet know the moral evaluation. But when we understand that the fetus is "an innocent *human being* in the womb" we understand this action to be intrinsically evil, an action that can never be morally chosen, no matter what the intention of the agent. I believe it is precisely "fertile spouses having sexual intercourse while doing something that robs an act of its procreative potency (e.g., using a condom)" that is the kind of act that the Church describes as the intrinsically evil action of contraception. If an act ("some performative behavior") is intrinsically evil, no matter what intention the agent has, the act remains evil.

Rhonheimer speaks of the act of those using a condom to reduce the risk of the transmission of the HIV as the "*intent* to reduce the risk of transmitting the HIV" (emphasis added). Here, as elsewhere in his writings, he folds the intention, or the end of an action, into the object of the action. I maintain that the use of condom by those seeking to reduce the transmission of the HIV is the object and means of the action and as object has its own end/meaning (the *finis operis*)-namely, the prevention of procreation-and the "intention to reduce the transmission of the HIV" is the end (the *finis operantis*) of the action, that is, it is the intention of the agent.

Rhonheimer speaks of the contraceptive effect of the condom for those using it to reduce the risk of transmitting the HIV as being *praeter intentionem*, and thus not defining of the act, since he understands the agent to have only the intention to reduce the risk of transmitting the HIV and not at all to contracept. While Rhonheimer claims that he includes the means as a part of the object of the act (though he does not use these terms), I think his assessment of the use of the condom by HIV-infected spouses demonstrates that he and I have a different understanding of what the object and end of the act are. I maintain that even though something is not intended as the end of the agent, the *finis operantis*, if it is chosen as a means to the end of the agent it too is an essential component of the act and enters into the moral evaluation of the action. It is "beside" the primary intention of the

agent but it nonetheless has its own *telos* or end or meaning, and insofar as it is chosen as an essential element of the larger action its inherent *telos* is part of that action: it is not undertaken *per accidens* but is essential to the action.³³ To apply this principle to the action at hand, a condom used by fertile heterosexuals has its own inherent ordination or *telos*, the intentionality of preventing the deposit of semen and the prospect of a sperm fertilizing an egg. Thus, whether the spouses use a condom to prevent pregnancy or the transmission of the HIV they cannot fail to intend the intrinsic *telos* of the condom in an act of heterosexual sexual intercourse.

A few examples can illustrate how the object of some actions has its own inherent *per se end/telos* (meaning or character) that must be part of the assessment of the act independently of the end, that is, the motive or intention, of the agent. If Joe ate hotdogs to win an eating contest, Joe would necessarily need to will absorbing the calories possessed by hotdogs; if Anne cut off Doug's leg to stop the spread of gangrene, Anne could not say she did not will that Doug be lame. If George stepped on the brakes of a car to send a signal to Alice-say that there was danger ahead, George could not say that the slowing down or stopping of the car was a side-effect or double effect of his action; brakes are ordained by their nature to slow down or stop a car. If Sally threw a stone through a window to rescue Billy from a burning building, she could not claim that the broken window was a side effect of her action. In all of these cases the agents may not have desired the end of the object or the *finis operis/actus* but they cannot avoid choosing it as a part of the act since it is an intrinsic ordination of the act. They do not just "tolerate" the calories, the amputation, the slowing-down, the broken window. Joe may not have wanted the calories; Anne may not want Doug to be lame; George may not have wanted to slow down or stop; Sally may not have wanted to break the window; nonetheless they all chose (and rightly, one might suppose) to have done those things. The *finis*

³³ I agree with Steven A. Long's understanding of the meaning of *praeter intentionem*: "A Brief Disquisition regarding the Nature of the Object of the Moral Act according to St. Thomas Aquinas," *The Thomist* 67 (2003): 45-71.

operis/actus cannot *not* be part of what is chosen by the agent; it is always a part of the means chosen to effect the intended end. What is key is that the agent, in spite of not desiring the *finis operis/actus* or the end of the object of the act, still chooses it; the bad effect is not simply a tolerated side effect but an intrinsic part of the object or means.

Rhonheimer and I are attempting to establish whether spouses who use a condom intending to reduce the risk of transmitting the HIV are choosing a means that is morally indifferent (in which case the contraceptive effect is a side-effect) or one that is intrinsically contraceptive (in which case it cannot be a moral choice as a means or an end). Rhonheimer argues that since the use of a condom does not have a contraceptive effect in some uses—that is, when used by homosexuals or sterile couples—it is not intrinsically a contraceptive device; it is morally indifferent and the morality of its use is to be determined by the intention of the agents. My argument is that the condom is always contraceptive when used by heterosexuals (and not unitive in all cases of heterosexual sexual intercourse).

A claim that Rhonheimer makes in one of his footnotes³⁴ would seem to indicate that he should accept the analysis laid out above. He disagrees with Grisez, Finnis, and Boyle on their analysis of the act of "someone who blows up an airplane full of passengers only with the intention of collecting the insurance indemnity for the loss of the airplane."³⁵ Grisez, Finnis, and Boyle argue that the detonator "does not intend and therefore does not choose the death of the passengers (because this is not his 'purpose'—and he would do it even if the airplane were empty), but only the destruction of the airplane (proximate end, object) with the ulterior intention of enriching himself." Rhonheimer argues that Grisez, Finnis, and Boyle are wrong to call this an "indirect" act of killing. Rhonheimer believes that it is an act of direct killing and that St. Thomas "would say . . . that the

³⁴ The following is from Rhonheimer, "The Perspective of the Acting Person and the Nature of Practical Reason," 473 n. 43.

³⁵ John Finnis, Germain Grisez, and Joseph Boyle, "'Direct and Indirect': A Reply to Critics of Our Action Theory," *The Thomist* 65 (2001): 1-44, at 30f.

circumstance of the presence of the passengers in the airplane is '*principalis conditio obiecti rationi repugnans*,' [a principal condition of the object, repugnant to reason] which causes a '*differentia essentialis obiecti*' [difference of the essential object]; the killing of the passengers, therefore, must be included in the description of the object; indeed, precisely this would be the object." I agree with Rhonheimer's disagreement with Grisez. But I cannot see how the structure of the act of fertile heterosexuals using a condom to reduce the risk of transmitting the HIV is any different from the individual blowing up the plane to get an indemnity. They are intending a certain means to an end; the condomizers do not desire the infertility nor does the detonator desire the death of the passengers but they both choose those realities as means to their ends.

In sum, my reasons for holding that a condom used by fertile spouses is always contraceptive are the following and should be clear from the above. A condom used by heterosexuals prevents semen from being deposited in the vagina. The deposit of semen is precisely what penetration is meant to achieve and the purpose of semen and sperm is precisely impregnation. Thus a condom violates the purpose of penetration and the purpose of semen. The prevention of the deposit of semen in the vagina and its pregnancy-causing powers are inherent to the use of condoms by heterosexuals, as intrinsic to the condom as calories are to hot dogs, lameness is to amputation, slowing down is to braking, broken windows are to rocks hurtled through them, death of passengers is to exploded planes. Thus, whether or not spouses desire the infertility caused by the condom, they are choosing it; it cannot be considered a side effect of the use of the condom. Although their primary intention is to reduce the risk of transmitting the HIV, the means that they have chosen is a contraceptive means and thus they are choosing to do something immoral for the sake of something moral. If this analysis is correct, a condom could not morally be used by heterosexuals to reduce the risk of transmitting the HIV, not only because it is not unitive but also because it is contraceptive.

V. DEFINITION OF CONTRACEPTION

Rhonheimer's understanding of what constitutes a contraceptive act influences his assessment of the contraceptive nature of the condom. In response to Benedict Guevin, who advanced the same position that I do here, that the condom "alter[s] the finality of the sexual act," Rhonheimer insists that *Humanae vitae* does not teach that the sexual act must remain *physically* open to the transmission of human life. He states that "the required 'openness' of the marital act to the transmission of human life must be of an *intentional* kind: nothing must be done to use the gift of sexuality in a way incompatible with a will to serve the transmission of human life"³⁶ (emphasis added). Rhonheimer believes that if *Humanae vitae* in its insistence that each and every conjugal act retain its ordination to the transmission of human life were referring to the necessity of honoring the physical finality of the sexual act, it could not consistently permit the use of natural family planning.

I, on the other hand, believe that *Humanae vitae* refers precisely to the physical ordination of the marital act in its definition of contraception because it is a human physical act defining of marriage and thus infused with human values. I also believe that there is no inconsistency in requiring that spouses not alter the natural ordination of their acts during the times of fertility and permitting the use of natural family planning or the confinement of one's sexual acts to the infertile period. I have written elsewhere about how the use of the phrase "open to human life" to translate "*ad vitam procreandam per se destinatus*"³⁷ is misleading because "open" seems to suggest the need for spouses to be subjectively desiring to accept a child (and that is indeed often a good) when the text simply requires that the sexual acts retain their natural ordination to fertility. Neither contraceptors nor users of NFP are "open" to procreation in the immediate sense of desiring a child and such lack of openness is not wrong and in fact can be a result of the exercise of responsible

³⁶ Rhonheimer, "A Debate on Condoms and AIDS," 46.

³⁷ See my *Humanae Vitae: A Generation Later*, 77-83.

parenthood. But contraceptors have chosen means that violate the good of procreation: contraception seeks to "rob" sexual acts of their natural fertility or ordination to procreation (and of their expression of total self-giving). Sexual acts during the infertile time do not "rob" otherwise fertile acts of their fertility. The infertility is not the result of a choice by the spouses; the infertility exists independently of any choice of theirs (and they give all that they have to give and thus are totally self-giving). They choose to take advantage of their infertility but they do not cause it. In fact, insofar as they have done nothing to thwart the fertility of their sexual acts, they are still fully respecting the fertility of their acts both when they refrain from altering potentially fertile acts to be infertile and when they engage in sexual intercourse during the infertile time, acts that retain a somewhat more symbolic ordination to new life. What *Humanae vitae* condemns is doing something to prevent acts that may be procreative from being procreative. Such would not be a proper description of what those using natural family planning do.

Rhonheimer makes remarks that seem to correspond with the above analysis: he describes the real evil of contraception as "to want to have sex and at the same time to prevent its procreative consequences; to avoid, therefore, modifying one's bodily, sexual behavior in a chaste way for reasons of procreative responsibility, thus depriving sexual acts of their full marital meaning which includes both the unitive and the procreative dimension."³⁸ Because those using condoms to reduce the risk of transmitting the HIV do not "want" to prevent procreative consequences, Rhonheimer argues that they are not contracepting. I, on the other hand, argue that they are nonetheless choosing to do something that directly prevents procreative consequences and thus are contracepting.

³⁸ Rhonheimer, "A Debate on Condoms and AIDS," 47. Reference to the wrongness of "modifying one's bodily sexual behavior" seems to employ the "physicalism" that I maintain is always present in arguments against contraception. Such "physicalism"-mine and Rhonheimer's- is in no way independent of human and thus transcendent values. These are human physical acts, not animal physical acts and thus are already in the realm of human values.

Strangely, Rhonheimer does not recommend that HIV-infected spouses confine their acts of conjugal intercourse to the infertile periods, in which at least the contraceptive power of the condom would not be in play as a side-effect. Moreover, Rhonheimer's reasoning would seem to permit some other acts generally considered by Catholics who are in line with the magisterium to be against the moral principles of the Church. Would Rhonheimer think a male could use a nonperforated condom to collect semen for fertility testing? Indeed, would masturbation to acquire semen for fertility testing be moral? Could it be said that that the masturbator was not intending the solitary orgasm—that it is the side effect of semen gathering?³⁹

Indeed, it is odd that neither Rhonheimer nor others who argue for the morality of using the condom to reduce the risk of transmitting the HIV address the question of the morality of using a condom to reduce the risk of transmitting other sexually transmitted diseases. Clearly, the importance of not transmitting the HIV is heightened because the HIV causes AIDS which is fatal; nonetheless, medications are increasing the lifespans of those who have the HIV. Although other STDs are not lethal (though the connection of the HPV, the human papillomavirus, with cervical cancer may qualify it as a life-threatening STD), they can cause lifetime infections and inconvenience. Isn't the intent not to transmit nonfatal STDs similar to the intent not to transmit the HIV?

³⁹ In fact, it seems that Rhonheimer may approve of "stimulating one's genitals for the purpose of semen gathering." In a response to Richard McCormick, he states: "Of course, stimulation of the genital organs 'as such' is not a kind of behavior that can be chosen or willingly performed by a human person; a basic reason, intent, or purpose is needed. That is why the *Catechism of the Catholic Church* very correctly writes in n. 2352: 'By masturbation is to be understood the deliberate stimulation of the genital organs in order to derive sexual pleasure.' That seems very clear. If one chooses the same behavioral pattern (stimulating genital organs) in order to get semen for fertility analysis, then one simply chooses an action that is different by its object" ("A Reply to Richard McCormick," *The Thomist* 59 [1995]: 296). The fact that those who "stimulate their sexual organs for the purpose of semen gathering" engage in sexual fantasies or use of pornography indicates to me that it is properly described as an act of masturbation—an act that cannot be separated from its "self-pleasuring" *telos*. I think the "intention" of semen gathering is the end of the act (not the object) and that is *bonum*; the object, "stimulating one's genitals", is *ma/um* and thus the act as a whole is *ma/um* and the agent who freely and knowingly engages in the act is guilty of a *culpa*.

VI. OTHER USES OF CONDOMS

A) Therapeutic?

The question naturally arises whether the use of the condom by HIV-infected spouses is similar to the use of infertility-causing hormones to treat various female conditions. Rhonheimer acknowledges that there is not a true parallel between the use of a condom and the use of contraceptives for therapeutic reasons because the condom does not have therapeutic power; it cures no diseases, whereas hormones taken by women to treat various conditions can in fact treat those conditions. But Rhonheimer does maintain that there is an analogy between the use of condoms to reduce the risk of transmitting the HIV and the use of contracepting hormones to treat various conditions.

Let's consider what we might learn about the use of condoms to reduce the risk of transmitting the HIV from the therapeutic use of contracepting hormones. First let me state that I think it is not precise to speak of women "taking contraceptives" or even "contracepting" hormones to treat certain conditions. If a prepubescent girl had her ovaries removed, it would be strange to speak of that removal as a "contracepting act" or to speak of all her future acts of sexual intercourse as contracepted acts: rather, the surgery was an act that rendered her infertile. Similarly, to treat certain conditions women take hormones that cause infertility; taking the hormones is not a contraceptive act. Those same hormones are contraceptive only when used in reference to a sexual act and the women are not taking them in reference to a sexual act; they do become infertile but they do not contracept. So I am going to speak of women taking "infertility-causing hormones" to treat certain conditions. These may be the same hormones that are present in the pill, but a woman using them therapeutically is not taking a contraceptive; she is taking hormones. If a male not engaging in sexual intercourse were to put a condom over his penis to protect it from making contact with something that could harm it, it would not be right to say

that he was using a "contraceptive" for protective purposes, for in this instance the condom is not contraceptive.

Consider the case of a woman-let's call her Jill-who uses hormones to reduce endometriosis, hormones that at the same time render her infertile. If Jill is not sexually active, clearly her act has no contraceptive effect because there need to be sexual acts for a contraceptive effect to take place. The object of her act is not intrinsically contraceptive in the same way that the use of a condom by fertile heterosexuals is intrinsically contraceptive. She takes hormones to reduce the growth of her endometrium. The hormones have an intrinsic ordination to stopping ovulation and to rendering her infertile but they do not have an intrinsic ordination to rendering sexual acts infertile. The endometrium-reducing hormones are also ovulation-stopping hormones but Jill is not stopping ovulation as a means to reducing the growth of her endometrium and certainly she is not choosing contracepted acts of sexual intercourse as a means to reducing the growth of her endometrium. Jill takes the hormones completely without reference to sexual acts. She in fact may never engage in sexual intercourse. Thus her taking of the hormones does not intrinsically have the ordination of rendering sexual acts infertile; the infertility of any future sexual acts would truly be side-effects of her choices, and even remote side effects.

Spouses who use a condom to reduce the risk of the transmission of the HIV, on the other hand, do so precisely to enable a sexual act to take place in which they would not otherwise participate. They are treating no disease; the condom performs no therapeutic purpose; the spouses would not use the condom were they not engaging in an act of "sexual intercourse."

B) Perforated Condoms

I accept that it is morally permissible for a husband to use a perforated condom for the purpose of collecting semen for testing of fertility. The fact that some semen is deposited achieves the unitive meaning of the sexual act and respects the procreative meaning of the sexual act. Thus, I think it would also be morally

permissible for a husband attempting not to transmit a STD to make use of a perforated condom. Since some semen would be deposited in the vagina, there would be a completed act of sexual intercourse, but since less semen than usual would be deposited, the risk of transmission would be reduced.

C) Condomized Sexual Intercourse by Prostitutes and Fornicators

Let us turn to the question whether a condom would make the sexual acts of fornicators and prostitutes who have the HIV less evil. The question seems to be which is a "lesser evil":⁴⁰ (1) an act of fornication or prostitution that threatens to spread a lethal disease (which is a sin against justice) or (2) a quasi-onanistic/masturbatory act such as condomized sexual intercourse (which is a sin against chastity). It is a difficult decision to make for many reasons. If one employs the principle of doing the lesser evil, how does one determine which is the lesser evil?

The principle of choosing the lesser evil means that when one is faced with doing an act that will necessarily result in evil, one should choose the lesser evil. If one were choosing between doing two physical evils, certainly one should choose the lesser evil; if one had to choose between breaking a lock or destroying a door to get into a room, generally one should choose to break the lock, assuming the lock is less expensive than the door. The principle can also be applied to moral evils but it does not mean that it is moral to perform a small moral evil to avoid a larger moral evil for that would mean to do moral evil to achieve good, which is never permitted. For instance, it would not be moral to fornicate to prevent a murder (a lesser moral evil for a greater one). Nor may one do a small moral evil to avoid a large physical or "ontological" evil; for instance, one may not get a sterilization to prevent a health-threatening pregnancy (a moral evil to avoid a serious physical evil).

There is a way that the principle applies somewhat tangentially to moral evils. A small lie is a lesser moral evil than a big lie (all

⁴⁰ I have written on this matter: "The 'Many Faces of AIDS' and the Toleration of the Lesser Evil" *Fellowship of Catholic Scholars Newsletter* 11, no. 3 (June 1988): 5-10.

other things being equal: see below) since it is worse to sin against the truth in a big way rather than in a small way. Both, however, are moral evils, and one should never choose to do any moral evil. Thus, to tell a small lie rather than a big lie would be to choose a lesser evil-nonetheless one should not tell small lies or large lies.

Often the question about the use of condoms is treated as a question of the lesser evil: it is argued that a condomized act of sexual intercourse for the purposes of reducing the risk of transmitting the HIV is a lesser evil than a noncondomized act of sexual intercourse that risks transmitting the HIV. To assess that claim we need to consider how one evaluates the morality of sexual acts.

One way of comparing sexual acts is in respect to their "naturalness," in respect to their relative fullness as "human acts." By this standard, an act of masturbation is a worse moral evil than an act of fornication since an act of masturbation is a solitary act and thus contradicts the other-directed essence of human, moral sexual intercourse. A masturbator engages in a less "full" human act than a fornicator. By the standard of naturalness, one would do less evil to fornicate than to masturbate.

But all acts, including sexual acts, can be compared with reference to the harmfulness of the consequences. A small lie may have worse consequences than a big lie (a small lie being one that deviates only a little from the truth and a big lie being one that deviates a great deal from the truth). It deviates only slightly from the truth to say that someone left at 11:05 rather than at 11:00 but if that piece of information might convict an innocent man of a grave crime that small lie would be worse than many big lies. In fact, one could also choose more or less harmful ways of performing what is essentially the same action: robbing a bank with a phony gun is less evil than robbing a bank with a real gun. Hitting a woman who is wearing a helmet with a baseball bat is less evil than hitting a woman who is not. Minimalizing the physical evil or the possibility of physical evil would be a lesser evil physically and thus morally as well.

Sexual acts can be compared in respect to the harm that they do. Thus an act of fornication that risks transmitting or contract-

ing a STD is worse than an act that does not. Thus, if one had a choice between fornicating with someone who does not have an STD and someone who does, it would be a lesser evil to choose the partner without the STD.

So does this analysis help evaluate the use of condoms to reduce the risk of transmitting the HIV? As I have argued above, condomized fornication is nearly equivalent to mutual masturbation since neither results in a completed act of sexual intercourse; condomized fornication, however, at least simulates a completed act of sexual intercourse and perhaps is less evil for that reason. As sources of physical evil, perhaps both mutual masturbation and condomized fornication are less evil than simple fornication since both have less risk of resulting in pregnancy and the transmission of sexually transmitted diseases. Thus, which is worse: engaging in an act that is defective as a human act (an act of condomized fornication) or an act that potentially does significant harm (an act of noncondomized fornication by the fertile or those having an STD)? Perhaps condomized fornication is a lesser moral evil, but it is still dearly a moral evil.

These considerations also shed light on proper public policy; should condoms be distributed to reduce the risk of the transmission of the HIV? Again, some analogies may be helpful. If there were a rash of bank robberies that are deadly because the robbers use real guns with real bullets, perhaps the authorities should try to distribute phony guns or phony bullets, or if there were a rash of men hitting women with baseball bats, perhaps authorities should distribute helmets. I would recommend neither, but there is a certain logic to those proposals similar to the logic of distributing condoms. But would the Church want to put its energy into that effort or into the effort of convincing people not to rob banks and not to hit women and not to engage in lethal disease-transmitting sex?

VII. WHAT IS ALL THE FUSS ABOUT?

The above is an examination of the question of the morality of the use of condoms to reduce the risk of the transmission of the HIV. While I believe that those who think HIV-infected spouses may morally use a condom are wrong, I believe this is a legitimate question raised by those who are faithful to the magisterium and that the discussions up to this point have helped clarify not only this matter but some related extremely important issues as well (e.g., what kind of act is necessary for consummation and what it means for an act to be unitive). This discussion is directed primarily at those trained in the mode of analyzing the morality of actions developed in the Catholic tradition. It is doubtful that the analysis will have much persuasive power for those unfamiliar with that tradition. It is highly probable that it will have nearly no persuasive impact on most of those who are at risk of transmitting or contracting the HIV. Nonetheless, the complaint that the Catholic Church is wrong to oppose the distribution of condoms to stop the spread of the HIV is a bit puzzling, when probed. After all, the vast majority of those who have the HIV contracted it by having sexual intercourse outside of marriage; many are homosexuals or men unfaithful to their wives or fornicators. Does anyone think that these men are not using condoms because the Catholic Church says they should not? Are there any social-service organizations or governments which do not distribute condoms because the Church disapproves of them?

Perhaps the charge is that Catholic hospitals, social-service organizations, and educational institutions should be distributing condoms. But the Church thinks the real solution is chastity before marriage and fidelity within. It believes that with God's grace we can control our sexual appetites. It seems unreasonable that a world that promotes dropping condoms from the sky (many of them defective) and accepts the fornication and promiscuity that led to the problem of the HIV and its ravages should expect the Church to join that disastrous program.

The Church remains firm in her conviction that human beings are fully capable of living in accord with the morality demanded

by the reality of human sexual intercourse. When they do not do so, the results are, as I said, disastrous. No doubt Rhonheimer and I agree fully on this matter.

TWO RIVAL VERSIONS OF SEXUAL VIRTUE:
SIMON BLACKBURN AND JOHN PAUL II ON LUST AND
CHASTITY

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FOR THE NEW YORK Public Library's lecture series on the seven deadly sins, British philosopher Simon Blackburn provided an analysis and defense of lust. Published by Oxford University Press, his lecture is a short but witty and provocative monograph easily accessible to the educated public and, at the same, of real philosophical interest both for its erudition and for its misunderstandings. Blackburn argues for the rehabilitation of lust, attempting to move it from the category of vice to that of virtue.¹ Doing so, of course, means disarming the opposition to lust characteristic of traditional moral perspectives, and so his essay is as polemical as it is constructive. Despite the persuasiveness of his rhetoric, however, a deep confusion attends his efforts and renders opaque the central points in the dispute between him and his polemical targets. Furthermore, once the outlines of the debate become clear, the superiority of his account over more traditional ones appears much less obvious than his presentation suggests.

In this essay, I first identify Blackburn's confusion as a "grammatical" one and draw out its consequences for his argument. I next articulate more precisely than Blackburn does the concepts of lust and chastity as they operate both within his

¹ Simon Blackburn, *Lust* (New York: New York Public Library and Oxford University Press, 2004), 3. Parenthetical page numbers in the text refer to this book.

own moral outlook and within a traditional outlook he identifies as a polemical target. Finally, I consider in more detail some key points of contention between those two moral perspectives and suggest reasons why one may find the traditional account more attractive than Blackburn allows, even on his own terms.

I. BLACKBURN'S GRAMMATICAL CONFUSION

A) Blackburn's Polemical Targets

Blackburn leaves no doubt that his chief polemical target is the traditional teaching of the Christian churches on sexuality, and he implies just as strongly that the contemporary teaching of the Catholic Church is inseparable from that which has gone before and just as reprehensible. Among his foes he lists the Puritans, "old men of the deserts," and the "pallid and envious confessors of Rome" (3). He devotes one chapter (chapter 2, "Excess") to criticism of Aquinas, two more to a broader critique of Christian teaching on sexuality (chapter 5, "The Christian Panic"; and chapter 6, "The Legacy"), and a third very short one to a sarcastic dismissal of current Catholic teaching on contraception (chapter 7, "What Nature Intended"). Clearly, Blackburn means to contrast his account of lust with that of the traditional Christian, and specifically Catholic, moral outlook.

Because Blackburn's argument is polemical—he means to "rescue" the concept of lust from false construals of it—its success depends at least partially on the accuracy of his interpretation of his opponents and of the contentions in dispute. It is at this point that I believe he fails, because his argument suffers from a fatal confusion. To demonstrate this failure, I will depend on the recent teaching of Pope John Paul II on human sexuality as representing the current state of Catholic magisterial teaching on the subject, and on older treatments as found in Aquinas and his followers. Blackburn has, to all appearances, both of these sources in his sights, and so they constitute a fair resource for getting clearer about the issues in dispute.

B) *The Confusion*

Fundamentally, Blackburn's confusion is grammatical.² That is to say, his criticisms fail to use the concepts of lust and, by implication, chastity in the way prescribed by the moral grammars of the traditions he attacks. By attributing a "moral grammar" to these traditions, I mean to suggest that their reflective adherents do not use concepts such as those of the various virtues or those related to human nature in a simply ad hoc or adventitious manner. Instead, they use them according to implicit and complex patterns of connection and interconnection that enable them to make sense of themselves and the world. The grammatical patterns of a spoken language provide an analogy to such conceptual patterns and suggest the heuristic device of a "moral grammar."

A moral grammar, then, describes the ways in which relevant concepts can be related to one another in a moral tradition to make sense of its outlook. Like the grammars of spoken languages, moral grammars are seldom explicitly articulated by those who rely on them. Nonetheless, those native to a tradition can often spot the nonsensical use of concepts belonging to it, and such nonsense may reveal a basic confusion about the way those concepts are properly connected to one another in the tradition. Blackburn's confusion is of this sort—most of those who find their moral vocabulary in some traditional outlook will recognize Blackburn's use of "lust" to denote a virtue as simple nonsense—and so to diagnose and remedy it we need to articulate more explicitly certain features of the moral grammars belonging to the traditions he excoriates.

"Lust," in the Christian and specifically Catholic moral traditions Blackburn targets, is properly employed to indicate sexual desire that lacks appropriate direction to the real human goods it can obtain, and it has its primary opposing virtue in

² For my use of "grammar" here, I am indebted to the work of Robert C. Roberts; see, for example, his essay "Kierkegaard, Wittgenstein, and a Method of Virtue Ethics," in *Kierkegaard in Post/Modernity*, ed. Martin J. Matustfk and Merold Westphal (Indianapolis: Indiana University Press, 1995), 142-66.

chastity, which is properly employed to indicate rightly ordered sexual desire. Gluttony and temperance about food share the same grammatical relations with reference to eating: gluttony names a disordered desire for food or for eating and temperance indicates a properly ordered desire for food. Given these conceptual patterns, then, attempts to rehabilitate lust as a virtue can only produce nonsense, since they would necessarily violate the rules that relate lust to chastity and both to sexual desire. But that is just what Blackburn tries to do, attempting to "lift [lust] from the category of sin to that of virtue" (3).

This quixotic project seems possible to Blackburn only because he mistakes the role "lust" plays in traditional moral grammars, thinking of it as a *descriptive* rather than as a *normative* concept. This distinction reflects some of the basic patterns of Blackburn's own Humean-style moral grammar. In *An Enquiry concerning the Principles of Morals*, Hume's method of presenting the virtues generally requires him first to describe a trait and then to evaluate it for usefulness. He defines a virtue as "whatever mental action or quality gives to a spectator the pleasing sentiment of approbation."³ One describes a virtue, then, by first identifying a particular mental quality and then establishing its usefulness or agreeableness to oneself or others. One thus moves from descriptive to normative concepts.

This two-level process, beginning with a quality and then moving to its value, reappears in Blackburn's presentation of traditional views. Implicit in his rehabilitative efforts is the notion that "lust" in traditional moral grammars simply indicates desire for sexual pleasure for its own sake—that is to say, a mental quality that may or may not turn out to be useful or agreeable. As a simple desire, of course, lust would have no opposing virtue. Just as hunger has its absence as its only opposite, so sexual desire would have its absence as its only opposite. This assumption sometimes becomes all but explicit. For example, in defense of lust Blackburn argues that "lust is not merely useful but essential.

³ David Hume, *An Enquiry concerning the Principles of Morals*, ed. Tom L. Beauchamp (New York: Oxford University Press, 1998), 160.

We would none of us be here without it" (ibid.). Clearly, none of us would be here without sexual desire in some sense, but there is no good reason to think that *disordered* sexual desire is necessary for our coming into existence.⁴ Blackburn's defense here works only if lust is identified simply with sexual desire. Consequently, he apparently imagines that the condemnations of lust found in Aquinas or contemporary magisterial teaching necessarily advocate the elimination of sexual desire. But that reading is demonstrably false, even given Blackburn's implicit distinction between normative and descriptive concepts.

Consider first Aquinas. The question on chastity⁵ in the *Summa Theologica* is placed in the discussion of temperance, which is a virtue that regulates desires for pleasures, shaping them according to reason. As a "subjective part," or specification, of temperance, chastity is not the absence of desire for sexual pleasure but a disposition to *properly ordered* sexual desire.⁶ Aquinas goes so far as to identify insensibility, the total rejection of some kind of legitimate pleasure, as a vice for those not under special discipline (for example, the sick, athletes, penitents, and contemplatives).⁷

Lust is the vice opposed to chastity in the other extreme. Lust, like chastity, has "venereal pleasures" as its matter, so that lust properly speaking indicates a disposition of the person with respect to venereal pleasures,⁸ but lust cannot be identified simply with a desire for venereal pleasures. Aquinas argues that "the use of venereal acts can be without sin, provided they be performed in due manner and order, in keeping with the end of human procreation."⁹ Not even the transmission of original sin can make

⁴ Some read Aquinas as disputing this claim; he holds instead, they say, that sexual desire after the Fall is always disordered. But Aquinas insists, "it is not right to say that every act of carnal union is a sin" (ScG III, c. 126 [Thomas Aquinas, *Summa contra Gentiles* (repr.: South Bend, Ind.: University of Notre Dame Press, 1975), 3/2: 155]). See also *STh* II-II, q. 153, a. 2 (Thomas Aquinas, *Summa Theologica*, trans. Fathers of the English Dominican Province [repr.: Westminster, Md.: Christian Classics, 1981]).

⁵ *STh* II-II, q. 151.

⁶ *STh* II-II, q. 143, a. 1; see also II-II, q. 151, a. 1, ad 1.

⁷ *STh* II-II, q. 142, a. 1; see also ibid., ad 3.

⁸ *STh* II-II, q. 153, a. 1.

⁹ *STh* II-II, q. 153, a. 2.

the venereal act sinful.¹⁰ If such acts can be done without sin, surely they can be desired without sin. So if a desire for a venereal act is sinful, it is because the act desired is disordered, not because it is sexual. Therefore, for Aquinas, "lust" does not name sexual desire simply but instead the disorder of sexual desire, and the opposite of lust is not the elimination of desire but the proper ordering of it. Employing the concept "lust" without reference to these normative aspects will, in Aquinas's moral grammar, simply produce nonsense.

Similarly, for the current Catholic magisterium as represented by John Paul II's *Theology of the Body*, "lust" plays a normative and not merely a descriptive role. In fact, John Paul explicitly distinguishes the "psychological" from the "biblical" or "theological" meaning of lust.¹¹ A purely psychological perspective describes lust "as an intense inclination toward the object because of its ... sexual value" or "the subjective intensity of straining toward the object because of its sexual character."¹² The biblical or theological meaning, on the other hand, moves beyond the fact of desire to its manner. Following Christ's condemnation of lust in the Sermon on the Mount, John Paul employs it most frequently in its adverbial form ("looking lustfully"), sometimes in an adjectival phrase ("man of lust"), and seldom, if ever, as a noun.

Perhaps John Paul's central insight into the character of lust is its nature as a modification of a cognitive act. "A look (or rather looking)," he says, "is in itself a cognitive act,"¹³ and it is a

¹⁰ Ibid., ad 3.

¹¹ Pope John Paul II, *The Theology of the Body: Human Love in the Divine Plan* (Boston: Pauline Books and Media, 1997), 116 (28 May 1980) and 148 (17 September 1980). From 1979 to 1984, with some interruptions, John Paul conducted a catechesis on the "theology of the body" at his Wednesday General Audiences. The book referenced here, originally published in four separate volumes, presents the texts of these audiences as they were published in the English edition of *L'Osservatore Romano*. Citations of this work will include the page number in this one-volume edition and the date of the General Audience at which the material was first delivered.

¹² Ibid., 116 (28 May 1980) and 169 (5 November 1980). Compare Blackburn's definition: lust is the "enthusiastic desire, the desire that infuses the body, for sexual activity and its pleasures for their own sake" (Blackburn, *Lust*, 19).

¹³ John Paul II, *Theology of the Body*, 149 (17 September 1980).

particular manner of looking that Christ condemns as lust. Looking is a kind of understanding; for me to look at the body of another in its masculinity or femininity is for me to see that body under a certain aspect, to see it *as*, for example, instrument, obstacle, threat, or (as John Paul would have it) the effective sign of a person oriented to self-gift. Any desire for pleasure related to the masculinity or femininity of that body, then, receives its shape and form from the manner of my looking. Since lust is best understood as a way of seeing the body of the other that fails to grasp its genuine significance, its conceptual grammar requires, in Blackburn's terms, a normative and not a descriptive use. And since its defect lies in the shape it gives apprehension of and desire for another's body, its opposite is not the absence of desire but instead properly ordered desire.

C) Consequences of Blackburn's Grammatical Confusion

Despite the obviousness of these conceptual patterns for those who have read Aquinas and John Paul, Blackburn begins with the apparent assumption that "lust" is a descriptive concept that in itself requires no normative use. First get clear about the phenomena lust describes, he seems to think, and then one can determine the kind of moral evaluation it deserves. Importing this use of the concept into a polemic against Christian condemnation of lust produces at least three related consequences that imperil his project.

First, Blackburn fails to bring down his polemical targets because his confusion renders him incapable of fairly criticizing their arguments. For example, he faults Aquinas, as a representative of the Christian tradition, for surreptitiously adding normative features, such as excessiveness, to lust as a descriptive concept. Blackburn insists that "the urge to inject something morally obnoxious into the definition" is "not an innocent mistake," because it provides a circular answer to the question of the viciousness of lust (22). Such a question-begging response is, assuredly, a "cheap victory: excessive desire is bad just because it

is excessive, not because it is desire" (ibid.). But, of course, Aquinas never took the viciousness of lust as an open question nor condemned it simply because it is desire, even sexual desire. As the name of a vice, lust is a defective form of sexual desire; his incorporation of excess into its definition is perfectly reasonable and straightforward.

Blackburn reveals his confusion even more clearly when he writes: "So we must not allow the critics of lust to intrude the notion of excess, just like that. We no more criticize lust because it can get out of hand, than we criticize hunger because it can lead to gluttony, or thirst because it can lead to drunkenness" (27). Lust, however, is a vice-concept in Aquinas's moral grammar, and so parallel to gluttony or drunkenness rather than to hunger or thirst. The latter have their parallel in sexual desire itself. Blackburn's omission of any mention of sexual desire itself in this passage marks the confusion: if lust is a descriptive concept naming a human power or capacity, then Blackburn should have ready-to-hand virtue- and vice-concepts to mark its flourishing and its disorder.

Yet another passage demonstrates that Blackburn's grammatical confusion undermines his attempts to refute traditional condemnations of lust. He writes: "If we talk of excess, it seems we ought to be able to contrast it with some idea of a just and proportionate sexuality: one that has an appropriate intensity, short of obsession but more than indifference, and directed at an appropriate object.... So it would seem quite wrong to say that lust is in and of itself bound to be excessive" (23). Of course, Aquinas and, especially, John Paul do contrast lust with a "just and proportionate sexuality," but they call the latter chastity, not lust. Blackburn calls here for a properly ordered lust, and such a thing is simple nonsense in the moral grammars he is criticizing, since, if it were a properly ordered sexual desire, it could not be a disordered sexual desire, as lust is.

One path through this confusion consists in a reflection on the conceptual patterns native to Aquinas's thought. His approach to the virtues differs from Blackburn's Humean-style method in at

least two relevant respects. First, Aquinas recommends virtues not because of their agreeableness or usefulness, but because they are the perfections of certain human powers.¹⁴ Thus, whether a given habit is a virtue depends on its reliably inclining an agent to a kind of act that is constitutive of the agent's good rather than on its consequences or estimability.¹⁵ A description of a virtue, for Aquinas, is a description of a human power habitually directed by reason to its good. Second, the relevant powers themselves are not virtues or vices because one can exercise them in both good and evil acts.¹⁶ But the concept of a power is not thereby a purely "descriptive" concept, since one must describe powers by reference to those goods proper to them.¹⁷ For these two reasons, Blackburn's attempt to read Aquinas through an alien conceptual pattern distinguishing descriptions of mental qualities from normative evaluations of them is bound to produce confusion.

Furthermore, Aquinas insists that "the good of moral virtue consists in the rule of reason,"¹⁸ since the practical intellect apprehends the good as it bears on activity.¹⁹ For humans, of course, the final good is happiness.²⁰ Consequently, virtues incline one to actions and desires consistent with happiness as reason rightly apprehends it and exclude actions and desires inconsistent with one's true end. One might think that such a view of virtue is overly intellectualistic and likely to exclude common human pleasures and affects. As if to affirm that impression, Aquinas says of chastity that "it takes its name from the fact that reason *chastises* concupiscence, which, like a child, needs curbing."²¹ But Aquinas's depiction of virtues as dispositions ruled by reason does not entail that affects like pleasure are contrary to virtue. Speaking of temperance, for example, he says, "Since, however, man as such is a rational being, it follows that those pleasures are

¹⁴ *STh* I-II, q. 55, a. 1.

¹⁵ *STh* I-II, q. 55, aa. 2 and 3.

¹⁶ *STh* I-II, q. 55, a. 1.

¹⁷ *STh* I-II, q. 10, a. 1; see also *STh* I, q. 77, a. 3.

¹⁸ *STh* I-II, q. 64, a. 1.

¹⁹ *STh* I, q. 79, a. 11, ad 2.

²⁰ *STh* I-II, q. 1, a. 7.

²¹ *STh* II-II, q. 151, a. 1.

becoming to man which are in accordance with reason. From such pleasures temperance does not withdraw him, but from those which are contrary to reason."²² Chastity is a species of temperance, and so it follows that, for Aquinas, the virtue of chastity only chastises disordered desires that take pleasures contrary to the human good as their object. To make this move, he must differentiate between kinds of pleasure by reference to their divergent relations to one's good,²³ and that distinction depends on a moral grammar that does not, like Blackburn's, rigidly distinguish between descriptive and normative assertions about human powers and qualities.

Blackburn's criticisms of traditional accounts of lust like Aquinas's miss their mark on several levels because, against the rules of traditional moral grammars, he attempts to use lust as a purely descriptive concept. But that confusion also has consequences for his more positive account of lust. Because both Blackburn and the Catholics he criticizes view sexual desire as a natural power or capacity of human persons, both must include in their moral grammars concepts that allow one to speak of its perfection in the flourishing of a human person as well as its disordered states. The structures of their moral grammars are, in this way, parallel, though Blackburn's confusion obscures that point. Because Blackburn does not always clearly recognize that structural similarity, his instructions for speaking normatively of sexual desire remain in the shadows of his polemics. Nonetheless, the instructions are there, and they represent a mirror image of the traditional accounts.

Despite arguing in chapter 2 that lust is a basic power or capacity of human persons like hunger and thirst, and so that it constitutes the material for virtue and vice rather than being virtue or vice itself, Blackburn in his introduction asserts his intention to elevate lust "from the category of sin to that of virtue" (3). For the nature of a virtue, he appeals to David Hume,

²² *STh* II-II, q. 141, a. 1, ad 1.

²³ Compare *STh* II-II, q. 154, a. 4, where this kind of distinction becomes more explicit, as Aquinas contrasts the two different kinds of pleasure in touches and kisses dependent on their relation to two different kinds of end.

who, he says, thought of a virtue "as any quality of mind 'useful or agreeable to the person himself or to others'" (ibid.). Hume's understanding of the nature of virtue may be idiosyncratic among the virtue traditions, but nonetheless it enjoins the normative use of virtue concepts. So Blackburn clearly instructs his reader here to use "lust" normatively, rather than merely descriptively.

His definition of lust provides further evidence for his grammatical intent. Lust, he argues, is "enthusiastic desire, desire that infuses the body, for sexual activity and its pleasures for their own sake" (19). By including a certain intensity ("enthusiastic") and a certain motivation or ordering of goals ("for their own sake") in his definition, he uses it not to describe a basic human power or capacity but to mark out one way such a capacity can be developed and to recommend it to his reader as its proper form. And, in Humean fashion, he decries the consequences of malformed lust in terms of the fears and politics to which they lead: "in the twentieth century it was not too difficult to transfer these fears onto other degenerates who are supposed to predate on the purity of male Aryan manhood, sapping and impurifying precious bodily fluids, with the consequences we all know. Fear of lust quickly translates into fearful politics" (78).

The place of this observation in Blackburn's text underscores its significance. After defining lust and arguing against the importation of normative features into it, Blackburn surveys the advantages and disadvantages of ancient Greek views on lust and then, in successive chapters, describes the "Christian panic," its "legacy" in misogyny, the absurdity of Catholic teaching on contraception, and finally "some consequences" of the whole story. He finishes his account of the consequences with the reference to the Holocaust quoted above. Clearly, Christian attempts to deprive lust of its proper ordering to the pleasures of sexual activity for their own sake constitute, almost literally, a deadly sin. This story, of course, assumes a normative use of the concept "lust."

Furthermore, Blackburn's specification of the kind of sexual pleasure his definition assumes betrays a normative intent.

Drawing on Thomas Hobbes and Thomas Nagel,²⁴ Blackburn argues that lust is a desire for a reciprocal perceptual pleasure that results in a "Hobbesian unity," a concept he derives from one of Hobbes's less-famous texts. As far as I know, Blackburn's use of the term is original to him-Nagel, for instance, does not mention it-and, given Hobbes's reputation, it may not sound too pleasant.²⁵ "Nasty, brutish, and short" comes to mind.

Blackburn's point, however, is not really so foreign. He is pointing to a kind of synergy one sometimes experiences in a complex cooperative activity. Basketball players, for example, sometimes seem to themselves to experience a common mind and a common agency, executing complex maneuvers that require them not only to perceive their teammates accurately but also to perceive how their teammates perceive them. Blackburn compares the pleasures of a Hobbesian unity to the pleasures of making music together in a quartet, as the musicians sense and respond to one another in a mutuality that makes their music-making a "communion" (89). Other examples could easily be multiplied, including jazz ensembles, some conversations, and the call and response of certain preachers and congregations in African-American Christian communities. In each case, the participants achieve some kind of significant unity or communion through mutual perception, intention, and choice.

Lust, according to Blackburn, is a desire for a Hobbesian unity achieved through the partners' mutual perception of their increasing sexual desire for one another. In other words, one desires another and perceives that the other's perception of one's desire produces an excitement and reciprocal desire that increases one's own desire and so forth in a kind of feedback loop (88-89). Noting that "pleasures here are not just bodily sensations" but instead "delights of the mind" (88), Blackburn observes that "bodily contact may not even be necessary" (91).

²⁴ Blackburn's notion of Hobbesian unity echoes Thomas Nagel's analysis of sexual activity and its perversion in his influential essay "Sexual Perversion," *Journal of Philosophy* 66 (1969): 5-17 (reprinted in Thomas Nagel, *Mortal Questions* [New York: Cambridge University Press, 1979], 39-52).

²⁵ I owe this observation to an anonymous reader for *The Thomist*.

But surely these are not the only pleasures of sexual activity, some of which are, rather, frankly bodily sensations, and surely one can desire those bodily sensations as the object of one's lust. Given these considerations, Blackburn's attempt to narrow the "pleasures" in his definition to the complicated mental machinations he describes can only constitute a violation of his earlier instructions to treat lust as a descriptive term and to avoid importing normative features into it. His identification of one set of pleasures available in sexual activity as the proper objects of lust implicitly divides lust into proper and improper forms. Nevertheless, the normative nature of this account of the pleasures of lust does not become explicit, and a reader may easily see it as a simple and straightforwardly descriptive analysis of a concept. Blackburn himself, then, does not abide by his stricture against a normative use of "lust," and yet that stricture occludes for the reader Blackburn's own normative proposals.

More importantly, Blackburn obscures the true point of contention between himself and the "old men of the deserts" (3). He covers himself with a mantle of emancipation and of humanistic good sense in his final paragraph:

So everything is all right By understanding it for what it is, we can reclaim lust for humanity, and we can learn that lust best flourishes when it is unencumbered by bad philosophy and ideology, by falsities, by controls, by distortions, by corruptions and perversions and suspicions, which prevent its freedom of flow And when we remember the long train of human crimes that have ensued on getting it wrong, it is surely worth getting right. (133)

He claims to be defending lust against those who denigrate it for ideological (by which he seems to mean religious) and philosophical reasons. But, of course, that characterization of the dispute appears plausible only to someone who fails to recognize that "lust" requires a normative use. Once that grammatical point becomes plain, one can easily see that Blackburn and the old men represent not oppressor and liberator but two opposing accounts of the proper ordering of sexual desire. Substitute "disordered sexual desire" for "lust," and one must admit that Blackburn's

argument, at the deepest level, relies on the same grammatical structure as that of the old men.

Thus, even if one grants a descriptive use of the concept of sexual desire, Blackburn cannot confine his use of the concept merely to that level, since sexual desire can take a variety of forms. Improperly formed sexual desire (called "lust" by the old men and remaining nameless for Blackburn) is a vice opposed, at one extreme, by a virtue that consists in the proper ordering of sexual desire (called "chastity" by the old men and "lust" by Blackburn). The dispute, then, is not about the status of lust but about the proper shape of sexual desire and the forms its disordering take. On this substantive level, Blackburn is every bit as much the moralist about sex as those whose judgments he deplores. The final evaluation of his project rests on a judgment about rival accounts of the virtue having to do with sexual desire. And that judgment requires a clearer and more explicit exposition of those rival accounts than he is prepared to give. In the last section, I will argue that, in fact, John Paul's analysis of chastity has more to commend it to many reasonable people than does Blackburn's celebration of lust. But I must begin with a more systematic description of their opposing grammars of virtuous sexual desire.

II TWO RIVAL VERSIONS OF VIRTUOUS SEXUAL DESIRE

A) *Blackburn on Lust*

According to Blackburn, properly ordered sexual desire is "active and excited desire for the pleasures of sexual activity" for their own sake. He specifies the appropriate pleasures as those which consist in the mutual awareness that each partner's sexual arousal is a cause of sexual arousal in the other. Because this account of sexual desire describes "delights of the mind" as its object, it has the remarkable consequence of making actual bodily

contact unnecessary for properly ordered sexual activity.²⁶ As long as two persons can perceive the feedback loop of their mutual sexual arousal, sexual desire has found its object and may not eventuate in bodily contact at all. Sexual desire, then, is a desire not for bodily activity but instead for a certain kind of mutual awareness, perception, or consciousness, though one "dominated by the body" (89). Blackburn's account, as I suppose one might expect from a philosopher, turns out to be quite cerebral.

There are several ways lust can go wrong, according to Blackburn. One might fail to desire sexual pleasure with enough enthusiasm; perhaps we could call this the vice of *insensitivity* (17). Or one might fail to desire the right kind of pleasure; for example, one might desire simply the pleasure of the bodily sensations (88) or the experience of one's own power to please (91). Perhaps we could call those failures the vices of *brutishness* and *boorishness*. Fear of comparison with others might make one too shy to initiate or respond appropriately in the feedback loop of sexual arousal, and *suspicion* might keep one from perceiving accurately one's partner's arousal at one's own desire for him or her (*ibid.*). One partner may *dominate* the other by compelling the other to produce the signs of arousal, though such domination can, in some circumstances, also prove to be a valuable education (90).

Blackburn turns to Martha Nussbaum's essay "Objectification" to consider the feminist view that various forms of "objectification" comprise the paradigmatic vices of sexual desire and activity.²⁷ Nussbaum describes seven modes of objectification,

²⁶ As Blackburn explicitly asserts: "Hobbesian unity is not intrinsically impossible It is rather that *we* do something together, shown by our alertness to the other, and the adjustments we make in the light of what the other does. *Bodily contact may not even be necessary*. In the Nausicaa episode in James Joyce's *Ulysses*, Leopold Bloom and Gertie McDowell, eying each other across the beach, use each other's perceived excitement to work themselves to their climaxes. Unlike President Clinton, whose standards for having sex with someone were so remarkably high, *I should have said that Bloom and Gertie had sex together*" (Blackburn, *Lust*, 90-91; second and third emphases added).

²⁷ Martha Nussbaum, "Objectification," *Philosophy and Public Affairs* 24 (1995): 249-91 (reprinted in *The Philosophy of Sex: Contemporary Readings*, 4th ed., ed. Alan Soble [Lanham, Md.: Rowman & Littlefield Publishers, 2002], 381-419).

including instrumentality, denial of autonomy, inertness, fungibility, violability, ownership, and denial of subjectivity.²⁸ Like Nussbaum, Blackburn believes that in certain contexts of mutuality, reciprocity, and love most or all of these modes of objectification can be permissible and even praiseworthy. He notes that in many cases, apparent objectification in sexual activity is not genuinely objectification, since the ecstasy of a Hobbesian unity means the participants are so lost to themselves and their partners that they cease to be agents at all—they do not objectify their partners because they do not act *towards* their partners (100).

He gives special attention, however, to fungibility, that is, treating one's sexual partner as interchangeable with other objects. The apparent viciousness of fungibility underlies feminist criticisms of pornography and prostitution. Blackburn admits of those forms of sexual activity that "nobody is really going to say that they represent lust at its best, since in neither of them is there a chance of Hobbesian unity" (107). But, nevertheless, desire for the pleasures of pornography and prostitution may be innocent, when those desires are for the pleasures of imagining or playacting Hobbesian unity. So objectification, even in its most problematic aspects, is not necessarily a vice.²⁹

For Blackburn, then, the primary principle of properly ordered sexual desire is Hobbesian unity. If Hobbesian unity does not shape the desires in question, they cannot be "lust at its best"; and, correlatively, any desire or activity that can serve Hobbesian unity is, to that extent, properly ordered. In this argument, Blackburn simply follows Nagel's analysis of sexual perversion. Nagel argues that a sexual perversion is a sexual desire or act that fails, at some level, to exhibit the reciprocal relations Blackburn identifies as Hobbesian unity. But Nagel also argues that judging a particular preference or act perverted may not entail judging it morally bad, since there are other forms of evaluation besides the moral and a judgment of perversion may be one of those.³⁰ If

²⁸ Nussbaum, "Objectification," 387-88.

²⁹ Blackburn does not explicitly address instrumentality, the mode Nussbaum believes to be the most problematic (Nussbaum, "Objectification," 411).

³⁰ Nagel, "Sexual Perversion," 51.

Blackburn follows Nagel here, too, then his account need not be an account of chastity and lust, despite its evaluative features. However, Blackburn explicitly announces his intent to place lust in the catalog of virtues, and so when he wields the distinction between sexual desire "at its best" and at less than its best he must be making a distinction between the morally good and bad, the virtuous and the vicious. Consequently, it is no misreading to identify Blackburn's "lust" as, in the vocabulary of traditional moral grammars, a kind of chastity. Lust, for Blackburn, is the quality of sexual desire that makes it good by directing it to its natural perfection, Hobbesian unity, with an intense bodily enthusiasm.

B) John Paul II on Chastity

John Paul's account of chastity also takes a kind of interpersonal unity as its principle. But unlike Blackburn, John Paul believes that a deeper and more robust form of unity than the Hobbesian is available in the marital act. Drawing on the creation accounts in Genesis as descriptions of fundamental realities in human experience, he argues that men and women are capable of achieving a "unity through the body,"³¹ "uniting with each other (in the conjugal act) so closely as to become 'one flesh.'"³²

Blackburn imagines only Aristophanes' "fusion of two distinct persons" as the alternative to Hobbesian unity (90), and rejects it because it seems to require the dissolving of independent persons into some new amalgamation.³³ But John Paul's concept of sexual

³¹ John Paul II, *Theology of the Body*, 47 (14 November 1979).

³² *Ibid.*, 49 (21 November 1979).

³³ Blackburn further denounces the Aristophanic union as "metaphysical"; Karol Wojtyła, on the other hand, titles an entire section of his book *Love and Responsibility* "Metaphysical Analysis of Love" (Karol Wojtyła, *Love and Responsibility*, trans. H. T. Willets [San Francisco: Ignatius Press, 1981] 73-100). However, Blackburn and Wojtyła do not use the term "metaphysical" in the same sense, and in neither of these two contexts does it have the traditional sense of a science of being. For Blackburn, metaphysics is a derogatory term suggesting a claim beyond investigation or criticism; for Wojtyła, it indicates a "general characterization" of a phenomenon that identifies elements common to its many forms (*Love*

union does not require that kind of amalgamation, which he would surely see as the impossible communication of the incommunicable reality of the person. In contrast to Blackburn, however, John Paul believes not only that persons find their flourishing in communion but also that their natural orientation to communion is written in their bodies. Men and women individually possess a capacity to share in the generation of new life; as they are united in the conjugal act, their separate capacities to share in procreation become a single capacity to generate new life. They become one flesh because they are equally subjects of one bodily capacity.

Of course, this one-flesh union is not obviously an interpersonal union. On Blackburn's account, for instance, interpersonal union consists in mutual and reciprocal awareness of sexual stimulation. Hobbesian unity, according to Blackburn, provides the deepest and most intense interpersonal unity possible because, in all its forms, it is a unity of minds in the delights of the mind. The body is necessary only to overpower the normal activity of the mind and so produce a kind of mental delight not otherwise possible. Lust makes the body a means to mental pleasure, and reciprocal mental pleasures can unite persons.

What Blackburn leaves implicit but must assume is that the mind somehow constitutes the person in a more fundamental and direct way than the body. For if the body is constitutive of the person, then interpersonal unity must be bodily as well as mental; and yet Hobbesian unity is arrived at through "delights of the mind" (88). And if the mind is more constitutive of the person than the body—if the body is properly ordered to the mind's pleasures as means to an end—then the one-flesh union John Paul describes does not at all entail an interpersonal union.

But John Paul teaches that the body is more than an instrument for the mind. Instead, the body is "a sign of the person in the visible world."³⁴ Thus, the body has *personal* significance and not

and Responsibility, 73). No doubt the two do diverge on traditional metaphysical issues; but the task of tracing the influence of their metaphysics on their ethical judgments is too large to pursue further here.

³⁴ John Paul II, *Theology of the Body*, 113 (14 May 1980).

merely *instrumental* significance for human persons. Further, John Paul specifies the kind of sign the body constitutes for the person. The body is not a demonstrative sign, pointing beyond itself to the reality behind and apart from it, like a picture; nor is it a performative sign, bringing about a new state of affairs, like a wedding vow or judicial verdict. Instead, "the body, in its masculinity and femininity, assumes the value of ... a sacramental sign."³⁵ In Catholic theology, a sacrament is a sign that makes present and available for response the reality it signifies. Of course, John Paul does not really mean to add a new sacrament to the Church's official list of seven. But he does believe that the relation between body and person is analogous to that between a sacramental sign and what it signifies; the body is a sacrament-like sign of the person, one might say.

AB one illustration of that relation, consider Catholic articulations of the Eucharist, the most central of the sacraments. According to Catholic theology, one does not have to go beyond those elements appearing on the altar as bread and wine, for example, to find the reality of Christ's body and blood. Instead, one responds to Christ's body by responding to its presence as the Eucharistic Host.

Perhaps a different, less theological analogy may further clarify John Paul's thought. On a commonsense view of words and thoughts, words make the speaker's thoughts available for the listener's response. That is, if I want to respond to someone's thoughts, I must respond to his words and other signs, and in responding to his words I do nothing other than respond to his thoughts. Even further, my own thoughts are often, and perhaps usually, available to me for response only through my words, so that it is frequently only after I have expressed myself verbally that I can say, "Oh, that's what I meant."³⁶

³⁵ John Paul II, *Theology of the Body*, 163 (22 October 1980).

³⁶ I intend these analogies simply as illustrations of John Paul's description of the body/person relation. John Paul's argument itself depends on neither Catholic sacramental theology nor a commonsense view of language, since one may find his descriptions fit one's embodied experience without finding those particular sacramental and linguistic theories plausible.

So it is, claims John Paul, with the body and the person. The body is the sacramental sign of the person because only through it does the person become available for response to himself or herself and to others. If I want to respond to someone, I must in some sense respond to his or her body,³⁷ and even if I want to know myself, I must in some sense respond to my body. The converse also holds: as I respond to another's body, I am responding to that person. Consequently, a bodily union is necessarily an interpersonal union because it is the mutual employment of the sacrament-like sign by which persons become available to one another.

John Paul's account of chastity also includes a particular concept of the fulfillment of a human person. The fathers of the Second Vatican Council, in *Gaudium et spes*, insisted that human persons find their flourishing only in a complete gift of self,³⁸ and John Paul frequently alludes to that claim. The destiny of the human person, he teaches, is self-gift, through which human persons reflect the eternal self-giving love that is the life of the Holy Trinity and the mission of self-giving love that led Jesus, the Incarnate Son of God, to the Cross and vindicated him in the Resurrection. Human persons are made to give themselves to others, and in that giving their own incommunicable personhood is not exhausted but fulfilled. If human persons are by nature oriented to self-gift, and if the body is the sign of the person, then one's employment of that sign—one's use of one's body—must

³⁷ This insight lies behind one of Aquinas' observations regarding the fittingness of the Real Presence of Christ's body in the Eucharist. Quoting Aristotle, who observed that a special feature of friendship is that friends live together, Aquinas notes that out of his friendship to us Christ would want to live with us, and that, of course, would require his bodily presence in some sacramental mode (*STh* III, q. 75, a. 1). Curiously, Aquinas's use of Aristotle here is decidedly un-Aristotelian, for the Greek philosopher explicitly argues that living together for humans does *not* mean bodily co-presence-sharing the same pasture as grazing cows might—but, instead, sharing thought and conversation. Aquinas's Christian and specifically sacramental convictions lead him, in opposition to Aristotle, to see bodily co-presence as essential or at least peculiarly fitting to the personal co-presence characteristic of friendship. An account of the significance of the human body quite different from Aristotle's or Blackburn's lies behind Aquinas's surprising "misuse" of Aristotle.

³⁸ *Gaudium et spes* 24.

always facilitate and never obstruct the movement to self-gift that provides the deepest goal for human action.³⁹

As John Paul points out, the body expresses the self-gift of the person in its own distinctive and characteristic language.⁴⁰ Without the language of the body, human persons would be unable to find their flourishing, because they would be unable to communicate themselves to one another as gift, unable, that is, to find themselves in a communion of persons. Everyone is familiar with a wide variety of uses of the body to signify some aspect of self-gift and so to foster communion. These bodily gestures, in the appropriate social context, become signs that express or put into effect what they signify. If I want to give my promise to an associate, for example, we shake hands. If I want to give my greeting to an acquaintance, I wave. If I want to give my affection to a friend, we embrace. And if I want to give my self totally to my spouse, we engage in the marital act.⁴¹

Of course, that last sign differs in significant ways from the other examples, each of which has a meaning that may vary with culture, time, or place. John Paul's reading of Genesis shows that, from a biblical perspective, the significance of the marital act as a sign of self-gift is inscribed in the femininity and masculinity of the human body itself and so constitutes its objective meaning, no matter what subjective meanings may be laid over it by those who employ it. God makes man and woman as husband and wife so that their one-flesh union may be the visible sign in the world of the eternal life of love that is the Trinity. Thus, John Paul insists that the body, in its sexual differentiation and potential for sexual union, bears a "nuptial meaning."⁴² That is, the masculinity and

³⁹ See, for example, John Paul II, *Theology of the Body*, 63-66 (16 January 1980), 46 (14 November 1979), and 70 (6 February 1980).

⁴⁰ *Ibid.*, 359 (12 January 1983).

⁴¹ The Lutheran theologian Robert Jenson discusses these themes, without reference to John Paul II, in the second volume of his systematic theology. Jenson argues that unless we recognize in the marital act a promise of unconditional self-gift, we will have no sign with which to make such a gift, and so will find ourselves locked in a world of technique and domination (see Robert Jenson, *Systematic Theology*, vol. 2, *The Works of God* [New York: Oxford University Press, 1999], 91-93).

⁴² John Paul II, *Theology of the Body*, 60-63 (9 January 1980).

femininity of the individual human body express the orientation to self-gift that belongs to the human person as made in God's image, and the freely chosen union of human persons that actualizes those bodily capacities signifies the self-giving that is their flourishing. So when a man and a woman engage in the marital act, they say something of profound significance. They say, "I give myself to you without reserve and I receive your total self-gift to me."

Or so at least their bodies say. This expression of self-gift is the objective meaning of the bodily act in which they engage, and it is for that reason that Christian tradition has always used thick terms to describe sexual activity: fornication, adultery, sodomy, the marital or conjugal act. One may differentiate these actions by reference to their suitability to or contradictions of the objective meanings of the language of the body. The more modern habit of referring to "having sex" and then detailing its circumstances-in or outside marriage or between persons of same or different gender-suggests that the act itself does not have an objective meaning. The thinner terms reflect a conviction that the act is simply physical motion that receives its moral determination from its circumstances.

Because of this modern preference for thin names for sexual activity, contemporary Christians often find themselves struggling to articulate and defend a sexual ethic. Since sexual activity receives its moral determination from its circumstances, Christians must explain why certain circumstances always have such ill effects that they invariably make sexual activity in their context bad. But when one recognizes that the objective meaning of the sexual act is nuptial, then one also sees that choosing sexual activity incapable of expressing that meaning in the particular ways appropriate to it fails to bring one's subjective intentions in line with the objective meaning of one's bodily language. Because of its objective meaning, "having sex" is properly described as engaging in the "marital" or "conjugal act," and from that thick description of the sexual act one can derive, by considering particular ways of choosing against it, the thick descriptions of

illicit sexual acts such as fornication, adultery, sodomy, and so on.⁴³

In John Paul's view, all of those sexual sins have in common an obscuring of the objective meaning of the marital act by subjective intentions to use sex without signifying a full gift of self. In so doing, they depart from the truth of the marital act, and so they are, in a sense, offenses against the truth. In fornicating, for example, I employ a sign that indicates a full self-gift, and yet I do so apart from the vow by means of which I can give my spouse my future. And so I lay over the objective meaning of the act my subjective intention to give and receive only a part of my self and my partner's self. Because my act departs from the truth of the marital act, it fails to be what the marital act is supposed to be: the effective sign of self-gift exchanged between persons whose bodies are the effective signs of their personal presence. John Paul's account thus makes dear why Christian tradition uses thick terms for sexual sins: their failing is not merely a matter of their consequences or of their opposition to some value external to the act but rather their departure from the truth internal to the meaning of the marital act.

Though John Paul's approach to the topic is markedly different from that of Aquinas, his presentation of chastity shows recognizably Thomistic lines, especially in contrast to Blackburn's more Humean approach. For Aquinas, chastity is the "moderate use of bodily members in accordance with the judgment of [one's] reason and the choice of his will."⁴⁴ To moderate means to bring to the mean, though this should not be taken in a purely quantitative sense. The rational mean is the conformity of a passion to the good for us as apprehended by right reason.⁴⁵ John Paul articulates the good for us with respect to our sexual powers in terms of the significance of the body and the human destiny of self-gift. Whereas Aquinas focused on the procreative good of human sexual powers and Blackburn insists exclusively on their unitive good, John Paul's analysis of the significance of the human

⁴³ Compare Aquinas's derivation of the parts of lust in *STh* II-II, q. 154, a. 1.

⁴⁴ *STh* II-II, q. 151, a. 1, ad 1.

⁴⁵ *STh* I-II, q. 64, aa. 1 and 2.

body suggests more clearly the complementarity of these goods, so that the union of mutual self-gift takes place, in the exercise of our sexual powers, precisely in our procreative capacities.

For John Paul, then, chastity transfigures one's desire for sexual activity by conforming it to the self-gift that constitutes human flourishing and becomes realized in a specific, bodily way in the marital act. It ensures that one's desire for sexual activity is a desire for such activity as a sign of mutual and total self-gift. Lust, on the other hand, distorts one's sexual desire so that it becomes a desire for sexual activity as a tool for achieving pleasure, or for dominating another, or for accumulating profit, and so on. The current magisterium's condemnation of lust, then, has in view a distortion of the objective meaning and internal truth of the marital act, not some disgust with sexual activity itself. Blackburn's real dispute with traditional and contemporary Catholic teaching on lust and chastity centers around his rival account of properly ordered sexual desire, rather than around a Catholic condemnation of sexual desire itself.

III. THE ADVANTAGES OF CATHOLIC SEXUALETHICS

As the previous sections have shown, Blackburn's grammatical confusion obscures the real point of contention between his views and Catholic teaching as well as the genuine substance of Catholic thought on these issues. Once that Catholic substance is unveiled, a further consequence emerges: Blackburn's confusion masks the reasons he has, internal to his own view of sexuality, to prefer the Catholic account to his own. In this section, I will briefly discuss some of those reasons, arguing that John Paul's theology of the body better satisfies some of the desiderata for an account of sexual ethics that are implicit in Blackburn's essay.

Of course, an obstacle to this argument appears even before it begins. John Paul's account of chastity and lust depends on theological convictions. For example, the notion that the marital act has its inner truth or objective meaning in its signifying the triune love of God requires a doctrine of the Trinity, a doctrine

of creation, and probably a whole host of other doctrines as well. But Blackburn rejects as false any religious claims about a supernatural person.⁴⁶ So, one might think, Blackburn could never have a reason to adopt Catholic sexual ethics.

I think, however, that this objection moves too fast. If Blackburn is deeply committed to certain values or descriptions of sexual desire and activity, then a theological account that makes better sense of them than a nontheological account may give him reason to abandon his rejection of theological claims. And even if it does not do so for Blackburn himself, it may at least do so for some of his sympathizers less ardent in their antireligious passions. It is worth venturing on, to see if some of Blackburn's implicit desiderata for an adequate account of sexual ethics find satisfaction in John Paul's theology of the body, even though Blackburn's own confusions obscure that fit.

One might well wonder how a philosopher as accomplished as Blackburn could make the simple grammatical mistakes I have attributed to him, especially when the views he is criticizing resonate so well with some of his own best instincts. Here, of course, I can only speculate. But I think few would be surprised were they to learn that the Christians Blackburn has known have given him little reason to suppose they hold a view of sexuality like that of John Paul or even Aquinas. Instead, Blackburn has quite likely witnessed implicit as well as articulated Christian denials of the positive value of the body in its sexual aspects, denials that were perhaps accompanied by construals of sexual activity as of instrumental rather than unitive significance and of its pleasures as trivial or absurdly solemn rather than as playfully serious. In other words, the confusions of Blackburn's *Lust* may result as much or more from the confusions and faithlessness of Christian practice than from any merely theoretical failure. Nonetheless, on each of those points—the positive value of the body, the unitive nature of sexual activity, and its combination of playful pleasure and deep significance—I believe John Paul's

⁴⁶ See, for example, his popular introduction to philosophy, *Think: A Compelling Introduction to Philosophy* (New York: Oxford University Press, 1999), especially chapter 5, "God."

theology of the body captures better what Blackburn wants, though it may at the same time criticize and correct much ordinary Christian practice and reflection.

A) *Positive Value of the Body*

Implicit in Blackburn's account is a claim that human embodiedness is not a curse or a prison sentence—not something to escape—but instead something that ought to be highly valued by human persons because it is the condition for much of what we desire and enjoy. A commitment to this claim surely lies behind his attacks on desert ascetics and his rejection of the Platonic attempt to ascend to a disembodied love. But the value Blackburn can see in the body is finally only *instrumental*. It is a tool the mind can use to generate mental pleasures, but one can also ignore it if one can achieve those pleasures without it.

For John Paul II, on the other hand, the value of the body is both positive and *intrinsic*.⁴⁷ As a sign of the person, the body deserves respect not as a tool but as the personal presence of one who is oriented to self-gift and destined for a life in the triune love of God. Respecting persons requires respecting their bodies, and disrespecting their bodies entails disrespecting their persons. Rather than shunning our embodiedness, the current magisterium elevates it to a kind of sacramental significance, though without reducing persons to their material elements. By making the positive value of the human body intrinsic, John Paul's account also makes it more stable, because it does not depend on the

⁴⁷ Herbert McCabe, in 1969, suggested a line of thought similar to John Paul's. Rejecting the dualistic construal of the body as an instrument, McCabe wrote, "If the human body itself were an instrument we should have to postulate another body using it—and this, indeed, is what the dualistic theory really amounts to; the mind or soul is thought of, in practice, as a sort of invisible body living inside the visible one. Instead of this we should recognize that the human body is intrinsically communicative A piece of human behavior is not simply an action that gets something *done*, it also has meaning, it gets something *said*" (Herbert McCabe, *What is Ethics All About?* [Washington, D.C.: Corpus Books, 1969], 91-92). For McCabe, as for John Paul, human bodily movements not only cause effects in oneself and the world around one but also communicate significance, thus making the body more personal than instrumental. I owe this reference to an anonymous reader for *The Thomist*.

shifting status of our desires for mental pleasures. Insofar as attributing a positive value to the human body is a desideratum of an account of sexual ethics, it is reasonable to see the Catholic view as superior to Blackburn's view.

B) Nature of Sexual Unity

Blackburn ends his essay with these words: "So everything is all right. Hobbesian unity can be achieved ... " (133). Thus he answers in the negative his earlier question, "Are all sexual experiences of communion, of being one, of becoming a kind of fusion of persons, to be dismissed" (26)? Any account of sexual desire that cannot explain the mode and possibility of such union would, for Blackburn, be deficient. Thus he offers his theory of Hobbesian unity to meet that requirement.

But John Paul's theology of the body more adequately satisfies the need for an account of sexual unity. As noted before, John Paul views the bodily union as itself an interpersonal union, because the body is the sign of the person. Blackburn's Hobbesian model of union in mental pleasures, on the other hand, makes the bodily union superfluous: "bodily contact may not even be necessary" (91). The superfluity of the body explains why Blackburn analyzes sexual desire in terms of sexual pleasure and not sexual activity,⁴⁸ but it also makes his account strangely and implausibly cerebral. The pope has the advantage of being earthier: interpersonal sexual unity is bodily and not merely mental. When it comes to sexuality, earthier may well be better. In any case, it is certainly an advantage to be able to explain why we do not confuse sexual unity with other forms of Hobbesian communion. Sexual union is its own kind, not merely another

⁴⁸ At one point, Blackburn suggests that the lust of a couple is "directed not at sexual activity as a means, but as an end in itself" (Blackburn, *Lust*, 14 [emphasis added]). But his final account of lust insists that it is directed at the "pleasures of sexual activity" (ibid., 16-17 [emphasis added]). Why the shift from activity to pleasures? Because Blackburn cannot imagine that "biological" realities can have any personal significance; personal significance is tied to the "mind," to a "psychological state," that can use the body for its own mental ends (ibid.).

version of the kind of thing we get with team sports or string quartets, because no other activity engages precisely those aspects of our bodies that allow us to become joint subjects of a single bodily capacity.

C) Significance of Sexual Unity

Blackburn's focus on Hobbesian unity, modeled by string quartets and team sports, suggests another criterion for any adequate account of sexual activity. Besides the unity it affords, any such account must also explain the deep significance of sexual activity and the playfulness that makes it akin to the games or aesthetic performances Blackburn relies on as analogies. His last remarks, breathlessly assuring us that "everything is all right," capture the sense that we are facing with this topic something of central concern to our lives, while his exploration of Hobbesian unity reflects its aesthetic side. Yet the latter also undercuts his acknowledgement of the former. Why, after all, should sexual activity be any more significant than string quartets or team sports, its close cousins? John Paul's account offers better resources for articulating the internal connections between these two aspects of sexual activity.

Perhaps one can better see John Paul's advantage here by considering a contrast between Blackburn's account of sexual unity and the activities characteristic of his other examples of Hobbesian unity. The members of a string quartet, for example, engage in a cooperative activity of music making that may carry with it, especially if done with some excellence, more or less intense pleasures.⁴⁹ On the other hand, their music making may not produce much pleasure, especially if they are beginners for whom musical excellence is not second nature, and yet we do not say that such beginners are doing a different kind of thing from

⁴⁹ The following rough account of pleasure is not Aristotelian exegesis but is broadly Aristotelian. See Aristotle's two, somewhat divergent, accounts of pleasure in the *Nicomachean Ethics*, books 7 and 10. See also Julia Annas, "Aristotle on Pleasure and Goodness," in *Essays on Aristotle's Ethics*, ed. Amelie Oksenberg Rorty (Los Angeles: University of California Press, 1980), 285-300.

those who are more accomplished. For musicians, therefore, pleasure completes or accompanies their activity but does not define it. Furthermore, the pleasure they may find in their activity is of a particular sort: it is the pleasure of making music together, a pleasure that differs in kind from the pleasure of, say, planting in one's garden or humiliating someone. In other words, pleasures take their kind from the activities they complete or accompany.

For this reason, most find it obvious that the pleasures of making music together or of planting in one's garden are better, more worthy, than those of humiliating someone. In fact, one might think that only a vicious person could take pleasure in such vicious acts as the latter. The central concerns around which one's character develops, then, determine which, among a wide range of possible pleasures, one can actually find pleasurable. Conversely, the significance or value of the pleasures one experiences depends on the relation between the activities they accompany and the character-constituting concerns one has. The members of a string quartet find great pleasure in an excellent performance because they perceive their activity as worthwhile and as satisfying concerns that are more or less central to the projects that unify their lives.⁵⁰

On Blackburn's account, however, pleasure does not merely accompany or complete sexual activity but defines it. The couple engaged in it is engaged in the activity of *producing sexual pleasure*. If pleasures are defined by the kind of activity they accompany, then the kind of pleasure the couple experiences is the pleasure of producing pleasure. This circularity-sexual pleasure accompanies an activity whose point is to produce sexual pleasure-undermines the significance of sexual unity, since it blocks any attempt to articulate the point of the pleasure in terms of an intrinsically worthwhile activity. Typically, pleasures that seem separated from otherwise meaningful activity in this way appear trivial. Think, for example, of the pleasure of scratching an itch. When one perceives sexual pleasure as similarly

⁵⁰ In general, the more central the relevant concerns are to one's character, the more possibility for great pleasure: a dedicated musician finds more pleasure in his activity than a dilettante.

unmoored from intrinsically worthwhile activity, one cannot help but come soon to see it as similarly trivial, as a more complicated and intense form of scratching an itch.

Thus, when Blackburn wants to suggest the deep significance of sexual activity, he has only two options. The first is to gesture toward a vaguely defined sense of its importance in our lives, leaving the reasons for that perception unarticulated. The second is to assert the horrific consequences, such as the Holocaust, that purportedly follow from his opponents' views. In other words, Blackburn's reduction of sexual activity to pleasure production renders him incapable of articulating any intrinsic reasons for the significance of sexual activity and instead reliant on a survey of its extrinsic consequences. Sexual activity becomes trivial or significant only because of its effects.

John Paul's view neatly avoids these problems because he understands sexual activity to have its own intrinsic worth. Sexual activity is worth pursuing because it is a form of self-gift expressed through the language of the body. Sexual pleasure, then, is a particular kind of pleasure because it is the pleasure of *signifying a total gift of self* in the language of the body. Since John Paul sees such self-gift as constitutive of human flourishing, and so relevant to the character-constituting concerns of a life well lived, he sees sexual activity and its pleasures as deeply significant. But his emphasis on the profound meaning of sexual activity does not bar him from making room as well for the pleasures that complete the act. For example, in his pre-pontifical work *Love and Responsibility*, he urges men to strive to bring their wives to climax with them as a sign of their love for them, thus directing their attention precisely to those pleasures.⁵¹ Furthermore, as the philosopher G. E. M. Anscombe observes, "all the pleasure specific to [an act of copulation] will be just as good as *it* is."⁵² Thus, since John Paul has already established the

⁵¹ Wojtyla, *Love and Responsibility*, 272-73 and 275.

⁵² G. E. M. Anscombe, *Contraception and Chastity* (London: Catholic Truth Society, 1975); reprinted in *Why Humanae Vitae Was Right: A Reader*, ed. Janet Smith (San Francisco: Ignatius Press, 1993), 143.

value of rightly ordered sexual activity, he has at the same time established the value of the pleasures that go with it.⁵³

SUMMARY

Blackburn's efforts to locate lust in the category of virtue, then, ultimately fail to compel much sympathy. Not only do his expositions and criticisms of his polemical targets suffer from a fatal grammatical confusion, but his own alternative does not clearly prove superior to the theory he means to reject, even when considered on criteria that might reasonably be thought its own. Thinking through the positive value of the human body and the nature and significance of sexual unity from the perspective of Blackburn's lust and John Paul's chastity reveals a depth and nuance to the latter that may be surprising to some. Philosophers, like Blackburn, who reflect on sexual virtues and vices often see as positive resources in the Christian tradition only easily dismissed caricatures of "natural-law" arguments. But John Paul's theology of the body brings to light assets in the tradition that are too often overlooked in these debates and deserve a more prominent place in the conversation.⁵⁴

⁵³ So may a married couple have sex "for pleasure"? I think these considerations suggest an answer: If to have sex "for pleasure" means to desire sexual activity simply as a means of producing pleasure, then, on John Paul's view, the answer is no. But if to have sex "for pleasure" means that one is inclined to choose one worthwhile activity over another because one enjoys the pleasures that properly belong to it, I think John Paul's answer would be yes. To be inclined by pleasure in this case is to be inclined toward the worthwhile activity that specific kind of pleasure perfects, so that the action one chooses is itself good in kind. See Anscombe, *Contraception*, 142-44 for further argument. See also the *Catechism of the Catholic Church*, no. 2362.

⁵⁴ I am glad to express a debt of gratitude to those who read and critiqued this paper in its earlier drafts, especially Gregory Beabout, Philip Cary, all those in attendance at the Eastern University Christian Studies Department colloquium dedicated to this paper, and the anonymous readers for *The Thomist*.

AQUINAS ON THE NATURE OF TRUST

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THOMAS AQUINAS NEVER devotes an article or discussion specifically to trust. This is not an oversight on his part. It is due to the fact that trust is an integral part of faith and of hope, relating to their formal objects. While trust cannot be treated as if it exists independently of faith and hope, nonetheless since the objects of the latter are twofold, and trust has immediate reference to one of these objects, it can be examined in itself. The importance of trust in interpersonal relations provides ample reason for systematically examining what Aquinas says about it.

I. WHAT IS TRUST?

Aquinas speaks at greatest length about trust when he is discussing the theological virtues of faith and hope. However, it is not hard to see the fundamental similarities between trust in God and trust in another human being. Supernatural faith and hope have a twofold object: a material object, namely, the things believed or hoped for; and a formal object, that in virtue of which things are rendered believable or able to be hoped for. Since the material object of faith is truth, this virtue lies in the intellect, whereas hope, the material object of which is the difficult good, lies in the will. As to their formal object, however, the two differ less radically. A sign of this is that Aquinas uses the same words, *inniti* and *inhaerere*, when discussing the formal object of belief and that of hope:

In faith is found a twofold unity: for from the fact that the one on whom one's faith relies [*innititur*] is one and simple, the *habitus* of faith in the one having it is not divided into several *habitus*.¹

Faith, however, does not rely [*innititur*] on the word of man, but on God himself.²

[H]ope tends towards something good, as to that which is possible to obtain: for it implies in its notion a certain security as to obtaining. It is, however, possible that something is had by someone in two ways: in one way through one's own power; in another way through the help of another: for things which are possible through friends we say are in some manner possible, as is clear from the Philosopher in III *Ethic*. Thus, therefore, sometimes a man hopes something to be obtained through his own power, sometimes, indeed, through the help of another; and such hope has expectation, insofar as a man expects help from another. And thus the motion of hope is necessarily borne into two objects: namely, the good to be obtained, and in the person upon whom one relies [*innititur*] for help; just as faith has two objects . . . Faith, however, does not have the notion of virtue except insofar as it adheres to [*inhaeret*] the testimony of the first truth, so that it believes those things which are manifested by it . . . whence also hope has the notion of virtue from this itself that man adheres to [*inhaeret*] the assistance of divine power for the obtaining of eternal life.³

Inniti means to lean on, to rely on. *Inhaerere* means to fix something in one place in a stable manner or to attach.⁴ Both words indicate a thing's drawing support or being supported by another. Implied in the relation is stability and security—one does not lean on or attach something to what one does not regard as solid.⁵ The trust of faith and of hope then are both an assured reliance on someone (or something).⁶ The passages quoted above indicate that

¹ III *Sent.*, d. 23, q. 2, a. 4, sol. 2 (Thomas Aquinas, *Scriptum super Sententiis*, ed. R. P. Maria Fabianus Moos, O.P. [Paris: Lethielleux, 1956]).

² *Super Joan.* 5, lect. 4 (Thomas Aquinas, *Super Evangelium S. Ioannis*, ed. P. Raphaelis Cai, O.P. [Rome: Marietti, 1952], no. 771).

³ *Quaestio Disputata de Spe*, a. 1 (in Thomas Aquinas, *Quaestiones Disputatae*, vol. 2, ed. P. Bazzi et al. [Turin: Marietti, 1965]).

⁴ "To cling to" comes close to being an equivalent of *inhaerere*, falling short due to the pejorative connotation which is often attached to it.

⁵ "Trust" is etymologically related to the word "tree," which is appropriate given that "tree" conjures up the image of something that is relatively rigid and stable.

⁶ Trust may be a spontaneous feeling at the level of the sense appetite; such is the trust of very young children. Trust can also proceed from choice. I am interested here in the latter sort of trust.

Aquinas would define trust along these lines; again, what one relies on another for in the case of faith is knowledge, whereas in the case of hope, it is help.

Before we continue, it is worth noting that neither the noun nor the verb "trust" ⁷ has an exact equivalent in Latin. *Fidere* and the intransitive form of *credere* are the closest equivalent to the verb "trust" in that in some of their acceptations they make a clear reference to some person (or to some thing, as in "trust not in horses"). ⁸ *Fidere* means to have confidence in, to count on. *Credere* used intransitively means to have confidence in, to count on, to believe. As for nouns, the closest equivalent to "trust" appears to be *fiducia*. It is used in the expression *habere fiduciam* (to have confidence). *Fiducia* is much like the English word "confidence." It can signify the emotion of confidence, at the root of which can be one's own capabilities or resources, and/or the help one expects from others (e.g., "I am confident the party will go well"). It can also name one's trust in someone, as in English we say, "I am confident that she will come through" or "I have confidence in her." Thus, for example, Jeremiah 9:4 is rendered in Latin as "Ut unusquisque in fratre suo non habeat fiduciam," ⁹ while the English reads, "Be mistrustful of your brother." The fact that Latin lacks of an exact equivalent for "trust" makes it difficult at times to discern when Aquinas is speaking of it.

⁷ Here is the etymology of "trust," from *Webster's New Collegiate Dictionary* (Springfield, Mass.: Merriam-Webster, 1980): "Trust ME, prob. of Scand origin; akin to ON traust trust; akin to OE treowe faithful-more at true."

⁸ Ps 33:17 is popularly rendered as "trust not in horses." In the translation of the Jerusalem Bible, however, it reads, "It is a delusion to rely on a horse for safety."

⁹ Aquinas cites Jeremiah 9:4: in *Super Matt.* 10, II (ed. P. Raphaelis Cai, O.P. [Rome: Marietti, 1951], no. 851). See also *In Ps.* 38 (*In Psalmos Davidis Expositio*, in *Opera Omnia*, vol. 14 [Parma, 1863; repr., New York: Musurgia Publishers, 1949], 298a): "Hic ponitur ratio fiducia, quam habet de Deo." The English translation of this is: "Here he sets forth the reason of the confidence which he has from God"-which amounts to saying: "Here he sets forth the reason for his trust in God." Similarly, *In Ps.* 39 (Musurgia ed., 300a): "Et sic debet quilibet justus homo semper in fiducia Dei manere, qui non deficit sperantibus in se" is translated: "And thus every just person ought to also persevere in their trust of God, who does not fail those who hope in him."

II. THE REASONS THAT LEAD US TO TRUST SOMEONE

For the sake of brevity, I will limit myself to examining what Aquinas says about the trust of hope. On the whole it involves the same things as the trust of faith, and more (i.e., if we are to trust someone for help, it is not enough for him to possess the relevant knowledge, he must also have the ability to do something). Aquinas speaks of four things as being needed in order for us completely to trust someone to help us. First, we must believe ourselves to be an object of the person's concern. Second, we must think that the person is just (or generous or merciful). Third, we must think that the person is competent, that is, that he has the appropriate knowledge and ability. Fourth, we must feel near or close to the person, or at least that he is not distant.

Before considering each of these factors in more detail, there are a couple of general points to be made about trust. One of them is readily grasped by reflecting on the following observation Aquinas makes: "A sign of trust is asking: because no one would finally ask except because he hoped to have his request granted."¹⁰

It may seem curious at first sight that Aquinas takes asking as a sure sign of trust. After all, don't people sometimes ask others out of desperation, and not because they trust them? If those asking out of desperation really despaired, then their asking would be irrational (and this may happen in some cases-Aquinas would regard this as exceptional and aberrant). However, it is more often the case that those who ask out of desperation harbor some slight hope, thinking that there is some chance, slim though it might be, that the person whom they ask will be able to help them.¹¹

¹⁰ *In Ps.* 39 (Musurgia ed., 300a). See also *In Ps.* 27 (Musurgia ed., 242b): "prayer is the translator for hope [oratio interpres est spei]." See also *Super Joan.* 21, lect. 5 (Marietti ed., no. 2643).

¹¹ See *Super Joan.* 21, lect. 5 (Marietti ed., no. 2684): "There was a second defect in his faith.... Given that he had as it were despaired [*quasi desperatus*] of the life of their son, not wanting to neglect whatever could be done, he went to his [to Jesus] as is the wont of parents, who despairing of the life of their sons, consult even inexperienced doctors [or quacks]."

When we compare "desperation" scenarios to situations in which we turn to our true friends for help, it becomes apparent that trust admits of degrees of perfection. Another consideration that brings this out regards situations in which one relies on a person whom one does not really trust. If one in fact relies on someone (assuming the absence of coercion), one must to some extent trust that person. This does not mean that one fully trusts him.¹² Thus, the definition of trust in terms "assured reliance" refers to trust in its perfection. In my considerations below, I am looking to what is necessary for trust in the fullest sense of the word, while being aware that these elements may be missing or present in a diminished way in the various less-perfect forms of trust.

A) Trust and Being an Object of Someone's Concern

One does not normally ask just anyone for anything, but those who ought to be concerned with what we are asking. One asks a stranger for directions, but not for personal advice. One asks employees to do things pertaining to their job, but not for favors. We generally do not count on people to do things for us that are no concern of theirs. As Aquinas notes:

[T]here are three things which ought to motivate us to hoping in the Lord. First, divine providence. For man does not customarily hope in those whom his care does not pertain to. However, our care [*cura*]¹³ pertains to God.¹⁴

¹² To the extent that trust is not perfect, mistrust is present. For this reason one can say that one both trusts and does not trust someone. It is customary that when something is imperfectly possessed, we speak of it as being absent (e.g., we can say of a person who can only run very slowly, "he can't run").

¹³ *Cura* means charge, responsibility, and concern (as in "that's no concern of mine"). It can also mean concern and care in the sense of solicitude for another's well-being; e.g., *Comp. Theol.* II, c. 6 (*Compendium Theologiae, in Opuscula Theologica*, vol. 1, ed. Raymond A. Verardo, O.P. [Rome: Marietti, 1954]): "(O)ne would lack confidence in God if one thought that divine providence was remote from human life.... Human beings fall under divine care [*cura divina*] in a more excellent manner [than animals do] ... not that God is entirely without concern [*curam*] for them, but because he does not have the care [*curam*] for them that he does for human beings.... Whence the Lord adds: 'the hairs on your head are numbered' And this should shut out any mistrust in us." See also *Comp. Theol.* II, c. 7; and ScG III, c. 75 (*Summa contra Gentiles*, ed. C. Pera, O.P., et al. [Turin: Marietti, 1961]).

Cura means charge or concern, and it refers to the obligations a person has towards another, be these obligations in justice or those incumbent upon friends.¹⁵ Our trust in a person will be greater or lesser—that is, will extend to more or fewer things—corresponding to the *cura* or obligations which that person has towards us. For example, we trust travel agents for accurate information concerning flights, and bus drivers to drive us safely to our destination.¹⁶ These workers have contracted specific obligations in regard to us, which they are bound in justice to execute. In addition to such obligations, people in general have the obligation not to harm others. And beyond that, we reasonably expect more from those who love us as friends. Thus, although trust always implies the security of obtaining something due to relying on someone, this security can extend to a greater or lesser range of things.

First he [Aristotle] shows the diversity of friendships according to the diversity of sharing things in common. For we see that all things are common to brothers and persons conjoined in this manner, for example, the home, the table, and other things of this sort. To other friends, however, are certain distinct things. And to some more and to some fewer. And accordingly certain friendships are greater, namely, the ones among those who have more things in common; and certain friendships are lesser, as are the ones among those who share in fewer things.... [Aristotle] shows that justice is diversified according to the diverse sharing in common. For not the same thing is just in any exchange (communicatio) whatsoever, but it differs: as it is manifest that the same things are not just among father and sons, and among brothers. And similarly something else is just among comrades, i.e., those who are of the same age and

Although one should be concerned about persons for whom one is obligated to care, actually doing so is a matter of choice. It is the teacher's concern if students are doing poorly; yet she may not concern herself with their problems.

¹⁴ *In Ps.* 19 (Musurgia ed., 213b). Some thought that it is not God's concern to look after us: "[for] because those in a high rank are remote from us, someone could believe that he [God] ought not to be feared, nor that he would have providence of us" (*In Ps.* 46 [Musurgia ed., 330a]).

¹⁵ See *Quodl.* 2, a. 10: "Something regards the good man which all men are not held to; as it pertains to the good man that he generously bestows his goods to his friend; although he is not bound to this."

¹⁶ Another passage in Aquinas in which *cura* means charge or responsibility is *Super Matt.* 18, III (Marietti ed., no. 1532): "... the prelates of the Church to whom the care of souls [*cura animarum*] is entrusted."

who have been raised together, and among citizens, because they mutually render other kinds of things to each other as due. And the same reason holds in friendships. And thus it is manifest that what is just is other in each of the said [three] forms [Aristotle] shows in what manner justice is diversified according to the difference of friendship. And he says that justice and injustice are subject to increase from their being towards those who are more friends. For plainly it is certainly more just to do good for a friend, and more unjust to harm him.¹⁷

Plainly, which of our concerns we may reasonably expect others to make their concern depends on their relationship to us, be it one of blood, friendship or of simple justice, taking into account relevant details such as the proximity as to blood or the form of friendship or the specific relation of justice.¹⁸

It is not, however, sufficient for us to know that we fall under a person's concern for us to trust him. It may be his business to help us, yet we may not turn to him because we think that he is unjust or uncaring.

B) One Trusts People Who Are Just, Generous, Merciful

After we have acquired minimal life experience, we trust those whom we think are just, generous, or merciful:

In the preceding Psalm, David, while praying, implored divine assistance to overcome his tribulations, and feeling himself to have been heard, urges others to trust in God. And the Psalm expresses the sentiment of a man who, having experienced divine mercy and good deeds and justice, urges another on so that he may not despair.¹⁹

¹⁷ VIII *Nie. Ethic.*, lect. 9 (*In decem libros Ethicorum Aristotelis ad Nicomachum expositio*, ed. Raymundi M. Spiazzi, O.P. (Turin: Marietti, 1964), nos. 1661-63).

¹⁸ Aristotle, in the *Eudemian Ethics* (1242b32-1243a2), notes that exchanges based on contract are in a certain sense opposite those based on trust. Plainly, if one perfectly trusted the roofer one has hired, one would not require a contract. However, given what is at stake, one does not want to give the roofer the unqualified benefit of the doubt, but has him sign a contract so that if he proves untrustworthy, one can have recourse to the law to get what one deserved. I am confident that Aquinas would agree with this point, but have been unable to find a textual reference.

¹⁹ *In Ps.* 4 (Musurgia ed., 157a).

Young people may trust anyone and everyone because of their inexperience. Although naivete is not a virtue, to Aquinas's mind it does contain an element of goodness:

The reason Christ did not trust them is demonstrated from his perfect knowledge; whence it says: "Because he knew them **all**." Granted that a man being ignorant ought to presume of any person what is good; nevertheless after the truth becomes known to him about some people, a man ought to stand towards them according to their condition. And because for Christ nothing was hidden of the things which are in a man, since he knew that they trusted him imperfectly, he did not trust himself with them.²⁰

We should give people the benefit of the doubt. However, it would be foolhardy to give our full trust to people whose reliability is unknown. And where there is a risk of harm to others, we need to be cautious about whom we rely on.²¹

We would be inclined fully to trust someone if we could be certain of his good intentions. However, since we do not have the ability to know people's hidden intentions, we must go by exterior signs.²² These include our first-hand experience of them doing good for us, as well as other knowledge that they are just and good people:

Above [the Psalmist] assigned the divine state as the reason for his hope; here, however, he assigns it to the experience of divine acts of kindness.²³

It is obvious that a person is led to trust someone when he has experienced good treatment at that other's hands:

²⁰ *Super Joan.* 2, lect. 3 (Marietti ed., no. 421).

²¹ See *STh* II-II, q. 70, a. 3, ad 2 (*Summa Theologiae*, ed. Instituti Studiorum Medievalium Ottaviensis [Ottawa: Commissio Piana, 1953]): "One ought to presume what is good about everyone unless the contrary is apparent, so long as this does not tend towards the endangerment of another. For then caution is to be exhibited, such that one does not readily believe just anybody."

²² See *Super Joan.* 2, lect. 3 (Marietti ed., no. 422): "For a human being, even if he knows others, nevertheless is not able *to* have certain knowledge about them, because he only sees those things which are apparent; and therefore for him work[s] provide the means of proof of others."

²³ *In Ps.* 24 (Musurgia ed., 231a).

Just as someone who loves another on account of a good already given [by the other], so too he hopes for future things from the confidence born from this love.²⁴

Correspondingly we mistrust people who have not done what they promised us they would do, or have not done so willingly²⁵ and promptly,²⁶ in the proper manner, etc., since this indicates that they do not respect or love us very much, if at all.²⁷ As for those who fail to fulfill the more universal requirements of justice (not to injure us or rob us, etc.), we generally trust them even less than those who let us down with respect to specific commitments.

We also use second-hand knowledge, such as a person's reputation for justice or fidelity, in order to determine whether we are going to trust someone.²⁸ Aquinas recounts that David's trust in God's stemmed in part from his knowledge that God is reputed to be a just judge:

²⁴ *In Ps.* 17 (Musurgia ed., 194b). See also *In Ps.* 10 (Musurgia ed., 177a); *In Ps.* 16 (Musurgia ed., 191b); and *In Ps.* 38 (Musurgia ed., 294a).

²⁵ See IX *Nie. Ethic.*, lect. 4 (Marietti ed., no. 1798): "For doing good does not appear to be friendly, if one does good to the other unwillingly." Generally if someone rebuffs our request, this diminishes our trust in him. Only where there is a deep-rooted trust can a person continue to trust in spite of apparent refusal. One finds such trust on the part of Mary: "Although the mother was refused, nevertheless she did not mistrust the mercy of her son" (*Super Joan* 2, lect. 1 [Marietti ed., no. 354]).

²⁶ See *In Ps.* 39 (Musurgia ed., 300a): "And he says 'Expecting, I have awaited the Lord,' so as to show the continuation: because granted he might be delayed, nevertheless he does not fail. Hab. 2: 'If he will be delayed, await him, because coming he will come.' And every just man ought thus to always remain in confidence of God, because he does not fail those hoping **in him.**"

²⁷ One could easily devote another article to the effect of forgiveness on trust. In some cases forgiveness restores trust, whereas in others it does not.

²⁸ Not only does God have a reputation for justice and goodness, he is further known to be by nature all-just and all-good: "[S]omeone is able to hope for divine mercy for two reasons. One reason is from a consideration of divine nature: another is from the consideration of and according to the multitude of his effects. First, therefore, he [David] shows what he hopes from the mercy of God from a consideration of the divine nature, because it is proper to the divine nature to be goodness itself. ... Whence nothing other is this mercy of God except goodness related to dispelling misery. Therefore, when I consider that it is proper to goodness to repel misery, and that he, however, is goodness itself, I have recourse to mercy with confidence" (*In Ps.* 50 [Musurgia ed., 345a]).

I have enemies persecuting me: and I ask to be freed by divine aid. And I have confidence concerning this. For God judges the peoples ... in his truth.²⁹

A curious thing about trust is that not only do other people's reputation for goodness and/or the good deeds they have done for us condition the trust we have towards them, but our own justice or lack thereof can dispose us to trust or mistrust others. We generally do not have confidence in those whom we have treated badly; they have reason not to want to help us. Even if we have not treated them badly, if we are known as being bad people, people who are not worthy of respect, we do not expect consideration from others, and so we generally (granted, the shameless and brazen may not) lack confidence in asking for their help. Whereas if our reputation is good and/or we have done good things for others, we tend to be more confident that others will help us.

In the following passage, Aquinas makes it dear that our own wrongdoing is a reason for us to lose trust:

The one who lies under another's regard, is seen by him, and is able to see him. . . . Through sin both of these things are lost: because sinners desert God, they are deserted by God: and they lose the confidence of trusting in God [*et amittunt fiduciam confidendi de Deo*]. As to the former, Is. 39: "Sins and iniquities create a division between you and your God, etc."; as to the latter: "And your sins will hide his face from you."³⁰

We may lack trust in others not only when we have offended them, but even when we regard ourselves as insignificant and not worthy of their attention. We see this expressed in Aquinas's comments on Psalm 8:

²⁹ *In Ps.* 7 (Musurgia ed., 165a). See also *In Ps.* 17 (Musurgia ed., 203a); and *In Ps.* 9 (Musurgia ed., 172b).

³⁰ *In Ps.* 50 (Musurgia ed., 348b). See also *ScG* IV, c. 54: "Since sin is contrary to divine charity ... and in addition to this, a man being conscious of this offense, through sin loses confidence as to approaching God, which is necessary for obtaining beatitude To the end that man may be freed from his awareness [*conscientia*] of a past offense, it is necessary that he establish that the remission of the offense [was granted] through God." See also *In Ps.* 37 (Musurgia ed., 294a): "Origen: 'Sometimes a person prays to God and is not heard because he does not listen when God gives him commands.' Prov. 28: 'The one who turns away his ears, so that he does not hear the law, his prayer becomes utterly detestable.'"

It is wonderful that someone great can attach himself to someone small with special familiarity. And this is the way that things are expressed [in this Psalm]: It were as if some artisan would make great things, and among them one slight thing, such as a needle, and when he made the needle to show that he had knowledge about it. But it would be extremely wonderful if in the disposition of his works he would care about a needle; and therefore [the Psalmist] says, "What is man," that you are mindful of him in opposition to great creatures? Eccl. 16: "Do not say, I am hidden from God, etc., and what is a soul, etc." For God will not forget you because of your smallness.³¹

The counterparts of these two points are that we trust others more when we ourselves have acted well in their regard, and when we have dignity:

Threefold are the causes which make a prayer able to be granted ... the third of which is one's own merits; for as it says in Jn., c. 9: "God does not hear sinners, but if someone is devoted to God, God hears him."³²

Hope increases in the saints, and confidence in praying, not only from divine nearness, but also from the dignity which they have obtained from God, who through Christ made them "heavens"³³

There is another way in which a person's ability to trust another is affected by something that belongs to him rather than to the person to be trusted. We tend to use ourselves as a standard for judging others.³⁴ If we are dishonest and untrustworthy people, we readily believe that others are the same way. If we are honest and trustworthy, we tend to think that others are that way too. Aquinas notes this in speaking about St. John:

It is the wont of a good and innocent soul to believe that others are also far from iniquity of which they know themselves to be immune. Therefore, because John

³¹ *In Ps.* 8 (Musurgia ed., 168b). Christ assures us that the "hairs of our heads are numbered" to dispel our lack of trust (see *Comp. Theol.* II, c. 6).

³² *In Ps.* 19 (Musurgia ed., 212a). Aquinas, in many places, points out that "the justice and innocence of a person are not from himself, but from God" (*In Ps.* 7 [Musurgia ed., 165b]), quoting in this regard Augustine's famous saying: "There but for the grace of God, go I" ("Domine gratiae tuae deputo malo quae non feci," quoted in *In Ps.* 50 [Musurgia ed., 345 a]).

³³ *Comp. Theol.* II, c. 6.

³⁴ See *Super Joan.* 19, lect. 3 (Marietti ed., no. 2399): "it often happens that people think the same things [to be true] about others which they themselves suffer from."

was the most innocent disciple, and far from him was the iniquity of betrayal, he never suspected that a disciple could go ahead and commit so great an iniquity.³⁵

At this point we are able to understand why people mistrust those who mistrust them. Those who are mistrusted surmise that the other's mistrust may well be the result of a projection made because of the other's bad character. Alternately or additionally, they may regard the other's mistrust as a kind of injustice, for it entails an erroneous and seemingly temerarious judgment of their trustworthiness, and people do not trust those they think are unjust.³⁶

*C) One Trusts People Who Are Competent*³⁷

[I]t does not suffice for the confidence pertaining to hope [*adspei fiduciam*] that the one on whom our hope depends has the will to help, unless the power be present.³⁸

U]just as the formal object of faith is the first truth, through which as through a certain medium we assent to those things which are believed, which are the material objects of faith; so too the formal object of hope is the assistance of divine power and affection.³⁹

³⁵ *Super Joan.* 13, lect. 5 (Marietti ed., no. 1818). See also *Super Joan.* 6, lect. 8 (Marietti ed., no. 1006): "Peter says 'we all believe' not making Judas an exception [I]n Peter this trust was commendable, which was not suspecting evil from a comrade; but in the Lord it is his wisdom which is to be admired, which sees hidden things."

³⁶ See *STh* II-II, q. 60, a. 4: "When someone has a bad opinion about another without sufficient cause, he injures the other and treats him with contempt. No one ought to contemn another or harm him in any way in the absence of a compelling reason. And therefore where there do not appear any manifest indications of a person's badness, we ought to hold him to be good, and anything doubtful ought to be given the more positive interpretation."

³⁷ I am taking competence to include both knowledge of how to handle a given problem and the ability actually to follow through and do something about it. See *Comp. Theol.* II, c. 4: "This trust [*fiducia*] which man has in God ought to be the most certain. For it is said that an agent does not fall short of rightly disposing his work except on account of some defect belonging to him. However, no defects can occur in God, neither ignorance . . . nor lack of power . . . nor even a defect of his good will, because 'God is good to those hoping in him, to the souls seeking him', as is said in Thren. 3:28. And therefore the hope by which someone trusts in God does not confound the one hoping."

³⁸ *Comp. Theol.* II, c. 6.

³⁹ *De Spe.*, a. 1. See *STh* II-II, q. 18, a. 4; and *In Ps.* 30 (Musurgia ed., 253a).

We would not trust someone if he were completely devoid of power to do good, as is the case with infants and those suffering from extreme mental deficiencies. However, a person's inability to help us as to some specific thing does not necessarily prevent us from trusting him in general, so long as there is no reason to think the lack of competence or ability is due to negligence. We could still be sure that the person would help us if he could. Moreover, although a person may lack what is needed to address a specific problem we have, he is never completely powerless, for he can always bring us comfort and moral support.⁴⁰ Thus, we do not count on people to do specific things that we know they cannot do, yet we may still trust them in a more global way, that is, we may be confident that they will do for us what they can.

Note that *cura* is generally accompanied by competence. We are generally not charged with helping people whom we are unable to help. There can be exceptions: if one is new to a job, or filling in for someone, or has been mistakenly assigned to a post, one might be unable to take care of matters that pertain to his position. *Cura* may, however, also fail to correspond to competence due to negligence on one's own part.

D) Nearness or Closeness

Nearness or closeness is another factor that conditions trust and that comes into play when we wish to ask for something. We tend not to request something from someone who is distant—for example, a company president who is little accessible, separated from us by doors and secretaries. As Aquinas notes:

[P]rayer has a twofold effect. One is the expulsion of sadness. The other is an increase of hope ... for if a king admits someone to his intimate good graces and conversation, this person takes confidence as to asking and obtaining. In prayer, however, man especially speaks with God.⁴¹

⁴⁰ See *STh* II-II, q. 106, a. 3, ad 5.

⁴¹ *In Ps.* 41 (Musurgia ed., 312b). See *Comp. Theol.* II, c. 6: "It would be an impediment to confidence ... if someone thought that human life was remote from divine providence."

When a person intentionally makes himself inaccessible to us, we take this as a sign either that we are of little concern to him—at least compared to his other business—or that we are of no concern.

There are many kinds of nearness, however, and they need to be distinguished before we consider exactly what role nearness plays in regard to trust. One can be near by reason of the nature of a given relationship (one is nearer to one's sister than to a cousin). One can also choose to love one person more than another, and this results in another sort of closeness (one may be closer to an aunt than to a sister, because one loves the aunt more). Yet another kind of closeness is found between oneself and a person with whom one can be familiar (one might love one's aunt more, but be more spontaneous with and show affection more freely to one's sister). And then there is physical nearness.

The various forms of nearness to some extent accompany one another. We generally live a significant portion of our lives with those with whom we have close family ties, and with those whom we love as friends.⁴² And to feel comfortable with people is usually the result of being physically present to them for some length of time (of course, sometimes people feel comfortable with one another right away for other reasons, such as shared background).

Only one of the four forms of nearness can really be counted as an independent reason for trust: namely, the form that stems from familiarity. The other three are reducible to the reasons for trust given above (*cura*, justice/love, and power). To see this one must examine each of different sorts of nearness as they relate to the factors involved in trust.

Nearness of relation plays a role in defining the appropriate extent of a person's concern for us:

Benefits, both spiritual and corporeal, are to be dispensed to one's neighbor in a certain order: namely, so that they are first dispensed to those who are more

⁴²It is difficult, though not impossible, for people to become close through correspondence at a distance.

conjoined to us, as if it falls to our lot to provide for them Then others are to be provided for as occasion arises.⁴³

Those who are near to us as standing in a specific relation towards us have specific kinds of obligations towards us, and accordingly we think that we have reason to expect certain kinds of help from them.

Given that a person has specific obligations towards us, it is another matter whether or not he in fact discharges them—whether he efficaciously wills us the appropriate goods. When the *cura* is willingly assumed by an individual (family member, fellow citizen, etc.) this makes him near to us in the manner in which love makes one person near to another.⁴⁴ Aquinas uses the expression *mutua inhaesio*⁴⁵ (mutual attachment) to name this effect of love. In English we speak of a person being "attached to someone" and we say of friends that they are "tight," and that they "stick together" in the face of difficulty. We also say of a society in which citizens do not look out for each other that it "lacks cohesiveness."

As for physical nearness, it affects trust insofar as it makes a person more able actually to do something for us. This is one reason why a person's touching us gives us hope:

Christ's comforting [the disciples] is subsequently set forth. And he comforted them by deed and by word: by deed, against fear and fall: against fear through his presence, because "Jesus drew near." Ps. 22:4: "It is I, fear not." In addition he comforted them through contact that "gives strength to the weary" (Is. 40:29), and in Dn. [10:10] it says: "His hand touched me and raised me up." Whence [in the gospel] it says: "And he touched them."⁴⁶

⁴³ *De Correctione Fraternali*, a. 1, ad 8 (in *Quaestiones Disputatae*, vol. 2). See also *STh* II-II, q. 26 for a discussion of which relations are closer (e.g., of a mother to a child or vice versa).

⁴⁴ One might do good to another out of love of friendship or out of love of concupiscence. We plainly trust more people who do us good for our own sake than people who do so because of some kind of vested interest they have in us. Still, we do to a certain extent trust the latter.

⁴⁵ See *STh* I-II, q. 28, a. 2.

⁴⁶ *Super Matt.* 17, I (Marietti ed., no. 1442).

We are more likely to ask help from a person who is not as close to us by way of relation or friendship, but who is on the scene, than one who is, but who lives in a foreign country, for the simple reason that the former has more power to help us.⁴⁷

Physical closeness generally contributes to the closeness of the love that arises from familiarity, and it is to the latter that we now turn. Creatures of habit, we grow attached to things and people, even in spite of their manifest shortcomings, when they become familiar to us.⁴⁸ Habit is second nature, and just as we are at ease with what is natural to us, we feel comfortable with people who have become familiar to us.⁴⁹ Moreover, while we often find new people (and things) intimidating because we don't know how to deal with them,⁵⁰ familiarity with them gives us a good idea as to what we might expect from them. We know what to say and not say to people with whom we are familiar, and so are more at ease with them.

Familiarity also makes us comfortable to the extent that it in some way puts those who rank higher than we do closer to our level. When one has had opportunity to observe people's flaws close up on a regular basis, one realizes that they are not above us in every way. Indeed, familiarity tends to breed contempt:

[H]abitual intercourse with men and too much familiarity diminish respect, and give birth to contempt. And therefore those whom we consider as more familiar, we are accustomed to respect less, and those whom we cannot consider as

⁴⁷ See *Expositio super Job*, (ed. A. Dondaine, *Opera Omnia*, vol. 26 [Leonine edition; Paris: Cerf, 1965], 330a): "And because the highest things are the ones that are remotest from us, someone could believe that he [the Most High] was not to be feared, nor would he exercise providence over us; as certain fools said ... 'He walks around the four corners of the heavens, and does not consider our doings.'"

⁴⁸ See II *Metaphys.*, lect. 5 (*In Duodecim Libros Metaphysicorum Aristotelis Expositio*, ed. Raymundi M. Spiazzi, O.P. [Rome: Marietti, 1950], no. 333): "[L]aws ... have the force of custom [A]lthough many of them were vain and frivolous, men hearing them from their youth approve them more than knowledge of the truth." See also *ibid.* (Marietti ed., no. 332), and III *Nie. Ethic.*, lect. 11 on how the acquisition of habit alters our perception of what is desirable and undesirable.

⁴⁹ See VII *Nie. Ethic.*, lect. 10 (Marietti ed., no. 1467): "Custom, however, is difficult to change because it is like nature [C]ustomary application wears things in an agreeable or conforming way ... and when the process is completed it is nature for each person."

⁵⁰ See *STh* I-II, q. 42, a. 5: "Whether things which happen suddenly are more feared."

familiar, we esteem more And the reason for this is that given that a man is of an infirm and fragile nature, one recognizes some weakness in him when one frequents him over a long period, and from this one's respect towards him is diminished.⁵¹

Certain people, however, are very dignified and they maintain a certain distance from those with whom they come in continual contact. They discourage familiarity by a certain aloofness of demeanor, and/or by keeping their conversations and interactions relatively impersonal. Despite regular contact with such people, we often continue to feel somewhat awkward in their presence, and do not regard them as approachable.

Nearness of familiarity is not the same as the nearness of the love of friendship, though it may lead to it. That the two are not the same is indicated by Aquinas's use of the expression "familiar amicitia"⁵² (more familiar friendship) which shows that friendship can be qualified by familiarity as well as by love of friendship. Aquinas also indicates that love of friendship is not the same thing as familiarity when speaking about Martha and Mary:

[T]hese two sisters who were desiring the cure of their sick brother did not come personally to Christ ... on account of the confidence they had in Christ due to the special love and familiarity which Christ showed towards them.⁵³

Further evidence that familiarity is not the same thing as love of friendship is found in a distinction Aquinas makes concerning Christ's love for different disciples:

UJohn was indeed more loved as to marks of familiarity, which Christ showed more to him on account of his youthfulness and purity. And therefore, when [the Evangelist] subsequently adds: "Who even reclined on his breast at [the Last] supper," he is commended ... according to his special familiarity with Christ.⁵⁴

⁵¹ *Super Joan.* 4, lect. 6 (Marietti ed., no. 666).

⁵² See ScG IV, c. 54: "To this end that there would be between God and man a more familiar friendship [*familiar amicitia*], it was expedient that God become man."

⁵³ *Super Joan.* 11, lect. 1 (Marietti ed., no. 1475).

⁵⁴ See *Super Joan.* 21, lect. 5 (Marietti ed., nos. 2641, 2642). See also *STh* I, q. 20, a. 4, ad 3.

Familiarity⁵⁵ in the sense we are speaking of here could be defined as nothing other than a kind of liking or loving that arises chiefly from repeated contact with someone.⁵⁶ Above we spoke of how love in general (be it love of concupiscence or love of friendship) brings about a certain closeness. Here we are speaking about a particular form of love that is not easily categorized, as it does not seem to possess the element of self-interest found in love of concupiscence towards a person, although it does result from something in the loved one suiting us (which is characteristic of love of concupiscence).⁵⁷ It is based neither on an immediate appeal a person has at the level of our five senses, nor on a choice that we make; it develops without our fostering it, and sometimes in spite of ourselves. Of all the elements that lead us to trust someone, nearness is the least rational, given that it is an emotional disposition that does not flow from choice. We can rationally assess whether someone should address our concerns, is competent to do so, and is well-disposed to doing so, and decide whether to trust him on those grounds. We can't, however, decide to feel comfortable with someone.

The fact that we don't really rationally assess closeness, so much as we feel it, does not prevent it from often being the deciding factor in whom we turn to for help. One person may truly love another, and know that this love is reciprocated, and yet still hesitate to ask the other for something because familiarity is absent. Those of us who are older realize this in instances when younger people, whom we would have been glad to help, do not approach us until after the fact; and those of us who are younger have probably experienced being shy about asking someone older for help. In yet other cases, familiarity gives a person confidence

⁵⁵ Familiarity is also used to name close acquaintance aside from any liking that arises from it. In this sense familiarity may breed contempt.

⁵⁶ Again, it is possible for a person to do things to encourage or discourage familiarity on the part of another (e.g., "call me by my first name" as opposed to standing on formalities).

⁵⁷ It would take us too far from our main purpose to discuss in more detail the love associated with familiarity. See Nadine St. Arnault, *Philia dans ses rapports avec storge, eras et agape*, M.A. thesis, Laval University, 1980.

in someone that would only really be appropriate if that person was a close friend:

The mother of the sons of Zebedee approached Jesus asking that one of her sons sit at his right hand and the other at his left; and she seem moved to asking this from a certain confidence as to the bodily nearness which she was accustomed to have to the person of Christ.⁵⁸

The effect that closeness has on trust is witnessed to by the efforts that Christ made to encourage familiarity. When the disciples of John the Baptist, Andrew and John, followed Jesus, "he questioned them so as to make them more familiar with him, and so as to show them by the act of listening that they had dignity."⁵⁹ And after the resurrection "Christ prepares an intimate meal [*familiare convivium*] for his disciples."⁶⁰ And as Aquinas points out in his response to the question of whether it was fitting that Christ live in intimate company with men:

[Christ] came so that "through him we may have access to God," as is said in Rom. 5:2. And therefore associating with men in a familiar way was suitable for giving men confidence as to approaching him. Whence it is said in Mt. 9:10: "It happened that when Jesus was reclining at dinner in the house, many publicans and sinners were coming to recline with him and his disciples."⁶¹

By cultivating familiarity Christ tried to overcome man's hesitation to turn to him.

It is worth noting that while on the one hand a person's reputation for goodness and generosity motivates us to trust him,

⁵⁸ ScG IV, c. 8.

⁵⁹ See *Super Joan.* I, lect. 15 (Marietti ed., no. 285): "[W]hen the disciples of John heard the testimony about Christ, they did not instantly begin speaking with him without preparation, but as those eager to speak individually with him, [though] with a certain shame [*verecundia*], they made an effort to do so in a secret place." See also *ibid.* (Marietti ed., no. 288).

⁶⁰ *Super Joan.* 21, lect. 2 (Marietti ed., no. 2597).

⁶¹ *STh* III, q. 40, a. 1. See also *Super Matt.* 26, I (Marietti ed., no. 2128): "Another reason [why Jesus came to the house of a former leper] can be literal, namely, so that the woman in question would have the confidence to come to Christ; for because Mary knew the person who had been cured by Christ from his physical leprosy, she came that she might be cured of her spiritual leprosy."

on the other hand the dignity of the same person tends to makes us hesitate approaching him. Familiarity is often key to our regarding such a person as approachable, and thus to our actually trusting him.⁶²

It is also worth noting that, all things being equal, the less personal our demand is, the less need there is for familiarity. We do not feel that we need to know a butcher in order to ask for a pound of lamb chops, for this is a request to which butchers routinely acquiesce. On the other hand, we only ask close friends a personal favor like watching a pet for a week, for this is a request not just any friend will accommodate. Familiarity is important for perfect trust: "Presupposed to a request that is made of a human being is familiarity which opens up for us access to the one to be asked."⁶³ Less perfect forms of trust often require little or nothing by way of familiarity. Indeed, it is not always advantageous to become too familiar with people.⁶⁴

"Nearness" then refers to different things, and these things relate to trust in different ways. One form of nearness relates to whether our problems fall under another's concern, while another form accompanies our certitude of the other person's good will towards us. Physical nearness leads to trust insofar as a person close to the situation has more power to help us; it can also lead to nearness of familiarity. Nearness of familiarity, even apart from its role in establishing friendship, has a strong influence on trust, enabling people to feel comfortable with each other.

⁶² In his commentary on Hebrews, Aquinas speaks of how we obtain familiarity with the Persons of the Trinity in terms of their accessibility. E.g., "And first [Paul speaks of] familiarity with the Father when he says 'you draw near to God the Father, the judge of all'. . . . This access, however, is through faith and charity" (*Jn Hebr.* 12, lect. 4 [in *Super Epistolas S. Pauli*, ed. P. Raphaelis Cai, O.P., vol. 2 (Rome: Marietti, 1953), no. 709]). God affords us means of access to him, and this allows us to become familiar with him. The Eucharist is a striking instance of this.

⁶³ *Comp. Theo!*. II, c. 2.

⁶⁴ See *Epistola De modo studendi*: "Be amiable towards all; seek to know nothing about the details of others' doings; do not be very familiar with anyone, for too much familiarity breeds contempt and provides matter for distraction from study" (author unknown [falsely attributed to St. Thomas]; available on the Corpus Thomisticum web site at the University of Navarre [<http://www.corpusthomicum.org/xas.html>]).

III. SUMMARY

A survey of the works of Aquinas reveals that he considered the nature of and conditions for trust with a great deal of care, particularly in his commentaries on Scripture. Our examination of his teachings on trust shows first that he would define it as the assured reliance on someone for knowledge or for help. It also shows that he saw the elements requisite on the part of the person trusted to be four: We trust people who should be concerned with us, when they are virtuous (just, generous, etc.), capable, and familiar to us.⁶⁵ In addition, our own character impacts on our ability to trust others. We need to feel that we are worthy of others' attention. And we tend to measure others' trustworthiness by our own.

⁶⁵ A way of corroborating whether these four elements are important to trust is to consider why people get angry or are disappointed when others do not trust them. Two reasons are very obvious: when someone fails to trust us, this implies either that we are incompetent or that we do not care very much for him. Sometimes we realize that neither of these is the reason why the person does not approach us, but rather it is that the person is not comfortable doing so. People sometimes fail to trust us due to ignorance of our *cura*, and this can be vexing; teachers are there to help students, and pharmacists are there to give patients drug counseling.

BOOK REVIEWS

Faith and Freedom: An Interfaith Perspective. By DAVID BURRELL. Challenges in Contemporary Theology. Oxford: Blackwell, 2004. Pp. 266. \$34.95 (paper). ISBN 1-4051-2171-8.

The chapters that comprise this book develop the central themes of Burrell's scholarly career, as philosopher and theologian who deals with Christian, Islamic, and Jewish thought. A collection of previously published articles organized thematically, this is a timely publication, offering an interfaith and intercultural study of creation and freedom. In addition to its systemic and historical value, the work traces the contours for any authentic dialogue among the three Abrahamic religious traditions on the relationship of philosophy and faith.

Central to the argument throughout the book is Burrell's insight that ties contemporary views of "libertarian" freedom to the "imperative of modernity": to remove belief in a free Creator from intellectual discourse. He aims to provide "a far more robust account of freedom which, while requiring a heftier metaphysical commitment, remains more phenomenologically accurate than the modernist theory it seeks to supplant" (vii). The project involves the recovery of the classic view of human freedom, a recovery that depends upon the affirmation of creation as a free divine act. Each religious tradition offers a way of understanding this affirmation; together, the three provide strategies for seeing the Creator as distinct, but not separate, from the created order. The traditions stand as "witnesses" to the role of faith as context for philosophical speculation. It is on the basis of what the traditions share (belief in creation as a free act) that interfaith dialogue is possible.

Part I presents the Creator-creation relationship as central to any philosophical theology. In "Distinguishing God from the World," Burrell highlights divine simplicity and eternity, two key elements in the medieval reflection on language and God. The chapter criticizes current philosophical discourse that treats of divinity independently of a lived faith tradition and looks at attributes independently of divine nature. Overly abstract discourse about the divine fails to take into account living religious traditions and "leaves one wondering if it is discussing divinity at all" (17). "The Unknowability of God in Al-Ghazali" gives a precise example of an Islamic response to the problem of abstract analysis of God. In his critique of Avicenna's logical and emanationist

project, Al-Ghazali affirms divine simplicity and, consequently, God's unknowability. The response of the believer can only be that of faith.

Chapters 3, 4, and 5 explore the theme of divine knowing, suggesting the more practical model of Artisan. In "Why Not Pursue the Metaphor of Artisan and View God's Knowledge as Practical?", Burrell notes that both Maimonides and Aquinas use the metaphor in speaking of divine knowledge yet neither develops it in depth. In "Maimonides, Aquinas and Gersonides on Providence and Evil (With a Bow to Dorothy Sayers)," the biblical story of Job is the focus for an interfaith reflection on God's knowledge of events and the role of providence. Burrell suggests a creative solution with the help of Dorothy Sayers. An author creates characters having a "life of their own" within the novel; so too divine creative freedom need not be at odds with human free choice. "Aquinas's Debt to Maimonides" completes this reflection, showing how the analogous use of terms can deal with creation, divine practical knowledge, providence, and freedom.

Chapters 6, 7, and 8 together consider the dialectic of reason and faith as they relate to creation as a free act. "Creation and Actualism" offers a systematic discussion of the nature of philosophical theology and its need for assessment based upon dialectical criteria. Since faith leads believers to prefer one ontology over another, the criteria must come from both sides. In "Aquinas and Contrary Patterns for Philosophical Theology," Burrell pursues this theme of the dialectic of philosophical and theological discourse, showing how the two thinkers differ metaphysically and epistemologically. He does not hesitate to place himself on the side of Aquinas in this essay (and others) and shows great knowledge of Thomas's texts, which he regularly uses to support his argument. It is disappointing that the interpretation of Scotus depends largely upon secondary sources, most notably Etienne Gilson's 1952 study, *Jean Duns Scot: Introduction A ses positions fondamentales*. In "From Analogy of 'Being' to the Analogy of Being" Burrell presents the analogical use of language as essential to any philosophy that wishes to integrate the great religious traditions' conviction of the universe freely created by God. Burrell rightly points to the way in which religious forms of life and a living faith tradition framed medieval intellectual reflection, thereby reprising his theme of a philosophical theology that is culturally embedded and informed by faith. He is, I think, correct in his assessment that Aquinas offers a better philosophical basis for interfaith dialogue than does Scotus. If, however, the analogical use of language is the key to that dialogue, then one must confront points raised earlier: that neither Maimonides (chapter 5) nor al-Ghazali (chapter 2) accepted the analogical function of language about God.

Part 2, "Divine and Human Freedom," deepens the implications of the first section in the area of the modern depiction of freedom as autonomy (self-determination) over against divine freedom. "The Challenge to Medieval Christian Philosophy: Relating Creator to Creatures" links this section to the earlier chapters. The modern understanding of human freedom as a "choice among alternatives" lies at the heart of the current difficulty to reach a

phenomenologically accurate view. A more fruitful approach considers divine creation "ex nihilo" –as freedom to accept the determinations of wisdom, rather than as a choice among alternatives. "Freedom and Creation in the Abrahamic Traditions" shows how medieval conceptions of freedom, informed by faith, illuminate the nature of human experience. These medieval approaches were developed against the background of Hellenic schemes of necessary emanation: they all affirm divine creative freedom. They also serve to critique contemporary philosophical reflection on human freedom, as the chapter "Al-Ghazali on Created Freedom" demonstrates. In this essay, Burrell challenges the dichotomy of libertarian vs. compatibilist theories, as well as the modern methodology that assumes its philosophical intuitions to be free of embedded cultural assumptions. The Islamic tradition best helps to uncover the heart of the modern reflection on freedom as the dialectic between divine and human sovereignty. "Creation, Will and Knowledge in Thomas Aquinas and Duns Scotus" points to two models of human freedom in the Western Christian tradition. The two thinkers differ in their ways of seeing how language, logic, and the life of faith relate. Both resist emanationist theories of creation, but in different ways. Aquinas sees creation as the *esse* of things; therefore "to be" is "to be dependent on Creator." Within this perspective, language functions analogously, allowing for coherent discourse about God. By contrast, Scotus understands contingent creation as 'what could have been otherwise' in relationship to the divine will. God's freedom is depicted in terms of alternatives and options (possible worlds) before the divine will. Freedom for Aquinas is more properly understood as consent rather than self-determination, and involves the discerning response to what attracts the human heart. Scotus embraces a more modern notion of freedom, with the affirmation of a self-moving will.

Part 3, "Interfaith Encounter," offers four essays on the value and possibility of future interfaith discourse. In "God and Religious Pluralism," Burrell explains the way in which each tradition affirms creation and divine freedom. Modern Western ways of understanding theology as a purely rational reflection on the universe interrupted the relationship between explanatory themes and religious traditions. Postmodernity has, fortunately, rejected this age of pure reason in religious matters. Once the Enlightenment assumption about faith as an addendum to the human condition is rejected, reason becomes a functional notion, displayed in practices that cross traditional boundaries. The challenge for today is not atheism, but rather the lure of other faiths. In facing this challenge, it is not the believer who is crippled, but rather the philosopher. By far the most interesting essay of the book, this piece concludes with a call for the signal trace of the Holy Spirit among all traditions: friendship.

"The Christian Distinction Celebrated and Expanded" sets forth Burrell's project in this book in the clearest possible terms. This essay focuses on Aquinas, who "is already engaged in an interfaith, intercultural endeavor" (218), as a model for theologians today. If God is a free Creator, then creation "might not have been." This focus on creation's act of existence (rather than a possible-world ontology) and on the distinction between God (that being whose essence

is identical to existence) and creation (whose essence is not identical with existence) opens the space within which other Christian mysteries are considered. In Islam (Al-Ghazali) faith rather than philosophy offers the basis for the distinction between Creator and creation. In Judaism (Maimonides) the distinction appears in language and discourse about the world or about God. Christianity is the sole tradition to bridge the metaphysical-linguistic gap with the essence/existence distinction and the analogical use of language, both central to Aquinas's approach. For Christians, divine freedom and the Incarnation play central roles in the functioning of language about God, allowing for conceptual moves not available to Islam or Judaism.

"Incarnation and Creation: The Hidden Dimension" seeks to restore the tension and rapport between creation and redemption, thus between the first two elements of the Creed. The key to this restoration is the link between creation and Incarnation. Oddly enough, here is where the thought of Scotus could help Burrell. Scotus sees the divine creative project as the means by which Trinitarian life is shared with all creation. The Incarnation plays a pivotal role, since, according to Scotus, God would have become incarnate even if Adam and Eve had not sinned. In Scotist thought, the link between creation and Incarnation is both logical and natural.

The final essay, "Assessing Statements of Faith: Augustine and Etty Hillesum," is the existential fruit of the entire volume, noting strong parallels between the important Christian thinker and the twentieth-century victim of the Nazi holocaust. Both offer an autobiographical statement of their faith in God and human life, putting a face on Burrell's point in this work. Statements of faith are not explanatory in nature; they are informed testimonies of lived reality and are even more powerful in the truth they convey. In closing, Burrell explains what is at the heart of interfaith, intercultural dialogue. It is not truth claims of particular religious traditions that are at stake, but rather a "presumptive way of ranking them." Not the certainty of faith as "real assent," but a "monocultural attitude of *certainty* in which we know that we are right" (255). What we gain is a "critical modesty" toward our modes of expression, which might help us regain the sort of modesty found in medieval thinkers, a modesty that might help in contemporary situations. The road ahead requires "live encounters" where believers come together to speak of what they believe. The goal would be for another person to understand the account "as one in which he or she could plausibly participate" (256).

This book is an excellent treatment of the intercultural dimension of medieval philosophy and theology and aptly demonstrates the importance of these thinkers for contemporary reflection. In its systematic approach, the argument regarding the relationship of creation and freedom is quite solid and compelling. The three traditions offer mutual support in a common stance toward divine graciousness. Also compelling is the concluding discussion on the future and possibility of interfaith dialogue. Burrell points regularly to, but does not develop, the extension of this dialogue to non-Western religious traditions, suggesting further reflection and study. Less compelling (for me at least) is the

contrast between Aquinas and Scotus. If Burrell's argument about interfaith and cultural sensitivity is valid (and I believe it is), then one might bring just this sort of sensitivity to the Franciscan voice as an alternate approach to questions within the Christian tradition. Scotist thought is centered on the Incarnation and divine initiative; it is not philosophically structured along the lines of the essence/existence distinction and analogy. While such differences in approach do not interfere with a Christian-Jewish-Islamic dialogue, they do appear to be insurmountable within Christianity. Despite his claims to the contrary, Burrell's Scotus functions largely as a foil for Aquinas, allowing the latter to emerge as the significant Christian voice. A more complete presentation of Scotist thought (not simply those aspects that differ from Aquinas), more direct textual references, and less reliance on secondary literature would have strengthened the cogency of arguments that make use of the Franciscan's thought.

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What Is and What Ought to Be: The Dialectic of Experience, Theology and Church. By MICHAEL G. LAWLER. New York: Continuum, 2005. Pp. 205. \$49.95 (cloth), \$22.95 (paper). ISBN 0-8264-1703-5 (cloth), 0-8264-1704-3 (paper).

At first glance, one might think that the title of Michael Lawler's book is inspired by Hume's distinction between descriptive and prescriptive statements. In fact, the author tells us, the title's immediate source is an essay by Karl Rahner, who defines practical theology as informed reflection on what the Church *is* and what it *ought to be* (*Theological Investigations*, 9:102). It is precisely this reflective task that characterizes Lawler's book; in particular, he argues for the confluence of sociology (which tells us what is) and theology (which tells us what the Church should believe). A major thesis of Lawler's work, in fact, is that sociological description can aid theology in finding proper prescriptions for pressing contemporary questions. Two disputed issues occupy the book's central argument: the ban on artificial contraception and the possibility of divorce and remarriage absent an annulment. On both of these points, Lawler says in his prologue, a dramatic development and re-reception is now under way, similar to other reinterpretations that have taken place over the course of history (xii). He recognizes, however, that to be able to speak with authority on this claim several antecedent points need to be settled: the nature of theological methodology, the relationship between theology and the

disciplines, and the value of reception and the *sensus fidei*. A direct discussion, then, of the two issues at stake is sensibly postponed until the final chapter.

One important step in the argument is, as noted, the theoretical conjunction of theology and sociology. Lawler adduces the positive endorsement of sociology offered by *Gaudium et spes* 62, while making quite clear that the social sciences are affected by their own tacit assumptions (38) and cannot be conflated with theology. Later in the book, he speaks of sociology as a "handmaiden" to theology, recognizing that the formal object of the latter discipline is unique compared to those of other sciences (168). At the same time, he resists speaking of any "superiority" of theology, preferring to see sociology and theology as equals, each mediating important lessons to the other (169). In general, he makes a good case for the conjunctive nature of the two disciplines, resisting any attempt to collapse their specific modes of inquiry. One wonders, however, if the book would not have been strengthened by a more intensive consideration of the relationship of theology to other forms of wisdom, a topic on which there has been sustained Christian reflection from Clement of Alexandria to John Paul II's *Fides et ratio*. Some deliberation, too, would have been helpful on Aquinas's point that no science can be presented as an ultimate competitor to theology's foundational claims because these claims derive their authority and certitude not from fallible human reason but from revelation itself (*STh* I, q. 1, a. 5).

A second step in Lawler's argument concerns the nature of theological reflection. Theology, he says, brings the tradition to bear on contemporary culture, evaluating its "ongoing usefulness" and "handing on to the future either an unchanged, still-useful tradition or a tradition nuanced in dialogue with the present situation" (2-3). Understandably, then, he seeks to develop a notion of correlation, with the two "sources" being the past tradition and the present socio-historical moment. He finds Tillich's methodology wanting since it clearly privileges the theological tradition over the present situation (3, 87), opting instead for a form of mutually critical correlation (or "mediation" as he prefers) à la David Tracy. Particularly important for Lawler is the recognition that the contemporary situation, too, is graced, and so must be acknowledged as a legitimate theological locus.

There is much that is right in Lawler's marked emphasis on the significance of the present socio-historical moment. The theological tradition, if it is not to be lifelessly repeated, must be vigorous and robust, newly appropriated and "performed" in every generation. It must be received anew by each epoch, in its own categories, according to its unique *Denkstil*. Absent a correlation or mediation between the tradition and the present, there would result merely hidebound and monotonous reiteration. Correlation, on the contrary, underscores a unique appropriation that is simultaneously creative and complementary.

But the crucial questions for any theology accenting correlational mutuality are multiple: How does the "present situation," even as graced, compare as a theological locus with Scripture and the dogmatic tradition of the Church? Does mutuality of correlates mean absolute equality? If the tradition, even in its most

solemn pronouncements, does not sufficiently illumine (64) the culture, or seems no longer meaningful (119) by the standards of the contemporary socio-historical moment, then is the doctrinal tradition to be jettisoned, adulterated, or radically reinterpreted? Lawler does not treat of these questions directly but they inevitably arise in light of his methodological reflections.

A third step in Lawler's argument has to do with the nature of truth. He insists, rightly, that truth is perspectival, always open to further complement. The socio-historical situation in which truth is formulated necessitates its relational, rather than relativistic, nature. Lawler's claim that statements are always related to a particular "province of meaning" reminds one, then, of Karl Mannheim's insightful comment that all affirmations bear the "scars" of their origin. Lawler's point, clearly, is that all propositions, including theological ones, have a constructive dimension, reflective of the socio-cultural-historical standpoint of the author. In this, he is reminiscent of M.-D. Chenu, who argued in 1937 (in *Le Saulchoir*) that "revelation itself is clothed by the human colors according to the age when it was manifested to us." This thought was later echoed by the CDF's declaration *Mysterium ecclesiae* (1973).

While agreeing with Lawler's accent on the socio-cultural elements intrinsic to doctrine, one wishes that this had been supplemented by reflection on the descriptive dimensions of doctrine as well. At one point, he says, "The Catholic Church pursues its own doctrinal fundamentalism, which holds that revelation, objective knowledge about God, is objectively expressed also [besides Scripture] in church doctrine. Both biblical and doctrinal fundamentalism were firmly rejected by the Catholic Church at the Second Vatican Council" (77). If this statement means, as I think it does, that Vatican II rejected a severely propositional, noncontextual view of doctrine, then it is certainly correct. Taken baldly, however, the statement is ambiguous and can give the impression that Vatican II denied that Christian doctrine (given all the qualifications) tells us about God's own life. This position would be entirely unsustainable since there is nothing in the council or afterwards supporting such an interpretation. Aquinas's oft-cited comment, "Actus autem credentis non terminatur ad enuntiabile sed ad rem" (*STh* II-II, q. 1, a. 2, ad 2), indicates that one assents primarily to God himself but as mediated in and through determinate language. One would have liked to have seen Lawler wrestling, then, not only with the sociological conditioning of Christian teaching, but also with its authentic mediation of God's self-manifestation.

This omission may stem from the fact that Lawler describes revelation as the "pre-reflexive," "pre-propositional" self-communication of God (60, 85). This is surely a legitimate opinion, but it would have been helpful to see more clearly the relationship between pre-reflexive experience and the thematized doctrinal tradition of the Church. How does the latter limit the multiplicity of interpretations to which pre-reflexive experience is theoretically open? Lawler does say at one point that no later theological elaboration can contradict "any theological *theme* which is expressed throughout the canonical scripture" (84), but this idea is not developed at any length.

Central to Lawler's argument are the notions of reception and *sensus fidei*. Along with many theologians today, Lawler rightly attempts to integrate these concepts into a larger theological epistemology. He cites four "classic examples of non-reception leading to dramatic development of Catholic teaching": usury, slavery, religious freedom, and membership in the Church (127). On these issues, clearly, we see modifications, developments, and even certain reversals. One may agree with the author when he says these teachings have been "re-received" or reinterpreted over the course of time. Further, when discussing the *sensus fidei*, Lawler notes the seminal role of Newman's *On Consulting the Faithful in Matters of Doctrine* wherein the author speaks of the consensus of the faithful as an "instinct, or *phrónema* deep in the bosom" of the Church. Newman himself used this opportunity to discuss the *singularis conspiratio* of pastors and faithful that had been invoked by Pius IX in *Ineffabilis Deus*. It is a "breathing together" that finds proper echo in *Lumen gentium* 12 and *Dei Verbum* 10. Lawler, in his own reflections, insightfully observes that Vincent of Lerins's *semper, ubique et ab omnibus*, was itself groping for a notion of universal consensus, as were the consultations of Pius XII before defining the Assumption of the Blessed Virgin Mary (131, 135).

Most of Lawler's comments in this chapter are well-founded. It would have been worthwhile, however, precisely here, to discuss Vatican I's claim (repeated in *LG* 25) that papal definitions are irreformable *ex sese non ex consensu ecclesiae* as well as the well-known *relatio* on *Pastor aeternus* tendered by Bishop Vinzenz Gasser, who argued that while the pope may ask the bishops about the sense of the churches, as happened with the Immaculate Conception, this case cannot be established as a rule (*Mansi* 52:1217). Some questions are also in order: While there will be, at times, reversals of the authentic ordinary teaching of the magisterium, are there any limits on continuing reinterpretation or re-reception by the community of believers? Is the Church ever guided by a prior belief which, while always newly appropriated in different socio-cultural contexts, perdures in fundamental meaning throughout all societies and cultures? If not, then what kind of cognitive yield do doctrinal statements offer? Are they simply prudential judgments of the community at a particular point in time, useful but ultimately reversible?

Lawler's conclusion builds logically upon his prior arguments. Theology should take account of sociology. And this latter discipline clearly shows that the belief of the Church at large, on the questions of divorce and remarriage as well as artificial contraception, has undergone a dramatic development. Given the non-reception of these teachings, as well as the *sensus fidei* in general, one can justly conclude that "it is past time to acknowledge theologically and to teach magisterially" the re-reception and reinterpretation that has already occurred in the life of the Church, to profess that what actually *is* is also *what ought to be* (166). In the case of divorce and remarriage without annulment, Lawler recommends a move toward the Eastern Orthodox model of *oikonomia*. In the case of artificial contraception, he thinks the recognition of a new marital paradigm, interpersonal rather than biological, necessarily entails changes in the

sphere of sexuality and contraception. From the standpoint of theological methodology, the first solution (remarriage) appears to be in the practical order since Lawler does not challenge the importance of the indissoluble marriage bond. With regard to the second case, it is enough to say that authentic magisterial teaching is capable of reversal (and, as Lawler indicates, reception or non-reception is surely a significant part of that process). At the same time, the extent to which the contemporary consensus of a highly secularized society should be determinative of a teaching consistent for centuries, at a time when the economic and cultural logic of late modernity has reduced to rank commodification the very nature and purpose of human sexuality, is a debatable matter.

Professor Lawler's work, in my judgment, raises more questions about theological method and epistemology than it answers. I often wished discussions were more fully rounded, taking account of other arguments and perspectives. Nonetheless, the book is insightful, written with passion for theology and the Church, and deserving of careful study.

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The Trinity: Rediscovering the Central Christian Mystery. By M. JOHN FARRELLY, O.S.B. Lanham, Md: Rowman and Littlefield, 2005. Pp. 305. \$29.95 (paper). ISBN 0-7425-3226-7.

Given the burgeoning of Trinitarian studies over the past fifteen years or so, as the packed "bibliographical essays" at the end of the book attest, the word "rediscovering" in the subtitle must be taken in a broad sense. A rediscovery of the Trinity is taking place on many fronts. After all, hardly a week goes by without a new work on Trinitarian theology appearing. For example, since the work under review was sent to me, a number of solid studies by such authors as Anne Hunt, Neil Ormerod, Gilles Emery, and Matthew Levering have been published: clearly, Farrelly's work can't be expected to distill or even refer to all this, but it remains a monument to the process of recovery and retrieval of the "central Christian mystery" occurring during the forty years to which the author's writings and research have significantly contributed.

Farrelly positions himself within the Thomist theological tradition, even while attempting to take it further on a number of fronts, as I will note below. His range of theological interest is impressive. While it notably embraces ecumenical concerns and the spiritual appropriation of the Trinitarian mystery,

it reaches into other areas such as contemporary science, feminism, interfaith dialogue, inculturation, and liturgy.

He suggests a division of the nine chapters of the book in the following manner. The first four present the background. First, there is an introduction to contemporary problems inherent in the proclamation of the Trinity today, followed by the scriptural foundations of Trinitarian faith. Chapter 3 presents "soundings" in the history of Christian reflection up to the end of the fourth century. The fourth chapter of "later soundings" moves nimbly from the fifth to the nineteenth century, ranging from Augustine, through the Council of Florence, on to the Reformation, through to the nineteenth century.

The following five chapters seek "to articulate the outlines of a trinitarian theology appropriate for today," (xiii) in the shrinking world of the present. Paradoxically perhaps, this is where the book is most theoretical and speculative, and even quite intricately Scholastic in its argument. The extensive historical scope of the book means that there are a lot of reprises of the issues initially outlined, occasionally with the danger of mere repetition, but usually this is not so, as the respective contexts are developed and enriched, with a view to their ecumenical or spiritual effect.

Chapters 6 and 7 contain demanding reflections on the generation of the Trinitarian Word and the procession of the Holy Spirit. The eighth chapter explores the relational character of the three divine persons. The final chapter is entitled "A Trinitarian Spirituality," and impinges on key issues in ecclesiology, the theology of grace, and interfaith dialogue.

This is a large canvass, and a review such as this must limit itself to a few issues that provoke further discussion. The introduction that is chapter 1 is programmatic and compendious. I find little to comment on in the three chapters that follow, other than to note their value as surveys of areas of scriptural and doctrinal development. Here, there would be a large measure of agreement in current Trinitarian theology, due to the many decades of investigation in which the author himself has worked. I would suggest, however, for the sake of completion, S. M. Powell's *The Trinity in German Thought* (Cambridge University Press, 2001). It contains some surprising perspectives on the Trinitarian thinking of the Reformers, and might usefully enrich the context in which Farrelly considers the history of Protestant thinking on this matter.

In his fifth chapter, Farrelly enters into the dense thicket of discussion surrounding the Trinity's relation, not so much to human history in general, but to actual human beings. He acknowledges the current problems of continuing to speak of the salvific relationship of the divine persons *ad extra*, where Aquinas, speaking technically, sees only "relationships of reason." Farrelly gives an account of the issues involved, and argues that the divine persons are affected by their saving activity, so as to justify a language of real relationships-in an existential sense. In this he finds support in developmental notions of the person (applied to the human consciousness of Jesus), and in Balthasar's position on the dramatic, self-yielding dynamic of the Trinitarian life as the eternal antecedent to the paschal form of historical revelation. This raises the question, at least for

those of a more critically Thomist persuasion, of whether the all-exhaustive actuality of the divine *Esse* should not be taken to include any "perfection" that different and later styles of thought discover, including the quality of interpersonal relations. Though Farrelly carefully distances himself from Moltmann's dialectic of the cross as constitutive of the Trinitarian life, he does preserve the paschal form of the divine relations, albeit in a more balanced and scripturally attuned manner.

Working within the Thomist tradition, he then considers the involvement of the Trinity in creation, and here enters into a discerning dialogue with Paul Davies, Arthur Koestler, and others. He develops Rahner's evolutionary perspective, to leave us with the question of the special creation of the human soul: "Perhaps we can say that the human principle of life emerges from the potentialities of matter—not exclusively, but through matter's participation in the Spirit of God" (153). His prudent insistence on the Trinitarian matrix of the process of evolution enables him to raise such a possibility in its most persuasive form, and to commend it to further evaluation.

The sixth chapter both ably defends the use of the psychological analogy and attempts to take it further to meet the modern situation (161-65), which he interprets as more likely to profit from a more personal and affective sense of the divine generativity. In large measure, he is here extending Thomas Weinandy's proposal of the Father generating the Word/Son through the Spirit. In effect, while Farrelly continues to speak in analogical terms, and occasionally employs quite technical terms of an *actus perfecti (sic)*, the nature of the intellect, and *species expressa*, he is here transposing Thomas's metaphysical psychology of intellect and will into a phenomenology of consciousness, and of love, in particular. This presents an ongoing methodological challenge: namely, how to come to grips with phenomenological accounts of experience, and how to move from within it to a critical ontological theology.

In his more pastoral sensitivity to modern feminist concerns, Farrelly defends the divine paternity from any implication of patriarchalism, and yet he is quite content to refer to the Holy Spirit in the feminine form (60), since he has concluded that most scriptural designations point in this direction. This is going over old ground, and I am not sure we are any closer to an adequate language in these matters, though there are drawbacks if the popular mind begins to conclude that Holy Spirit is either the mother or the sister of the Son (or of Christians themselves, as I found in the words of a recent hymn invoking the Spirit as "our sister"!).

Gender issues aside, Farrelly shows his profound grasp of the tradition and the challenges facing it in the course of a seventh chapter, "The Procession of the Holy Spirit within the Trinity." The density of his treatment here tends to compound the data of the economy, a phenomenology of love, the role of symbols (for he contends that the Spirit is not a proper name, but a symbolic designation, of the third divine person), with quite intricate Scholastic refinements of the Thomistic tradition concerning the procession of the Spirit *ad intra*, and, in a final section, with the Palamite divine energies. Farrelly's

overriding intention is to throw further light on the classic ecumenical issue of the *filioque*. Throughout he argues for "the mutual priority" existing between the Son and the Spirit. He surmises, "Perhaps the way in which the West has seen a priority of the Son reflects our culture and the enlargement found in recognising a mutual priority offers us an insight that is desperately needed today" (210). This is a good point, even though a more clearly methodological procedure might have presented this basic orientation more cogently.

The eighth chapter brings out the relational character of the Trinitarian persons, and notes the complex history of the concept of person. Farrelly here wishes to move beyond Thomas: "One difference is that I begin not with the divine essence, but with belief in God as a 'personal being' as the Old Testament presents it" (227), in an effort to move closer to the Eastern tradition. He regards questions 2-26 of the *Prima Pars* as philosophical, awaiting the Trinitarian exposition of the later section. Recent studies of the structure of the *Summa*, however, would tend to reject such an interpretation, by stressing the overall theological integrity of Aquinas's procedure. Farrelly further argues that the Thomistic treatment of the Trinitarian persons needs to be refined by a more scriptural approach, in two ways: "the distinction in consciousness among the three" (237), and the "relationality of each toward the other in a way that suggests a divine person is as much a relation to the Other as an 'in itself'" (ibid.). I am not clear here whether he is simply transposing, in his more phenomenological mode, the notion of the three divine persons subsisting in one divine essence into that of three divine subjects within the one divine consciousness, or pressing for something more. But, in the density of the context in which he raises these questions, they emerge as crucially important for human life (239), even if his position is not entirely clear. I sense that the problem lies in his tendency to oppose Thomistic theory to modern phenomenology. I would suggest that there is a need to give more attention to the phenomenology implicit in Aquinas's approach: "trinitate posita, congruunt huiusmodi rationes" (*STh* 1, q. 32, a. 1, ad 2)-which is to say, granted that the Trinity is given to faith, this kind of theoretical and analogical thinking is appropriate in further disclosing what has been revealed.

While this book throughout calls on great erudition and provokes any number of methodological questions, it would be misleading to suggest that it leaves matters on the level of theoretical questions. The final chapter is a condensed statement of a spirituality that offers a Trinitarian vision of the Church, the divine indwelling, the liturgy, and interfaith outreach. Though it raises several matters of theological debate, the overall spiritual and committed tone of this book make it a fitting expression of a theological life richly lived, assured in faith, and intrepid in thought.

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Knowing God by Experience: The Spiritual Senses in the Theology of William of Auxerre. BY BOYD TAYLOR COOLMAN. Washington, D.C.: The Catholic University of America Press, 2004. Pp. 267. \$54.95 (cloth). ISBN 0-8132-1368-1.

William of Auxerre (d. 1231) was a secular master of theology at the University of Paris at a crucial moment in the history of Western theology. The university itself was still rather new, and the hallmark of the early university, Scholastic inquiry, was beginning to flower. It is in William that we can see the first bloom on the Scholastic rose, which would come to full blossom in the next Parisian generation, the age of Thomas and Bonaventure.

Or so the story goes. While Boyd Taylor Coolman does not dispute the broad strokes of this traditional position, his excellent, close reading of William's *Summa aurea* augments our sense of this early Scholastic era in connection to its past as well as its future. This book is an essential contribution to the medieval studies and theology section of any research library. Its felicitous style makes it accessible to students, but its subject matter presumes a body of knowledge possessed by advanced graduate students. The presentation is clean and, to my eyes, free of error. Most fundamentally, Coolman's study illustrates the conjunction in William's work of the practical, lived reality of the knowledge of God in prayer, liturgy, and sacrament and the precise, rational consideration of the knowledge of God in theological science. In this reading, William weds the concerns too often relegated respectively to "monastic" and "Scholastic" theology. The nexus of this union is William's understanding of the "spiritual senses."

The advantage of Coolman's focus upon the spiritual senses is that it permits him to introduce the reader to all the major topics in William's *Summa* from a unifying perspective. Modern readers are sometimes unaccustomed to, or even boggled by, the coincidence of unity and complexity in medieval writers. Coolman has done us a service by providing (or, perhaps better, discovering) a thread that we can follow through the labyrinth. Indeed, to shift to his more felicitous metaphor, the doctrine of the spiritual senses is "capillary-pervasive, yet easily overlooked due to its subtle dispersion throughout" (3). Under the magnifying lens of this book, the *Summa aurea* emerges as a complex organic whole.

The book begins with a brief but thorough treatment of the lens, the doctrine of the spiritual senses in William's thought, specifically in relation to his understanding of the beatific vision. Coolman walks us through William's grappling with central questions that arise in considering the spiritual senses: Are the senses a dimension of desire or of intellect? Are they multiple or singular? What is their proper object? And so on. Here we see William himself crafting his own understanding of this "capillary" doctrine in relation both to the tradition that precedes him and to newer readings of Aristotelian thought in the thirteenth century. Coolman's own interpretive voice emerges only obliquely, as the voice of organization and summation; his virtues as a close reader of texts allow

William's voice to emerge. We as readers get the experience of a good mind wrestling with difficult questions.

The subsequent chapters take this initial account forward into the consideration of major topics in William's thought. First, in relation to the *objects* of spiritual apprehension, we find chapters on William's understanding of the metaphysical good (chap. 3), of the Trinity (chap. 4), and of creation (chap. 5). Next, we read of the *virtues* of spiritual apprehension, namely faith (chap. 6) and charity (chap. 7). Lastly, we read of the *forms* of spiritual apprehension: *symbolic theology* (chap. 8), *mystical theology* (chap. 9), and *sacramental* (chap. 10, on Eucharist). All of these chapters share the virtues of that first programmatic chapter. They present very close textual readings with clarity and grace, allowing the reader to follow the lines of William's thought inductively. Though Scholastic writing itself will seldom keep us on the edge of our chairs (and here, William is no exception), Coolman's inductive approach keeps the questions alive for us and allows us to share in the discovery.

This book found its first incarnation as a doctoral dissertation at the University of Notre Dame, and it is a distinguished example of the way in which a good dissertation can make its way into a successful book. Coolman has sat at the feet of an accomplished medieval theologian. He has traced the movement of his thought, and he has uncovered some hidden treasures in a figure perhaps underappreciated. For this, we are in his debt. However, the virtues of this book would benefit from a richer sense of the intellectual context within which William wrote, taught, and thought. Coolman's introduction gives this in only the broadest strokes; when we are immersed in the really interesting and compelling portions of the book, as William grapples with, say, the doctrine of creation, we are left wondering what, precisely, in William's treatment is original or unique to him and what he might share with his contemporaries or predecessors. For the most part, Coolman's footnotes help us locate these questions either in the distant past (e.g., that the notion of exemplarity in creation is rooted in Augustine) or in the more familiar future (on the same topic, that exemplarity found its classic Scholastic treatment in Bonaventure) (91 n. 1). Unfortunately, such broad contexts may contribute to the notion of William-as-forerunner that Coolman sets out to avoid. Or, alternatively, the freshness of Coolman's inductive writing style may give a misleading impression of William's novelty. This is a good problem to have, to be sure—fresh prose is not to be discouraged—but a few footnotes establishing connections to other thinkers of like mind would help to create a sense of an intellectual project that, I think, was broadly shared in the early thirteenth century. For example, as I was reading I thought of manifold connections to Alexander of Hales and the nascent "Franciscan" school, and I am sure others would find other points of resonance as well.

What are the contours of this early thirteenth-century project? Coolman suggests that, "perhaps especially in his doctrine of the knowledge of God ... William represents something of a scholastic 'road not taken'" (9). By this he means, I take it, that William is able to hold together mystical and speculative

theology, the "monastic" and the "scholastic." In Coolman's account-though I wish he had added one more chapter to give this theme more thorough treatment-the doctrine of the spiritual senses is a path to thinking about what we would call "theology" and "spirituality" in an integral way. Certainly he is not the first to do this; indeed, this seems to be what Karl Rahner was after in the mid-twentieth century when he turned his attention to Origen and Bonaventure on the spiritual senses. And the performative unity of theology and spirituality has been a central claim of Thomist scholars from Chenu to Torrell. But Coolman allows us to add yet one more example to our list of medieval theologians who imagined that the scholarly life and the spiritual life admitted of integration. What has been (rightly) heralded as a central feature of the Victorines can now be seen as a broader characteristic of much twelfth- and thirteenth-century theology. Thus Coolman's work helps to build a cumulative case for a change in the way we think about Scholastic theology in general and for a shift in perspective on those latter-day giants, Thomas Aquinas and Bonaventure, among others.

What begins to suggest itself through the work of Coolman and other young scholars of Scholastic theology is that the great mendicant masters stand at a crisis point in Scholastic theology, not simply at its apex. On the one hand, so much of the integration of spirituality and Scholastic science precedes them, in William of Auxerre, Alexander of Hales, and others. On the other hand, both Thomas and Bonaventure seem to write out of a sense of crisis, each in his own way seeking new modes of integrating *scientia* and *sapientia*, whether it be in Thomas's experimental new form for the *Summa Theologiae* or Bonaventure's late explorations of Scripture in his *Collationes*. In their wake, their concerns seem to be born out, as it is clear that some sort of divide between rational understanding and mystical knowing seems to emerge and then widen in the fourteenth, fifteenth, and sixteenth centuries. It is a divide that seems only too familiar to theologians who now look back over a landscape dominated by the devastation and emptiness of a rationality bereft of spiritual delight, who are reluctant either to cling to the hopes for a purified enlightened rationality or to abandon truth for the sheer play of postmodernity. Coolman seems to stand among many young theologians seeking in the Middle Ages a model for reintegration. If this is true, then perhaps the work of William of Auxerre represents not so much a "scholastic 'road not taken'" as a path that we have lost in a dark wood. And, in turning to William, to Thomas, to Bonaventure, to the Victorines, we perhaps are "coming to ourselves" like latter-day Dantes seeking another Virgil to help us navigate the way.

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Holy Teaching: Introducing the "Summa Theologiae" of St. Thomas Aquinas. By FREDERICK CHRISTIAN BAUERSCHMIDT. Grand Rapids, Mich.: Brazos Press, 2005. Pp. 320. ISBN 1-58743-035-5.

Preparing an introductory text to as great a work as the *Summa Theologiae* of St. Thomas Aquinas is generally a thankless task. Reviewers, including this one, will inevitably ask why certain favorite elements or emphases of theirs were not included or not included to the extent that they might wish—as if an introductory text could include everything or give all the detail one might hope for. Others will simply dismiss such pedagogical projects *tout court*, on the ground that any adaptation or compression of the *Summa* distorts the finely tuned balance of the work.

I should begin, therefore, by thanking Bauerschmidt, the author of studies on the medieval mystics and of articles on Aquinas's theology, for the significant work that he put into this annotated compendium of texts from the *Summa Theologiae*. It is a much-needed theological companion to the largely philosophical compendiums edited by notable Thomistic philosophers such as Ralph McInerny. It serves as a theological "reader" that could be usefully combined in coursework with brief introductory expository volumes on Aquinas's theology such as those by Aidan Nichols, O.P., Jean-Pierre Torrell, O.P., and Michael Dauphinais and myself. Its publication with Brazos Press fosters an ecumenical engagement with Aquinas's theology that has significant potential for bringing ecclesial communions closer together.

Bauerschmidt's work also stands as an effort to respond to a serious pedagogical problem. What passes for theology textbooks at present tends to be either historicist manuals tracing the development of doctrine from the beginning to the present day with very limited penetration into the intelligibility of the doctrine, or neo-Rahnerian synopses that do for Catholic theology what the works that popularized the great thinkers of classic Protestant liberalism did for Protestant theology. In the former approach, it is difficult to discern why "theology" should not be subsumed into "history of religions"; in the latter approach, it is difficult to see how "theology" is not admitting its own formlessness and thereby writing its own death-warrant as a discipline in the university.

Bauerschmidt's compendium recalls theologians and theological students to the difficult intellectual work that reading Aquinas, or for that matter the Fathers, requires. Reading Aquinas's texts, one sees that in order to learn and teach Scripture in accord with the Church's doctrinal tradition, one cannot do without metaphysical claims and distinctions. The compendium thus will encourage the training of Catholic undergraduates, seminarians, and graduate students in the habits necessary for passing on the *sacra doctrina*, the "holy teaching," that Bauerschmidt cherishes.

Like most contemporary interpreters, Bauerschmidt is concerned to read Aquinas historically. As he states, "Even if Thomas's theology is one for the ages,

one cannot properly understand that theology if one does not understand its author's place within his own age" (12). This principle, while possessing a *prima facie* logical plausibility, largely rules out the tradition of commentators on Aquinas between the fifteenth and mid-twentieth centuries, since they knew very little about Aquinas's historical context and life. Aquinas himself did not know much about the historical context of the Fathers or of the books of Scripture, whose teachings he sought to penetrate and pass on. Whether Bauerschmidt's brief summary of Aquinas's history actually tells his readers anything important for real insight into Aquinas's texts that those readers could not have gathered *in via* (e.g., that Aquinas sought to reconcile Aristotle with the inherited Augustinian and Dionysian streams of thought, or that Aquinas was born almost eight hundred years ago and lived the life of a Dominican friar and university teacher) is not at all clear.

In the "Suggestions for Further Reading" at the end of the volume, the specialized studies recommended are all primarily historical studies. Even while granting the excellence of most of these studies one might wonder whether speculative theology informed by Aquinas should have been included. For instance, Anscar Vonier, O.S.B.'s or Colman O'Neill, O.P.'s speculative theological approaches to Thomistic sacramental theology, both in English, are absent; instead one finds listed A.-M. Rouget, O.P.'s mid-twentieth-century French commentary because Bauerschmidt knows "of no work in English that offers an equivalent account of Thomas's sacramental theology in general" (315). One could point as well to the omission of such Thomistic work as that of Thomas Weinandy, O.F.M.Cap., on the questions of whether God changes or suffers.

I have granted above that every introductory volume has to leave some things out. Bauerschmidt has left out the texts having to do with the created order or realities that can be known by reflection upon the created order. He appears to anticipate that the reader will seek out these texts in one of the more philosophical compendiums. Texts regarding the divine goodness, will, wisdom, and providence are thus not included; similarly missing are the texts on the angels, the body-soul constitution of the human person, eternal law and natural law, the New Law and the Old Law, and all the moral virtues. Something has to be missing in an introductory compendium, and Bauerschmidt generally bypasses the created order, nature.

Bauerschmidt's most valuable annotations are found in Aquinas's texts on Christ from the *Tertia Pars*. For instance, commenting on the *responsio* of question 42, article 4 (which deals with the question of why Christ did not himself write books), Bauerschmidt observes,

Consider the difference between the place of sacred writings in Christianity and in Islam. Muslims believe the Qu'ran to be a direct dictation to the prophet Muhammad from God, through an angel. As such it is quite *literally* the word of

God. For Christians, on the other hand it is Jesus who is the Word of God, and Scripture is what bears witness to that Word What Aquinas seems to be saying is that if Jesus had written his teaching down we might be tempted to think that the written text is what is of primary importance, rather than Jesus himself. (221)

Similarly, still commenting on this *responsio*, Bauerschmidt nicely explains to a contemporary readership Aquinas's (and the Church's) understanding of hierarchy: "the point of hierarchy is not for the higher to dominate the lower, but, to use a modern term, for the higher to empower the lower, to dignify and elevate it. Christ entrusts the writing-down of his teaching to his apostles not because it is a menial task that he delegates to subordinates, but because the apostles are ennobled by being given this role in the imparting of divine revelation" (221).

At other points, Bauerschmidt's compendium might be improved. For instance, I wish that he had not decided, as he explains in his introduction, to translate *satisfactio* as "repayment." This translation, which would be accurate enough for *redemptio*, weakens Aquinas's ability to signal the order of justice inscribed in the creature-Creator relation. Likewise I wonder whether Bauerschmidt's annotations on Christ's knowledge and Christ's passion might be improved by more attention to the biblical dimensions that undergird Aquinas's approach.

In sum, this introductory compendium is a helpful and welcome book. Its success, I think, will be judged upon whether it receives significant use in undergraduate and graduate (seminary and university) courses, as the various compendiums of Aquinas's more philosophical texts do. At present, most theologians seem not inclined to employ a set of Aquinas's texts as a foundation for courses on theology. Because of the biblical, patristic, and metaphysical riches that make Aquinas's theology particularly illuminative of the realities of Christian faith, I hope that Bauerschmidt's compendium will help to incline theologians towards employing Aquinas's theology in undergraduate teaching.

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Christianity and Extraterrestrials: A Catholic Perspective. By MARIE I. GEORGE. Lincoln, Neb.: iUniverse, 2005. Pp. 291. \$21.95 (paper). ISBN 0-595-35827-6.

It is a source of amazement to look at the myriad stars in the sky and think that only one planet around one sun harbors intelligent life. But it is not inherently absurd that this be the case. God can certainly order the universe in this way. And indeed, as I have been arguing, Scripture and Church teaching indicate that he has ordered the universe in this way. Ultimately, it is the Faith, and not some a priori conviction that the human race is all that wonderful, that leads me to the conclusion that we are alone. (163)

Nevertheless:

I maintain that some, but not every form of belief in ETI existence is compatible with Christian belief. The forms of belief in ETI existence which I think are incompatible with Christian belief are: belief in fallen ETIs who are not redeemed by Christ and belief in fallen ETIs without qualification. The latter belief, however, I see as compatible with Christian belief in the [strict] sense that it does not appear to unambiguously compromise any doctrine essential to Christian faith. (141)

In a painstaking new study, Marie George sets out to make good on these two theses: that the existence of extraterrestrial intelligent beings (ETIs) is improbable on theological grounds, but that the existence of certain specific forms of ETI is not *strictly* incompatible with Catholic belief. Thus, if such were to be discovered by us, it would not necessarily challenge any article of Catholic faith. Her perspective, as she emphasizes, is a distinctively Catholic one, standing, as it does: "squarely within the official Church teachings as found in papal encyclicals, Conciliar documents, and the *Catechism of the Catholic Church*. In regard to matters not defined by the Church, I use as my guide the traditional teaching found in the writings of the Fathers and Doctors of the Church, and particularly in the writings of St. Thomas Aquinas" (4).

For the majority of the great world religions, the discovery that ETIs exist would not be of direct theological import. If there are intelligent beings out there, then so be it! They may well have their own prophets, their own Scriptures The matter would be otherwise for Christianity whose central affirmation is that God became an earthman and through his life and death redeemed humankind from the "original sin" that had shadowed it from its origins thousands of years ago. Incarnation and Redemption—these twin doctrines point to a special relationship between God and the peoples of earth.

Do they leave room for a similarly close relationship with intelligent races elsewhere in the universe? Would these also be in need of redemption? If they are, would God lean into their history as he did into ours? Or would they be redeemed, if necessary, by Christ's redemptive mission on earth? And if they would, how would they ever know about it?

These are distinctively *Christian* questions. They are not new. There was no room for other worlds in Aristotle's universe, however, the one that did so much to shape the theology of St. Thomas Aquinas. The earth was the center of all that was material, the regions of earth, water, air, fire, succeeding one another upwards towards an incorruptible planetary realm where corruptible beings like ourselves could not exist. But critics of Aristotle among the theologians of Aquinas's day and after argued that to hold that it would be impossible for there to be other worlds would be to impose unacceptable limits on the Creator's power. It was thus at least *possible* for such worlds to exist, although there was no reason to suppose that they actually did.

All this changed with Copernicus and Galileo: the earth was now a planet like other planets, the sun was no longer an unchanging substance, the moon with its mountains was a world like earth. Fictional accounts of life on these distant bodies reflected a growing excitement about the new possibilities that were opening up. Christians on the whole were receptive to the possibility of intelligent life on the moon or further afield: surely a bounteous Creator would not leave the immense spaces of the Copernican universe void of life? But there were some also who on biblical grounds appealed to the uniqueness of Christ's redemptive mission to rule out the possibility of intelligent life elsewhere.

Two who were confident of the mutual incompatibility of Christian doctrine and the new claims for intelligent life elsewhere but who drew opposite conclusions from this were Thomas Paine, American revolutionary, and William Whewell, Cambridge polymath. Paine took the existence of ETIs to be by his time (ca. 1800) beyond question and argued that this decisively undermined the credibility of Christian belief. Whewell, Anglican and a notable scientist, half a century later argued against the possibility of ETIs on both scientific and theological grounds.

Marie George leans in Whewell's direction but does not go as far as he does in excluding ETI existence. In her view, the Church has not committed itself on the matter and Scripture is not unambiguously negative in its regard. Since the Incarnation was tied to human redemption, a crucial question, she argues, would be whether the ETIs are "fallen" or "unfallen," in need of redemption or not. If they are fallen, they could not be left in that state.. Their redemption would have to come through Christ's redemptive action on earth though which *all* things are reconciled: "everything in heaven and on earth when he made peace by his death on the Cross" (Col 1:20). But an extension of this sort of Christ's redemptive mission to people not of Adam's race appears to be ruled out: "Since all the children share the same blood and flesh, he too shared equally in it, so that by his death he could take away all the power of the devil" (Heb 2:14).

Taken together, George argues, these texts would seem to block the possibility of there being "fallen" ETIs. Still, she is hesitant to make this a categorical negative since such a negative has not been laid down explicitly by Church authority and the texts might conceivably be given a different meaning. The *Catechism of the Catholic Church*, she notes, seems to maintain that human beings are the only rational embodied creatures, but here too she is cautious: claims such as these ought not be taken to be "magisterial pronouncements on ETI existence when the issue is not even raised" (46)-an admirable sentiment indeed. Were the ETIs unfallen, there would presumably be no need for a second Incarnation, though it does not appear to be necessarily excluded by anything in Scripture "concerning the Lordship, Headship, or centrality of Christ in the plan of the universe" (32). In short, then, the existence of ETIs is not definitively ruled out on theological grounds; the only absolute is the exclusion of fallen ETIs redeemed in some fashion other than by the passion of Christ.

So much, then, for what is in her eyes definitive. But she goes on to argue at length that, on her own reading of the texts, the existence of ETIs is indeed improbable. Some of her reasons have already been mentioned above. The logic of her case rests mainly on the tie that she perceives between the Incarnation and any possible ETIs. First of all, it is most unlikely, she maintains, that there would be a second Incarnation. The Scriptures over and over emphasize the uniqueness of the mission of Christ on earth: it is the "central event in the universe's history" (92), not to be repeated. "Scripture and Church teaching regard the new creation in Christ as *the* purpose for which the universe was created" (119). But if it *were* to be repeated, the second person of the Trinity would, for instance, either have more than one mother or the body assumed would have to be assembled in some other way. Neither is plausible (94). Further, what would be the point of a second Incarnation as an ETI? Assuming that redemption is the only *possible* motive for becoming incarnate on God's part, a fallen ETI would already be redeemed, and an unfallen one would not need to be. And how would these ETIs communicate with earth, a requirement for a "well-ordered universe" (118)?

On the supposition of a single Incarnation, a fallen race of ETIs would be improbable for a variety of reasons. It is fitting that in the unique work of redemption only a unique nature, human nature, should be involved. "The creation of human nature was for the sake of the Incarnation" (96), so a second species similar to the human would be superfluous. Further, the alien ETI would not be able to appreciate Christ's unique experience as an earthling. And the ETIs in their own nature would not have made satisfaction to God for their sins. Salvation history seems to be "painstakingly arranged as if man alone was to be kept in mind" (100). Finally, how would these ETIs learn in plausible form of the salvation wrought for them by Christ? (Not an insoluble problem perhaps, George allows.)

What about an unfallen ETI race? First, an objection that should count against ETIs generally. Drawing on Aquinas and Albert, she argues that the order of the universe requires unity and hence a degree of interaction between its parts.

This would rule out ETIs that were out of contact with one another: such a universe would be "lacking in the order of interactivity" (105). So far, besides, we have not ourselves made contact with any ETI; George believes that the prospects for genuine interaction, something more than finding evidence of intelligent life on some distant planet, are "pretty bleak" (106). Further, she is dubious about the unfallen race in C.S. Lewis's *Perelandra*: the notion of an unfallen race may not even be coherent. Even if their "Eve" did not succumb to temptation, what about her descendants? They could still sin by individually denying God: even among the angels, there were some who fell (she recalls the tradition that they constituted one-third of the whole).

In short, then, she concludes, the existence of ETIs is quite improbable on grounds that are primarily theological and secondarily philosophical. Might the Church, then, pronounce on this issue, given the current interest in it? She thinks it might but adds that if it does so, certain doctrines would need to be specifically safeguarded: first, the cosmic impact of Christ's mission; second, the special character of human beings, made as they are in God's image, and "have dominion over all other things that are not created in God's image" (189); third, that all the blessed belong to one Church of which Christ is the head; fourth, that the entire human race "has descended from a single pair of first parents" (191); finally, that "Revelation is complete", that "no new public revelation is to be expected" (quoting the *Catechism*).

With these non-negotiable provisos made clear, a statement from the Church might be forthcoming. But, in the end, "the Church is not in the habit of making statements about beings that are not mentioned in Scripture and are not even known to exist" (190). The implication is, however, that if the SETI project *were* to succeed, the Church could respond in the way she describes.

Leaving readers to reflect for themselves on this highly original and indubitably thought-provoking account, I will content myself by raising two more general issues that bear directly on a project of this ambitious sort that attempts to divine what the Creator might or might not do. The authors of the Scriptures and the Fathers of the Church who commented on those Scriptures did not have ETIs in mind as they wrote. It was as far from their minds as was the possible motion of the earth from that of the writer of the Book of Joshua. The cosmology of their time had no place for anything of the sort. The universe has turned out to be an immensely larger, and even more wondrous, creation than they could ever have dreamt. Indeed, even the peoples of today have not yet really come to terms with that vastness, that complexity.

This is not to say that the Scriptures cannot, in context, have a cosmic bearing. But one has to proceed very warily here. Relying on the Scriptures in order to assess the probability of an outcome their writers could not possibly have envisioned is risky business. They wrote for a world vastly different from ours. How to allow for that has never been a simple matter. George is properly guarded in the way she states her conclusions for the most part in terms of probability. But I would tend to be more guarded than she is.

I would agree with her, for instance, that quantitative estimates of the likelihood of finding ETIs of the sort one finds sprinkled through the SETI literature lack any real foundation. But on the other hand, I would certainly *not* say that the current evidence from disciplines as disparate as astrophysics and evolutionary biology would support the claim that finding evidence of ETI is improbable. My own inclination would be to say that, for the moment, we simply do not know whether we are alone or not: the probabilities are impossible to assess.

The prominent role played by the notion of "fallenness" in George's narrative prompts further reflection. Discussing the Galileo affair, she comments that there was on the side of the Church's representatives "a failure to distinguish between what faith can tell us and what science can tell us" (172). Noting that the theological issues raised by the theory of evolution are much more complex than those involved in the earth's motion, she allows that the human body may have originated through the processes of evolution, but she is insistent that the descent of the human race from a single set of parents is "not open to question" (173).

But the evolutionary origin of the human body would assuredly have left a hereditary legacy of warring instincts, of violent behaviors, of selfish tendencies, more than ample, it would seem, to account for any conflict that the nascent powers of human reason might face, in a growing awareness of the distinction between good and evil. George argues, however, that ETIs would be created unfallen, "in a state of grace," so that "their lower powers would be entirely subject to their higher powers" (111). They would only be "capable of committing one sort of sin, that of not submitting to God." One wonders if this takes sufficient account of what "science can tell us."

And science has more to say. Not so long ago, it would have seemed entirely unlikely that science could ever have anything to say about the numbers of the original human population. But genetic analysis of the molecule of inheritance, DNA, across the current population has recently manifested an astonishing ability to reach back into the deep past of living species. Numerous studies now claim to have shown that the genetic variations in the present human population could not have derived from a single set of ancestors at any time since long before human origins. The average size of our ancestral population was never less than one hundred thousand individuals for the last twenty million years. At no time was there a genetic "bottle neck" smaller than five thousand interbreeding individuals who have left descendants in the current human population. (For a judicious survey of the evidence backing these claims, see Francisco Ayala's Presidential Address to the American Association for the Advancement of Science, *Science* 270 [1995]: 1930-36.)

There are large issues here, issues that Catholic theologians have yet to work through in satisfactory fashion. My reason to raise them here is not to comment on them but only to suggest that they afford a second set of reasons why one should tread very lightly indeed in laying down theological constraints on what

the Creator may have fashioned in worlds that may lie forever beyond human reach.

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Marriage and Christian Life: A Theology of Christian Marriage. By DANIEL HAUSER. Lanham, Md.: University Press of America, 2005. Pp. 210. \$30.00 (paper). ISBN 0-7618-3057-X.

In his new book, *Marriage and Christian Life*, Daniel Hauser addresses marriage and family issues from the standpoint of a systematic theologian committed to defending traditional Catholic positions. Throughout the text, Hauser contrasts the richness of Catholic theology with the poverty of contemporary popular thinking about marriage. His project is designed to show readers that the Christian tradition has something distinctive to offer, while the culture is morally bankrupt. Though he succeeds in providing a theologically sound portrait of sacramental marriage, his book is not as strong as it could be because it is overly abstract, does not treat recent academic and papal writing on marriage, and neglects the crucial social dimension of Catholic theology on marriage that is perhaps its greatest strength.

Hauser's vision is refreshingly positive and modern in that it emphasizes the beauty of marriage as a religious vocation, something traditional treatises on marriage have not always done. He writes, "At the heart of marriage is the call to respond to the love of God. In the process of responding to God's love, I give myself to God and others in order to come to myself" (xvi). Throughout the book, he emphasizes the religious significance of marriage, defining it as "the means of preaching the gospel and bringing others to salvation, giving life spiritually and physically" (189). Relying on the theology of John Paul II, he claims that true freedom is not doing what we want but living the truth given by God (23-24), while true love is "dying to oneself for the good of another" (86). This is what Christian marriage is really all about.

Unlike many theologians writing in this area, Hauser offers a thorough treatment of the nature of faith in Christ and the Church as the context for thinking about marriage as a sacrament (chap. 2) and a strong argument for the salvific nature of the sacraments and their place at the absolute center of Christian life (chap. 3). Crucial to his view of marriage is his understanding of the role of Christ in salvation history. Hauser provocatively asserts that the only real reason to get married is to be saved (83). Avoiding an overly spiritual description of this primary arena of salvation, he affirms the unity of body and

soul in human persons and shows that it is not apart from but "through our sexuality that we serve God" (88). His insistence that "we are our bodies" (89), and his claim that, because of our sinfulness, we need to rely on sacraments and each other for our salvation, are helpful correctives to overly romantic and spiritualized visions of marriage that still command attention.

Clear presentation of sacramental theology is helpful, but concrete examples are needed to bring the theology down to earth. Unlike previous generations of theologians writing on marriage, theologians like Hauser (who is married with five children, according to his acknowledgements) have an asset in their experience of married life. There is a great need for married theologians (particularly fathers) to write about how they experience the sacrament of marriage in their every-day lives. Narratives would make the text more readable and more appropriate for classroom use.

Perhaps more troubling is Hauser's limited engagement with recent academic theological writing on marriage and family. The bibliography lists only thirty sources. With the exception of papal writings, it includes very few theological texts on marriage written after 1981, and fewer footnotes than most texts of this kind. Major recent theological works in the theology of marriage and family by authors such as Lisa Sowle Cahill, Florence Caffrey Bourg, David Matzko McCarthy, Michael Lawler, Mary Shivanadan, and John Grabowski simply do not appear. Hauser seems to be in conversation with opponents both secular and Christian, but those opponents are rarely named or cited. Either/or statements instructing readers that they must choose between traditional truth and secular or liberal falsehood are common. This is especially distressing because much of recent academic writing occupies middle ground that does not fall into Hauser's categories and cannot be easily labeled liberal or conservative. The lack of conversation with recent theology on marriage and family makes this book less scholarly than it ought to be, and more concerned with debates that, in some cases, are no longer central.

Hauser does interact more with recent magisterial writing, including the *Catechism* and John Paul II's *Marriage and Celibacy*, *Veritatis splendor*, and *Fides et ratio*. His explanations of the pope's view of relationship between marriage and celibacy, freedom and truth, and body and spirit are reasonably sound. However, it is puzzling that John Paul II's *Familiaris consortia*, *Mulieris dignitatum*, *Letter to Families* (1994), and *The Genius of Women* are not referenced. This failure to treat recent papal thinking has many consequences, two of which are especially significant. First, Hauser holds a high view of complementarity, which has been an enduring theme in John Paul II's writings on the family. However, Hauser's descriptions of men's and women's roles are outdated. In his 1995 writings on women, John Paul II praises women for their special genius of compassion and gives a privileged place to their vocation to motherhood, but he also thanks them for the public work they do in the world and calls them to do even more. Clearly, he hopes that the world will be transformed by their love. For instance, in an Angelus Reflection on 23 July 1992 he states, "It is a 'sign of the times' that women's role is increasingly

recognized, not only in the family circle, but also in the wider context of all social activities. Without the contribution of women, society is less alive, culture impoverished, and peace less stable. Situations where women are prevented from developing their full potential and from offering the wealth of their gifts should therefore be considered profoundly unjust, not only to women themselves but to society as a whole." Cardinal Ratzinger's 2004 *Letter to the Bishops of the Catholic Church on the Collaboration of Men and Women* echoes these sentiments. Yet Hauser insists, "Different from the feminine whose character is more private than not, more closely held, more directly related to the body, the masculine is 'outer' directed. It moves beyond itself to that which stands outside of it" (144). This limitation of women to private roles and the claim that there is something inherently masculine about having a mission in the world (146) are difficult to square with John Paul II's assertion that women have a crucial role to play in bringing about a "civilization of love" through political action and cultural reform (*Letter to Women*, no. 4).

In modern Catholic teaching, all persons are called to bring their faith to the world; the state of the world demands nothing less. While caring for family members is a crucial dimension of parents' lives and an important aspect of their faith, discipleship requires something more of them, whether they are male or female. This "more" is a crucial dimension of the vocation of a Christian family. In *Familiaris consortia*, John Paul II says that families have four tasks: forming a communion of love, serving life (by having children if they are able, raising children in the faith, and advocating for the vulnerable), serving society (by offering hospitality and engaging in political action on local, national, and international issues), and being a domestic church (in evangelization, prayer, and service). In his view, Christian families cannot simply focus on themselves. He calls parents to "spread their love beyond the bonds of flesh and blood" (no. 41), claims that "far from being closed in on itself, the family is by nature and vocation open to other families and to society and undertakes its social role" (no. 42), and cautions those who might challenge him that "[t]he social role of the family certainly cannot stop short at procreation and education even if this constitutes its primary and irreplaceable form of expression" (no. 44). Transforming society is also a family responsibility (no. 43). Quoting *Lumen gentium*, he notes that parents as lay persons are called to "seek the kingdom of God by engaging in temporal affairs and by ordering them according to the plan of God" (no. 47). Thus, though John Paul II affirms the significance of internal family communion, he leaves no doubt that the work families do in the world is of great value.

In the quest to raise up the importance of marriage, Hauser unfortunately finds it necessary to diminish the significance of other dimensions of life. Contrasts between work and family are frequent, as is the insistence that "what is really important in life takes place in the relationship between people in the private sphere, where the demands of the public square no longer control one's life" (106). No mention is made of the work of husband or wife as a vocation, of the work families might do together, or of the potential for transforming the

world. One leaves the book with the impression that retreating into the family in order to avoid corruption would be the best course of action.

While some today certainly need to hear this message, as they have forgotten the value of family life, many in our culture (even in Catholic subcultures) neglect to look outside their own families or neighborhoods to the most vulnerable that John Paul II calls us to serve. Pope Benedict XVI's recent encyclical, *Deus caritas est*, only underlines the importance of charity and affirms its essential relationship to love. To his credit, Hauser does characterize love between spouses as a love that "is not closed in upon itself" but rather "opens them up to those around them" (115), but beyond a brief reference to "charitable acts" (116), he focuses exclusively on the self-giving that occurs inside the family, truncating the good news about marriage that Christians have to bring to the world.

The need for good books on marriage is great, as, until recently, there were very few books that would work well for undergraduate or graduate courses on marriage, and even fewer to which theologians wishing to keep up with developments in this growing field could turn. Arguably, there is a particular need for good books that are thoroughly rooted in the Christian tradition. This need seems to be in Hauser's mind, as he consistently draws lines between those who question traditional family values (variously called "certain people," "liberal ideologues," "feminist and gay activists," "moral relativists," or "utopians") and defenders of the family (primarily identified as the Catholic hierarchy and evangelical churches). Frequent references to a culture war underline this "us vs. them" approach.

However, as noted above, a new academic conversation on marriage and family has been taking place for at least ten years and it does not fit into these old fissures, any more than most of today's students do. New thinkers such as David Matzko McCarthy (*Sex and Love in the Home*) and Florence Caffrey Bourg (*Where Two or Three Are Gathered: Christian Families as Domestic Churches*) are, like Hauser, committed to a traditional Christian vision of marriage that privileges love as self-gift, but they are more attentive to recent scholarship, more cognizant of the social dimensions of Catholic theology, and much more concerned with the dilemmas of ordinary families that are the real locus of the sacrament Hauser so wants to bring to life.

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Albert the Great: A Selectively Annotated Bibliography (1900-2000). By IRVEN M. RESNICK. Medieval & Renaissance Texts & Studies 269. Tempe, Ariz.: Arizona Center for Medieval & Renaissance Studies, 2004. Pp. 424. \$75.00 (cloth). ISBN 086698-312-0.

An irony concerning contemporary scholarship on thirteenth-century intellectual life is the relative lack of studies of the work of Albert the Great. His famous student, Thomas Aquinas, has commanded a greater share of modern attention, yet in his own time it was Albert and not Thomas who was the better-known scholar. Albert's reputation was such that his contemporary Roger Bacon could complain that Albert was alleged in the schools to have the authority of Aristotle, Avicenna, and Averroes even while he was still living. It is indeed ironic that Thomas is far better known today than his great teacher and this situation is surely reflected in the scholarship. Only in recent decades has Albert's contribution begun to receive some scholarly attention. A beginning was made in 1958 with James A. Weisheipl's now-classic study of Albert and Oxford Platonism that demonstrated Albert's historic role in distinguishing the Aristotelian and Platonic conceptions of form. The appearance of this study roughly coincided with the postwar initiation of the ambitious *editio Coloniensis* project aimed at producing critical editions of the whole of Albert's corpus, a project that continues today. It was not until 1980, however, that Albert studies truly became a sustained effort among medievalists. That year, the seven-hundredth anniversary of Albert's death, saw the publication of several important collections of papers on various aspects of his monumental intellectual achievement. Since then interest in Albert has begun to increase and each year sees more contributions to the growing body of scholarship.

Now, then, is a good time for the appearance of basic resources supporting Albert studies. This annotated bibliography of some 2500 entries is a good example of such a resource that will assist those already working in the field as well as those new to it. Fresh from his recent publication of an annotated English translation of Albert's massive *De animalibus*, produced with his colleague Kenneth F. Kitchell, Jr., Irven M. Resnick has compiled a research tool that will both encourage and organize future Albert studies. The bibliography is impressively comprehensive, covering Latin editions, translations into modern languages, studies, and reviews. As a whole, this work not only serves as a guide to available resources and recent scholarship, but also provides some idea of the history of Albert studies. Thus, it stands as both a research tool and introduction to the field.

After a brief introduction to the current state of Albert studies, complete bibliographic information on *omnia opera* as well as Latin editions and translations of individual works is listed according to subject area. This is followed by studies of Albert's individual works, again listed by subject area. Thus, the researcher is able quickly to obtain information on available editions and recent studies in a two-step search. Separate sections cover Albert's *vitae*, canonization, iconography, and *legendae* as well as existing specialized

bibliographies, manuscript studies, and studies and reviews connected with the *editio Coloniensis* project. About half of the bibliography is devoted to topical studies of Albert's thought arranged according to generic and specific subject areas. Included here is scholarship on Albert's contributions to the natural sciences, political theory, philosophy (logic, metaphysics, ethics, etc.), and theology. Finally, studies on Albert's sources and influence are listed.

Bibliographic entries are numbered consecutively, allowing for cross-reference within the bibliography. Useful subject and author indices are included at the end of the work, but with references to page numbers rather than entry numbers. Entry number cross-references within the bibliography are quite helpful. The compiler's reasons for using page-number index references, however, is unclear as there would seem to be merit in consistently carrying the entry-number reference system in the bibliography through to the indices. Despite this, the reader should not have much trouble searching the work and, after using the table of contents, bibliographic cross-references, and indices, one can be reasonably certain of locating all relevant items.

Students and scholars of the history of science, philosophy, and theology all owe a debt to the compiler for making Albert's impressively significant contributions to all these disciplines accessible. Albert scholars in particular will find that this bibliography not only provides ready access to the field, but helps to define it as well.

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