

# The underlying assumptions of Germain Grisez's critique of the perverted faculty argument

*Los presupuestos subyacentes de la crítica de Germain Grisez al argumento de la facultad pervertida*

CARLOS A. CASANOVA  
Universidad Santo Tomás, Chile  
carlosacasanovag@gmail.com  
proyecto fondecyt 1180720

**Abstract:** *This paper demonstrates the underlying assumptions of Germain Grisez's critique of the perverted faculty argument. In the first place, it establishes what formulations of the principle Grisez considered in his criticism (those of Father Henry Davis) and what his arguments are. Afterward it establishes his assumptions: (a) a latent ethical logicism; (b) a pragmatist conception of choice and the good; (c) a mistaken metaphysics of being, the good and the theoretical and practical principles. It underlines John Dewey's influence. Lastly, it defends the classical formulation of the perverted faculty argument and even its rendition by Father Davis.*

**Key words:** *Perverted faculty argument, Germain Grisez, choice, good as source of ethical rules.*

**Resumen:** Este artículo presenta los presupuestos subyacentes a la crítica de Grisez al argumento de la facultad pervertida. Muestra, en primer lugar, qué formulaciones tenía Grisez en mente cuando criticó el argumento (las del p. Henry Davis) y cuáles son sus críticas. Después investiga y determina cuáles son esos presupuestos: un cierto logicismo ético; una concepción pragmatista de la elección y del bien; una metafísica errada del ser, del bien y de los principios teóricos y prácticos. Se subraya la influencia de John Dewey. Se defienden la formulación clásica del principio e incluso la del p. Davis.

**Palabras clave:** Argumento de la facultad pervertida, Germain Grisez, elección, bien como fuente de las reglas éticas.

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Among the defenders of moral truth and natural Law, Germain Grisez has been the staunchest enemy of the so-called *perverted faculty argument*. He used the name and understood the argument in a specific way, that formulated by Father Henry Davis, S. J.

Against Davis' argument, and following E. J. Mahoney's criticism, Grisez has objected:

Why is contraception wrong? Because, the theory replies, it perverts the faculty which is naturally oriented toward procreation. If that is a good argument, then it is also a good argument to say that chewing gum after the sugar is gone is wrong because it perverts the faculty which is naturally oriented toward nutrition or that holding our nose in the presence of a bad odor is wrong because it perverts the faculty which is naturally oriented toward smelling or that using ear plugs is wrong because it perverts the faculty which is naturally oriented toward hearing. Contraception really is always wrong, but chewing gum and holding your nose and using ear plugs are not, and a theory incapable of explaining the difference cannot show that contraception is wrong.<sup>1</sup>

The objection appears to be devastating. However, it overlooks the context in which the argument was formulated and fails to distinguish the sorts of activities that are entirely different. It throws cognitive powers (hearing, smelling) with operative powers (sexual power, nutrition, chewing) into the same sack. We will come back to these points below. But, more importantly, the objection has presuppositions which are worth bringing to light. This will be the central goal of the present paper.

In the first section of this paper we will demonstrate (section 1) that Grisez's critique of the perverted faculty argument stems from a kind of ethical logicism: if the argument cannot be used in a particular context or case it must mean that it is not a valid argument in any context.

Afterward we will demonstrate that Grisez's genealogical connections with Pragmatism have a strong influence on the structure of his conception of the ethical discipline. In particular, that such connections exclude

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<sup>1</sup> G. GRISEZ and R. SHAW, *Fulfillment in Christ*, 46. Mahoney used very similar arguments in E. J. MAHONEY, "The 'Perverted Faculty' Argument Against Birth Prevention," 134, cited in A. L. POULSON, *An examination of the ethics of contraception with reference to recent Protestant and Roman Catholic thought*, 50-51.

the moral relevance of the natural order. In his defense of the perverted faculty argument, Edward Feser spends much time and energy in proving that nature is teleological and normative. In this way he comes to the conclusion that describing what *is* includes *oughts*. His observations on this regard are very helpful to understand the classical conception of natural law.<sup>2</sup> Moreover, his reasoning here is compelling. However, Grisez could have answered to Feser that he has always acknowledged the existence of a teleological, normative order in nature, but has argued that such order is not that which regulates choice, the natural *ought* is not the same as the moral *ought*.<sup>3</sup>

Grisez's answer would be based on three ultimate reasons. The first one is that no truth can move an agent to act unless the motivation of the agent is involved. The second reason is that, according to him, no moral ought can be derived from a theoretical truth. And the third reason is that a concrete good which is the base of the natural order of a biological faculty cannot be the source of moral norms. Only basic goods, which are ideals and which have to be coordinated following practical principles and rules, can be the source of moral norms. In order to explain how Grisez articulates these reasons and why, we need to descend to the depths of Grisez's metaphysical conceptions. This is the only way that I have found possible to solve this knot in the discussion between different schools of Catholic moral thinkers: the moral relevance or irrelevance of natural human order.

Descending to the relevant depths of Grisez's metaphysical conceptions will require that we add sections (2), (3) and (4) to this paper. In section (2) we will explain how he formed his way of understanding "means," "ends," and "goods" from his reaction against Dewey's understanding. In section (3) we will present the way in which Grisez conceived the notion of the good attained in action (not the good action itself) as a set of "ideals." In section (4) we will point out some of the consequences which follow from Grisez's conception of the good and of choice. Especially, we will highlight as the most relevant consequence that any moral rule would have to come from the attempt to rationally achieve and harmonize the ideals. No moral rule can come from the concrete good towards which is directed the intrinsic order of the biological dimension of a human act such as the conjugal act.

<sup>2</sup> See E. FESER, "In Defense of the Perverted Faculty Argument," 379-398.

<sup>3</sup> G. Grisez and R. Shaw, *Fulfillment in Christ*, 45-46.

## I. Logicism

Taken as an absolute moral principle which must be applied to all contexts, Father Henry Davis' argument appears to be ridiculous. However, Davis knew of Mahoney's criticism (very similar to Grisez's) and came in defense of the argument. In fact, it appears that Father Davis knew that the argument could not have argumentative strength except when placed in a context in which it is connected to relevant human goods, and thus a wider context than the mere reference to the end of any natural faculty. When one realizes this, then Father Davis' reasoning does not seem so "ridiculous" as is often supposed.

Indeed, Father Davis stated:

since [...] life is the greatest physical good, every act that necessarily and positively prevents life, when life would else ensue from the act that is intended by Nature to produce it, is a serious inordination against rational nature, and against the good of Nature, and against the purpose of Nature. It is comparable with eating in such a way as to cause death forthwith, or with speaking as to misuse of speech so as to encompass the death of oneself or another.<sup>4</sup>

In classical philosophy the "perverted faculty argument" strictly taken arose from the consideration of the ethics of temperance. But both classical formulations and Davis' formulation considered the context in order to endow the perverted faculty argument with moral relevance. And this is well done. The use that the classics made of the perverted faculty argument will now be examined in order to contrast it with the logicism present in Grisez's criticism of Father Davis.

Plato laid the perverted faculty argument's foundations in *Phaedrus* and *Laws* VIII, but Thomas Aquinas developed them fully. Roughly and

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<sup>4</sup> H. DAVIS, S.J., "Birth Control: The Perverted Faculty Argument", 129. See as well, 126, 127, 128, 131, 132, and J. B. SULLIVAN in his dissertation, "The Principle of Finality and the Problem of Contraception," 146-147. The way in which Davis reasons connects the judgment about the action to the *finis operis* and to the good involved and allows him to conclude with ease on the immorality of masturbation (131), for example, while accepting that the principle needs not to be applied in the same way to all activities such as eating or speaking (128).

schematically, one could say preliminarily that the classical version of the perverted faculty argument would be something similar to the following:

Every natural, physical pleasure is connected to a vital function because nature intends that through that pleasure the individual will perform the actions which serve such function. In the case of human beings, the order of pleasure to its natural end has to be kept by reason (because it can be broken by reason in conjunction with the will). And to use a pleasure disconnected from its natural end would be a perverted use of such a pleasure. In general, moreover, the organs and faculties connected to those pleasures have a natural order which human beings should observe through the use of reason.<sup>5</sup>

Classical authors did not use a very precise formula because they did not deem it necessary, due to the classical conception of ethics as a discipline which uses the dialectical method. They knew that in ethics one must keep the flow of reason as close as possible to the kind of problems which it tries to rationally solve. One must keep in mind the wise observations that Aristotle formulated regarding the method and the way of knowing which are appropriate for the ethical discipline:

[W]e shall be satisfied to indicate the truth roughly and in outline; since our subject and our premises are things that hold good usually, we shall be satisfied to draw conclusions of the same sort. [...] For the educated person seeks exactness in each area to the extent that the nature of the subject allows; for apparently it is just as mistaken to demand demonstrations from a rhetorician as to accept [merely] persuasive arguments from a mathematician (NE book 1, ch. 3, 1094b12-13, 19-27).<sup>6</sup>

<sup>5</sup> Please note that this is my own formulation.

<sup>6</sup> I follow Terence Irving's translation. The brackets with an English word ("merely") are his. This passage should be coupled with NE book 3, ch. 4, 1113a29-33, where the *spoudaios* is presented as the measure of ethics. Aristotle goes as far as to state that because of these traces of the ethical discipline (it is rhetorical, its measure is the mature man) some think that it is purely conventional (see *Ethica Nicomachea* book 1, ch. 3, 1094b16.). But later he states that those who cultivate it competently can discern the true ethical arguments. Theodor Viehweg holds something similar: there is an intellectual connection which those who have cultivated the discipline can perceive (see VIEHWEG, *Tópica y jurisprudencia*, 51-52, 56-58, 61-62). The cause of the dialectical character

These observations allow us to point out the first problem in Grisez's criticism of Father Davis: a strange logicism. This defect can be found as well in Edward Feser's reply to Grisez concerning the perverted faculty argument.<sup>7</sup> Both of them try to find a logical principle whose formula could be applied generally to all cases. Both seem to lose sight of the fact that ethics is a topical or rhetorical discipline in Aristotle's view and in truth. Alasdair MacIntyre has formulated well an implication of this topical character in his *Dependent Rational Animals*:

Rule-following will often be involved in knowing how to respond rightly, but no rule or set of rules by itself ever determines how to respond rightly. This is because in the case of those rules that are always to be respected –“Never take an innocent life,” for example—they are never sufficient to determine how we ought to act, while with other rules what always has to be determined is whether in this particular case they are relevant and, if so, how they are to be applied. And there is no higher order rule by reference to which these questions can be universally answered. [...] Knowing how to act virtuously always involves more than rule following.<sup>8</sup>

The determination of the applicability of a rule needs to consider the full context of the action: intention, co-agents, and all of the circumstances. In order to avoid misunderstandings, I must add that this does not mean that in classical ethics no rules can be found which are always applicable. There are, for example, types of action which it is never licit to commit, such as adultery, homicide or theft.<sup>9</sup> But, “when we are faced with such type of action” is a question which might require the application of a principle in one context and of a different principle in a different context. For example, what “*res aliena*” means might change in different contexts and

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of ethics is given in *Nicomachean Ethics* book 6, ch. 11, 1143a19-1143b17 and also by Aquinas (see, for example, *S. th.* I-II q. 94, a. 4; *In Nicomachean Ethics* VI, lect. 6): it concerns concrete actions and its measure consists in concrete, real goods (not abstract).

<sup>7</sup> See E. FESER, “In Defense of the Perverted Faculty Argument,” 398 ff., 403-404. Note that Feser strives to exclude the application of the principle to cases in which Aquinas has no problem in asserting that the principle is applicable but its violation does not lead to grave sin (and perhaps not even to sin), because the faculty or the organ involved are not connected with a vital nerve of human life.

<sup>8</sup> A. MACINTYRE, *Dependent Rational Animals*, 93.

<sup>9</sup> See *Nicomachean Ethics* 2.6, 1107a8-17.

according to different principles (different rules of distribution, *e. g.*); or what “*mulier aliena*” means, etc. Thus, the “perverted faculty argument” might imply more or less intense moral demands according to the goods or faculties involved, etc. And precisely this was explicitly stated by Father Henry Davis, as it is easy to see in the passage from his paper on the perverted faculty argument, which has been cited above.

The classical texts in which the argument is most clearly found are Platonic and Thomistic and in both of these authors one finds a delicate and thoughtful consideration of the context. Since the Platonic text is too schematic,<sup>10</sup> Aquinas' *summa philosophica* will be used in order to demonstrate the point in the clearest way.

In his *Summa Contra Gentiles*, Aquinas first states that nature (and God) joined a pleasure to the most needed functions of animal life, such as nutrition, rest, and procreation. Then he shows that in human beings this order must be realized by reason (and the will), which is to say by law. This is the basis for the virtue of temperance in general (III, chapter 121, n. 3). Thus, the “perverted faculty argument” appears in the context of the rule of reason and the virtue of temperance. But in the most important and complete use of the argument the context explicitly includes many other aspects, such as the institutions in whose bosom a faculty may be well used.<sup>11</sup> In book III, chapter 122, n. 4, of the *Summa Contra Gentiles* Aquinas sees a connection between the argument and the whole structure of the ethical edifice:

We have said that God exercises care over every person on the basis of what is good for him. Now, it is good for each person to attain his end, whereas it is bad for him to swerve away from his proper end. Now, this should be considered applicable to the parts, just as it is to the whole being; for instance, each and every part of man, and every one of his acts, should attain the proper end. Now, though the male semen is superfluous in regard to the preservation of the individual, it is nevertheless necessary in regard to the propagation of the species.<sup>12</sup>

<sup>10</sup> See PLATO, *Laws* 8, 838-841.

<sup>11</sup> Feser is aware of the wider context: “With sex as with these other goods, while identifying the natural ends is the crucial step to determining their role in a morally well-ordered life, it does not by itself answer every question we might have about them” (“In Defence of the Perverted Faculty Argument,” 397). But this awareness does not prevent his work from incurring some measure of logicism, as said.

<sup>12</sup> The English text is taken from the translation by Vernon J. Bourke.



One could state the same point in a different way: prudence consists in ordering everything to its own good, to its proper end (*sapientis est ordinare*, holds Aquinas citing Aristotle).<sup>13</sup> In the case of natural, non-human things, this ordering could be reduced to simply serving man. But not so in the case of human nature. There man is bound to respect the order which he finds and to serve it.

Moreover, in the book and chapter which were just cited, Aquinas is not arguing primarily against contraception but against fornication:

[4] [...The good of the male semen is that it be emitted] for the purpose of generation, to which purpose the sexual act is directed. But man's generative process would be frustrated unless it were followed by proper nutrition, because the offspring would not survive if proper nutrition were withheld. Therefore, the emission of semen ought to be so ordered that it will result in both the production of the proper offspring and in the upbringing of this offspring.

[5] It is evident from this that every emission of semen, in such a way that generation cannot follow, is contrary to the good for man. And if this be done deliberately, it must be a sin. Now, I am speaking of a way from which, in itself, generation could not result [...]

[6] Likewise, it must also be contrary to the good for man if the semen be emitted under conditions such that generation could result but the proper upbringing would be prevented.

Thus, there is a connection between the argument, on the one hand, and an institutional context (marriage and the family), on the other. All these connections are strengthened later in Aquinas' reasoning. With this background, Aquinas can add:

[9] Nor, in fact, should it be deemed a slight sin for a man to arrange for the emission of semen apart from the proper purpose of generating and bringing up children, on the argument that it is either a slight sin, or none at all, for a person to use a part of the body for a different use than that to which it is directed by nature (say, for instance, one chose to walk on

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<sup>13</sup> *Summa Contra Gentiles* I 1.



his hands, or to use his feet for something usually done with the hands) because man's good is not much opposed by such inordinate use. However, the inordinate emission of semen is incompatible with the natural good; namely, the preservation of the species. Hence, after the sin of homicide whereby a human nature already in existence is destroyed, this type of sin appears to take next place, for by it the generation of human nature is precluded.

In this text the need clearly appears to consider the kind of faculty at stake so as to determine whether the order to its end is morally relevant or not. A cognitive faculty, such as hearing, and an operative faculty, such as the use of sex, are not the same thing. Moreover, hearing as a cognitive power is subordinated to understanding, so that one naturally stops hearing when concentrated on an intellectual problem, for example. Why could not one help such power of concentration with ear plugs? Regarding some operative powers, Aquinas here answers Grisez: one who walks on his hands does something improper, but not a sin. Chewing gum after it is dry could be a bit silly, but not a sin.<sup>14</sup> Aquinas appeals to experience: the case of the inordinately use of sex is very different because it greatly affects the human good, because the power of human generation is sacred.<sup>15</sup>

One could add that sexual pleasure is not a toy with which one can play and then return to its box without being affected. It is a most powerful passion whose misuse even once could create a habit. And this habit brings human beings down the slide of progressive irrationality as anybody with eyes can see in our contemporary societies. It is of the utmost importance for the rule of reason over one's soul and over one's whole life that this passion

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<sup>14</sup> Sometimes, however, chewing gum could serve a different purpose, such as unplugging the ears or helping concentration in some activities. Grisez has on occasion derided the application of the perverted faculty argument to smoking, which "frustrates its proper function [the respiratory system's] to a considerable extent" (see G. GRISEZ, *Contraception*, 29). To this argument I reply that in the measure in which smoking does that, it is truly inappropriate. But, smoking moderately does that in such a small way that it is morally insignificant. –Unlike the consumption of drugs, which, for reasons different from the perverted faculty argument, is morally grave. Specifically, because it subjects reason to low and artificial passions so as to destroy the very foundation of morality, the rule of reason.

<sup>15</sup> Alejandro Serani has shown very persuasively that all cultures deem human life as sacred. This is the reason why in all of them everything that has to do with the beginning or with the end of life is surrounded by sacred rites: birth, marriage, death.

not be used for an end other than its natural one. Besides all this, Aquinas states in the same chapter 122 of book 3 of the *Summa Contra Gentiles*:

[7] It should be considered, further, that generation is the only natural act that is ordered to the common good [...]. As a result, since law is established for the common good, those matters which pertain to generation must, above all others, be ordered by laws, both divine and human.

Of course, Aquinas' conception of the perverted faculty argument must be thought of as contained in his larger theory of the moral act. This means that the argument can neither be extended to involuntary emissions or receptions of semen nor to natural processes disconnected from human acts or goods, like the growth of one's beard. There is clear evidence of this in the *Summa Theologiae*: semen emission "may happen beside the purpose of the mind, either during sleep, or through violence and without the mind's consent, although the flesh derives pleasure from it, or again through weakness of nature, as in the case of those who are subject to a flow of semen. In such cases virginity is not forfeit, because such like pollution is not the result of impurity which excludes virginity."<sup>16</sup> We could apply this principle to other cases: a woman who is raped has not performed voluntarily the sexual act and therefore it would be neither contrary to the order of the sexual power nor sinful for her to extract or kill the sperm cells as long as she does not run the risk of killing an already conceived baby. In general, it matters not little to keep in mind the concepts of end or intention, object and circumstances.<sup>17</sup> Because, since marriage and the conjugal act have multiple natural ends (in the present state of humanity), such as procreation, the union of the spouses and remedy to concupiscence,<sup>18</sup> the act would be performed legitimately if one of these ends concur and the object is not contraceptive, even if the spouses do not intend to conceive a baby. Keeping this in mind allows one to hold coherently the principle within the dialectical or topical methodology of ethics, without attempting to

<sup>16</sup> II-II q. 152, a. 1, ad 4m.

<sup>17</sup> In *Veritatis splendor* John Paul II made this point: moral theory needs to recover the Thomistic notion of the moral object (see n. 78), which presupposes the Thomistic conception of intention and circumstances. See *Summa Theologiae* I-II qq. 8-19.

<sup>18</sup> Feser mentions explicitly the first two ends, but he is aware of the third one as well. See E. FESER, "In Defense of the Perverted Faculty Argument," 395 and 389.

find a logical formula which can be applied to all cases as Feser attempts to do in his otherwise very good essay.

## II. Means, Ends and Goods: The Influence of Pragmatism

Germain Grisez was formed at the University of Chicago under Richard McKeon,<sup>19</sup> meaning he received a strong influence from John Dewey. Actually, it seems to me that the whole fundamental horizon of Grisez's philosophizing was Dewey's Pragmatism. Grisez, of course, was a faithful Catholic and so he understood quite well that Pragmatism was incompatible with Christianity. For this reason, Grisez reacted against Pragmatism. The problem is that he did so without being able to transcend the horizon in which he was placed by his basic formation. He, for example, mentions that according to Dewey there are no real final ends, but everything is wanted as a means for further goods.<sup>20</sup> This leads Grisez to realize that there are many things which we love and desire for themselves.<sup>21</sup> But then he remains within the theoretical framework of Utilitarianism and Pragmatism: things are either *means* or *ends*, according to Grisez. He does not see that the ultimate end (Universal Good) can be participated in by other beings which are therefore loved for themselves, because they are "honest goods" (persons, beautiful actions, for example) or because they are pleasurable goods;<sup>22</sup> nor sees he the distinction between internal ends and external ends.<sup>23</sup> As a result, he needs to consider all "honest goods" (intelli-

<sup>19</sup> Richard McKeon was Grisez's mentor in Chicago (see R. SHAW, "The Making of a Moral Theologian"). But McKeon's dissertation adviser was, along with Frederick Woodbridge, none less than John Dewey (see T. A. OBERMILLER, "Will the Real Richard McKeon Please Stand Up?").

<sup>20</sup> See G. GRISEZ, *The Way of the Lord Jesus. Volume 1, Christian Moral Principles* 5 D, 1-2. I will cite this work by its division not in pages but in volumes, chapters, etc., because the most available version is online, where there is no division in pages. I will cite the universal classics and the empiricist classics (David Hume) in ways which depart from the Journal's general rules as well.

<sup>21</sup> See G. GRISEZ, *Contraception*, 67.

<sup>22</sup> Alasdair MacIntyre in *Dependent Rational Animals* clearly explains that all virtuous acts are worth performing for their own sake, since "they are constitutive parts of human flourishing" [of individuals and communities] and that this "is not incompatible with saying of that same action that it was performed for the sake of that individual or these individuals to whose good it was directed." See 111-112.

<sup>23</sup> A pleasure like eating desert, one can legitimately desire for itself, but such pleasure might be situated in a larger teleological framework. See *Sent.*, lib. 1 d. 1 q. 4 a. 1 arg. 2;

gible as opposed to merely pleasurable)<sup>24</sup> as “basic goods,” goods which we seek as part of our ultimate end.<sup>25</sup> He cannot conceive as possible that one loves an honest good for itself (because it participates in the ultimate end) if such good is not the ultimate end or a part of the ultimate end.

Grisez had another reason for holding the plurality of goods which conform the final end. It is his conception of “choice,” also connected to Dewey’s. According to Dewey, in fact, the Utilitarian conception of choice (which attempts to maximize pleasure) is mistaken because real deliberation is not only concerned with the quantity of a certain good (pleasure), but also with the basic orientation of the human being, the type of activity that he is going to perform and/or the kind of good which is going to be attained.<sup>26</sup> Similarly, according to Grisez, if there were a single final end, such as the Utilitarians’ maximization of pleasure, human beings would be unable to choose and would necessarily conclude that it (the final end) and what is a means to it must be done even if, due to moral weakness, they did something else. Determining the different means to obtain that sole good would not deserve the name of “choice.”<sup>27</sup> The full impact of this aspect of

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*Contra Gentiles*, lib. 3 cap. 25 n. 9; and *Summa Theologiae* IIa-IIae, q. 168 a. 2 ad 3. I owe the awareness of this distinction to Magdalena Plotka’s paper “Utrum Fruendum Sit Solo Deo: Thomas Aquinas on the Augustinian Concept of Secular Enjoyment”.

<sup>24</sup> See G. GRISEZ and R. SHAW, *Fulfillment in Christ*, 54.

<sup>25</sup> See G. GRISEZ, *The Way of the Lord Jesus*, Vol. 2, *Living a Christian Life*, chapter 9, question A, part I, J. Although Grisez actually speaks of participation in basic goods, according to him this participation always remains within the limits of one and the same kind of basic good. “Life” can be participated, but it is incommensurable with “knowledge” or “religion.” See, for example, G. GRISEZ and R. SHAW, *Beyond the New Morality*, 38, 133. After *Contraception* and “The First Principle of Practical Reason: A Commentary on the *Summa Theologiae*, 1-2, Question 94, Article 2”, he no longer sees that participation might be trans-generic. In *Contraception* Grisez struggles to harmonize his view of the basic goods with the Thomistic and Augustinian view that God is our ultimate end or the fulfillment of all our desires. In doing so he uses the concept of “participation” (see 72 and note 32). In “First Principle,” 183, Grisez speaks of “participation” but only because his thesis required it, the distinction of immanent and transcendent good. In later works he is dragged by his own principles to deny the Thomistic and Augustinian doctrine.

<sup>26</sup> See *Human Nature and Conduct*, 175-179.

<sup>27</sup> See G. GRISEZ and B. SHAW, *Beyond the New Morality*, 35, 37-38, 70-71, 101; *Christian Moral Principles*, chapter 6, section F, nn. 4-8; and appendix, n. 2; G. GRISEZ and R. SHAW, *Fulfillment in Christ*, 64-65. Grisez comes closest to Dewey, specifically, in his critique of Utilitarian *deliberation*. See G. GRISEZ, *Christian Moral Principles*, Chapter 6, Question F, 6-7, 152-153; and *Fulfillment in Christ*, 68 and 70. Russell Hittinger sees both points, that for Grisez all goods are either final ends or means, and that there is no choice in Utilitarianism according to Grisez, but Hittinger does not see clearly the

Grisez's thought on the question discussed (the validity of the perverted faculty argument) will appear in section 4, after reviewing the metaphysical presuppositions of his theses.<sup>28</sup>

This fundamental assumption, the plurality of goods which are articulated in the final end, is the second presupposition of Grisez's objection to the perverted faculty argument (after logicism). It leads him to be suspicious about attributing certain *ends* to activities or even institutions because he thinks that doing so would amount to consider such activities or institutions as mere instruments, *means*. Since he is not sufficiently familiar with the classical conception of the good, he thinks that he can circumvent the problem by saying that such activities or institutions serve a *good* instead of an *end*. He overlooks that the *end* is nothing more than *the good of each thing*.<sup>29</sup>

This is the case with Grisez's consideration of the conjugal act and of marriage. He excludes that this institution and that act can have procreation as their end. Instead, he says that they serve the "good of life," among other "goods." Let us place our looking glass on marriage, through the eyes of Grisez.

In *The Way of the Lord Jesus*, vol. 2, chapter 9, Question A, 1, Grisez very energetically rejects the view that marriage has ends (especially procreation) because this would imply that marriage is an instrumental good, a *means*, and not a good in itself. He strongly criticizes Saint Augustine and Saint Thomas<sup>30</sup> for holding what he claims to be a wrong position. However, Grisez himself holds the following theses:

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metaphysical connection between them. See R. HITTINGER, *A Critique of the New Natural Law Theory*, 22-23, 25 and 40.

<sup>28</sup> A brief summary of Aquinas' conception of choice is needed for the sake of establishing the contrast with Grisez's: the universal good which our will loves naturally is not realized entirely in any of the particular goods which our intellect grasps, not even God as we conceive Him without the *lumen gloriae*. For this reason, our will can love any of the goods of our experience and force the intellect, for example, (1) not to consider one aspect or (2) to consider another aspect of this or that good. This, and the infinity of the concrete situation in which we have to choose, are the reasons why deliberation cannot be ended by reason, but by the will. Thus, the unity of the final end does not exclude authentic choice, always at the level of goods which do not realize perfectly the notion of the ultimate end. (see *S. Th.* in I-II q. 10 a. 1; I q. 82, aa. 1-4; *Quaestiones Disputatae De Malo* q. 6).

<sup>29</sup> See, for example, *Summa Contra Gentiles* I, 1, n. 2.

<sup>30</sup> The Thomistic passage which Grisez criticizes is *Commentary to the Sentences*, 4, d. 26, q. 2, aa. 1-3; and 4, d. 33, q. 1, aa. 1-2. He, however, claims that Aquinas corrected this error to some extent when dealing with the marriage of Joseph and Mary (*S. th.* III q. 29 a. 2, c), because here Saint Thomas would have acknowledged the intrinsic value of the union of the souls operated by marriage. See G. GRISEZ, *The Way of the Lord Jesus*, vol. 2, *Living a Christian Life*, chapter 9, Question A, 1, c.

-) “Every community joins people in cooperation for a common good, and a community’s appropriate constitution and characteristics are determined by that common good and by the ways in which members cooperate with it.”<sup>31</sup> Communities exist for the service of a good, “for the joint realization of a basic good to which they [the members] are committed.”<sup>32</sup>

-) “Parenthood is the specific, intrinsic perfection of marriage.”<sup>33</sup>

Thus, according to Grisez, marriage is not a *means* to another good but is itself a *basic good*. Specifically, the friendship between husband and wife is not an instrument for procreation. Marriage exists before the begetting of children. However, procreation is the crowning of the basic structure which is marriage. “Thus, parenthood fulfills marriage, it shapes the spouses’ interpersonal communion; [...] nevertheless, while having and raising children perfects marital communion, the latter can exist and fulfill the spouses even if the former is impossible.”<sup>34</sup>

Here, one sees Grisez exerting himself in order to hold that marriage, the union of the spouses is a basic good, not a *means*, while at the same time defending the traditional doctrine of the ends of marriage, in a modified way, which he finds in accordance with his criteria about the goods which one can love for themselves and not because they are useful. But the classical view is simpler and explains everything which Grisez wants to explain and even more.

According to classical philosophy and theology, marriage can be good in itself and also have ends. That is the case with many institutions which we seek for their common good (for playing chess we join a chess club, for example, and chess clubs are good in themselves). In the case of “marriage,” this was clearest, since it was conceived as the corner stone of the family and the management of the family was seen as a special branch of ethics, *oikonomía*, directed not to a partial good, but to the good of the whole life.<sup>35</sup> But this directedness of the institution to the final end was

<sup>31</sup> G. GRISEZ, *The Way of the Lord Jesus*, vol. 2, *Living a Christian Life*, chapter 9, Question A, 1.

<sup>32</sup> G. GRISEZ and R. SHAW, *Beyond the New Morality*, 44.

<sup>33</sup> G. GRISEZ, *The Way of the Lord Jesus*, Vol. 2, *Living a Christian Life*, chapter 9, question A, part 2, b.

<sup>34</sup> G. GRISEZ, *The Way of the Lord Jesus*, Vol. 2, *Living a Christian Life*, chapter 9, 2.

<sup>35</sup> The other two branches were monastic ethics and politics. See AQUINAS, *Sententia Ethic.*, lib. 1 l. 1 n. 6.



no obstacle to holding that the essential end of marriage, what separates it from any other friendship and community, is procreating, raising and educating children. The fact that some individual marriages are unable to realize this end was not deemed as an objection to the institution being directed towards that end. It only meant that physical nature is fallible. Using Edward Feser's example, "human beings have 32 teeth" is a true proposition even if a particular man has only 10 teeth.<sup>36</sup> Thus, marriage was conceived as good in itself although directed first to the good of procreating, raising and educating children and also to the good of the whole life. Now, being good in itself does not mean being part of the ultimate end. In order to conceive a good as an honest good one does not need to conceive it as part of the ultimate end, but just as a participation of the ultimate end which one has to serve here and now. This is why marriage can be good in itself, despite the fact that Christ told the Sadducees that after the resurrection human beings will neither marry nor be taken in matrimony, because then human beings will be like the angels in Heaven,<sup>37</sup> immortal, with no need of procreation and therefore without sexual drives and/or intercourse.

### III. Basic Metaphysical Conceptions: Traces of Empiricism

The third presupposition consists in placing the discussion within an inadequate metaphysical and epistemological framework. Once again, Grisez's framework most likely has been inherited from the pragmatist tradition.

In his famous paper, "The First Principle of Practical Reason: A Commentary on the *Summa Theologiae*, 1-2, Question 94, Article 2," Grisez exhibits his intellectual prowess in perceiving, in a way similar to that of Servais Pinkaers,<sup>38</sup> that moral theology has suffered for centuries some nominalistic influence, which has led to a legalistic conception, centered in the notion of "obligation" and deprived of an adequate consideration of the final cause.<sup>39</sup> Unfortunately, his own basic education prevented him

<sup>36</sup> E. FESER, "In Defense of the Perverted Faculty Argument," 382.

<sup>37</sup> See Matthew 22:30. See Luke 20:34, in *Novum Testamentum Graece*.

<sup>38</sup> S. PINKAERS, *Las fuentes de la moral cristiana*, specially 41-52, 65-70, and the whole second part.

<sup>39</sup> See G. GRISEZ, "First Principle," 181.



from recovering the classical and Thomistic conception of the good as the center of moral theory. Let us see why.

### III.1 Are Theoretical First Conceptions and Principles Merely Formal?

The first point which calls one's attention is that Grisez speaks of "facts" and "values," truths of reason and truths of experience." He wrestles with the problem of connecting both kinds of "truths" and of connecting the "truths of reason" with reality. And he comes to an interesting formula:

Even in theoretical knowledge, actual understanding and truth are not discovered in experience and extracted from it by a simple process of separation. Experience *can be* understood and truth *can be* known about the things of experience, but understanding and truth attain a dimension of reality that is not actually contained within experience, although experience touches the surface of the same reality. In theoretical knowledge, the dimension of reality that is attained by understanding and truth is realized already in the object of thought, apart from our thought of it. Our minds use *data of experience* as a bridge to cross into reality in order to grasp more-than-given truth of things.<sup>40</sup>

I emphasize "data of experience" because it is a very significant expression. This paragraph could be benevolently read and, in that case, Grisez would be understood as holding that *sense experience* does not exhaust *human experience*. Human understanding takes part in experience so that through our senses we could penetrate the essence of things plus some of their causes, and reflecting on them we could ascend to their [higher] causes. In such a reading, human experience would not reach only *data* and further, as Aquinas explicitly states, all of our knowledge could be resolved into our human experience which is the way in which we can judge about its truth.<sup>41</sup>

A connected passage requires once again a benevolent interpretation in order to exclude a metaphysical and epistemological gap between Grisez

<sup>40</sup> G. GRISEZ, "First Principle," 176.

<sup>41</sup> See *De veritate* q. 12, a. 3, ad 2m; and, on the scope of human experience, see C. A. CASANOVA, "Intencionalidad e intelecto agente,"; and "Sobre la naturaleza de las categorías."

and Aquinas and the classics (Plato and Aristotle). In trying to understand both (a) Aquinas' *dictum* according to which in an evident proposition the predicate belongs to the *ratio* of the subject and also (b) the connection which Aquinas points out between the essence [*ratio*] of *good* and of *end*, Grisez uses the English *intelligibility* in order to translate the Latin *ratio*. There would be no problem in this if it were not because he then explains that

an intelligibility is all that would be included in the meaning of a word that is used correctly if the things referred to in that use were fully known in all ways relevant to the aspect then signified by the word in question. Thus the intelligibility includes the meaning with which a word is used, but it also includes whatever increment of meaning the same word would have in the same use if what is denoted by the word were more perfectly known. An intelligibility need not correspond to any part or principle of the object of knowledge, yet an intelligibility is an aspect of the partly known and still further knowable object. We may imagine an intelligibility as an intellect-sized bite of reality, a bite not necessarily completely digested by the mind. An intelligibility includes the meaning and potential meaning of a word uttered by intelligence about a word whose reality, although naturally suited to our minds, is not in itself cut into pieces – intelligibilities. These *we* distinguish and join in the processes of analysis and synthesis which constitute our rational knowing. Hence part of an intelligibility may escape us without our missing all of it. The child who knows that rust is on metal has grasped one self-evident truth about rust, for metal does belong to the intelligibility of rust. The same child may not know that rust is an oxide, although oxide also belongs to the intelligibility of rust.<sup>42</sup>

In other words, it seems that Grisez holds that the *rationes* are not something that exists in reality independently of our intellect, but they come to exist only in the relation of our intellect to things of experience. He does not distinguish those *rationes* that are fictional from those *rationes* that are essential, accidental, etc. He bluntly says that *rationes* in general are not principles of the object of knowledge. Moreover, he seems to think that “intelligibilities” [not only applied to *rationes*] are not real, but a function

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<sup>42</sup> G. GRISEZ, “*First Principle*,” 174.

of our intellect trying to know things. Thus, Grisez would have trouble to explain how it is that “essence” is a principle of reality and that “intelligible” is one of the transcendentals, convertible with [real] being, independent of our intellect. However, one could benevolently interpret Grisez in a way which does not conflict with the classical understanding of “intelligibility,” because he holds that there is potentially understood intelligibility and that in the end: “Knowledge is a unity between man knowing and what he knows. In the case of theoretical knowledge, the known has the reality which is shared before the knower comes to share in it –in theory the mind must conform to facts and the world call the turn.”<sup>43</sup>

Despite this benevolent interpretation, Grisez’s conception of the relation between knower and known, at least regarding language, has much of the outlook of the empiricist tradition: the object is the result of experience and of the “constructive” activity of the knower. This is most apparent in his conception of both the first principle of theoretical knowledge and of the relation between this principle to other knowledge. He thinks apparently that *being* is not real but the result of our intellectual relationship to things and that what the principle states is not real, but again a function of such a relationship:

The objective dimension of the reality of beings which we know in knowing this principle is simply the definiteness that is involved in their very objectivity, a definiteness that makes a demand on the intellect knowing them, the very least demand –to think consistently of them.<sup>44</sup>

Regarding the relationship of the principle to other knowledge, Grisez states:

All other knowledge of anything adds to this elementary appreciation of the definiteness involved in its very objectivity, for any further knowledge is a step toward giving some intelligible character to this definiteness, i.e., toward defining things and knowing them in their wholeness and their concrete interrelations.<sup>45</sup>

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<sup>43</sup> G. GRISEZ, “*First Principle*,” 176.

<sup>44</sup> G. GRISEZ, “*First Principle*,” 175.

<sup>45</sup> G. GRISEZ, “*First Principle*,” 175.

It seems, then, that Grisez conceives “being” and the principle of non-contradiction as deprived of intelligible content. They merely give definiteness to the actual intelligible content and prevent inconsistency, according to Grisez. This is most un-Thomistic, of course, and un-classical. In the classical sense, “being” is the horizon of all intelligibility and the principle of non-contradiction is not just a safety valve to expel inconsistency. Parmenides already realized this, and what he stated, even if mistaken when applied to finite being, still holds true concerning infinite Being: He is eternal, unchangeable, ingenerated, immortal, and so forth. This point appears immaterial for the ethical discussion but has no small bearing on the conception of the good, as we shall see.

### III.2. First Practical Conceptions and Principles as “Formal”

Grisez holds correctly that when Aquinas states in *S. th.* I-II q. 94, a. 2, c. that the first practical principle reads “good is to be pursued” he is not meaning “good” as a transcendental.<sup>46</sup> Grisez adds that he neither means “good” as ethical. This second point is more problematic. Clearly, the “good” of action might mean either action itself as good or the good which draws the agent to act, which transcends action. In the first sense that means the good moral action, which includes the proper use of art or technique, as prudence requires. Grisez excludes this first meaning (*good* means the *good action*) because, he says, such meaning excludes the final cause and if the principle is used in that sense, it would, in consequence, be the basis for a moralistic, inadequate view in which the good would be only a curb on the developmental possibilities of action.<sup>47</sup> He proceeds to distinguish between

<sup>46</sup> Aristotle states that it is the *practòn agathòn* (*De anima* III 11, 433a29).

<sup>47</sup> Based on this insight, Grisez holds that the first principle gives guidance not only to *práxis* but also to *téchne*, not only to the good agent, but also to the evil one. All are seeking the good. For this reason, according to him, the first principle is not moral. This is a mistake. It is true that the first principle guides *téchne* and not only *práxis*. But it does so by a shallower application of itself. The technician seeks the proportionate good. But, if a medical doctor, for example, in order to obtain money or revenge kills a patient, by masterfully using his medical knowledge, he would be achieving a shallow good, and harming the most important depths of his own being. *Práxis* guides *téchne*, and the fundamental practical rationality is ethical. That the bad man acts following the principle, it is true. But he is mistakenly following the principle. He is seeking his apparent good. This is not a new problem. Aristotle already dealt with it in *Nicomachean Ethics* III 4. See also Aquinas' commentary on this Aristotelian chapter.

the act of attaining the good and the good itself, and to criticize Aristotle for allegedly not having come to do this distinction. Grisez does this in a confused way. In effect, according to him, (a) Aristotle is wrong when he says that the ultimate end is virtuous activity, and (b) Aquinas corrects this when he states instead that the end is the attainment of a good, so that one can distinguish between the good attained and the attainment itself.<sup>48</sup> In truth, not only in Grisez's opinion, precisely the *attainment* of God consists in a human operation. In this life it is the operation of lovingly contemplating God, which is an operation of the highest human virtue, wisdom. Both Aristotle and Aquinas think that God is the Good which transcends our operation and any operation of the created (or efficiently caused) cosmos.<sup>49</sup> But, besides a wrong interpretation of Aristotle, the main problem of Grisez's metaphysical conception does not yet emerge.

The real problem appears when he sharply separates the good attained from its attainment with the result that he holds the perfection of virtue as not the highest of human goods. It would rather be, according to Grisez, just one good among others and a means to "substantive" goods such as life, knowledge, education of children, and so forth.<sup>50</sup> This amounts to a view very close to that of Pragmatism. Dewey also agrees that the true moral motives, values and principles or rules are those which yield the highest amount of human goods (not only pleasures).<sup>51</sup> More importantly, Grisez conceives well neither (a) the nature of the good to which *práxis* is oriented but which transcends *práxis* nor (b) its connection to the good as a transcendental of being.

Here we come to the core of the matter. The real reasons which move Grisez to change the conception of the nature of the good are his insuffi-

<sup>48</sup> See G. GRISEZ, "First Principle," 183, 184, 186.

<sup>49</sup> See *Metaphysics* Lambda 10, where God is seen as the good of the universe, not immanent, but transcendent. It is true that Aristotle underlines very much the immanent aspect of the human good. Aquinas points this out as well (see *In Sent.* III, 35, 1, II, III, sol. 1, n. 32. Cited by R. T. CALDERA, *Sobre la naturaleza del amor*, 99). But it is not true that Aristotle excludes the distinction between the immanent good and the transcendent good.

<sup>50</sup> G. GRISEZ, "First Principle," 184

<sup>51</sup> See J. DEWEY and J. H. TUFTS, *Ethics*, 205-211 (Part II, chapter X, on the interplay of "ends" and "results"); 246-254 Chapter XIII, section 2. -Notice 251: "it is true, as Bentham says, that if motives are good or bad it is on account of their effects"; 334-335 (Chapter XVI, the section on "Sympathy as Actuating Principle of a Reasonable Judgment," where sympathy is important because it allows us to better judge the consequences).

cient assimilation of classical metaphysics coupled with what is known as “Hume’s law,” that one cannot logically derive an “ought” from an “is.”

Grisez is correct when he points out that the “good” to which the first practical principle refers is not the good as a transcendental of being because it is a good which can be served or attained by human action. But this does not mean that it is disconnected from the good as a transcendental, although Grisez conceives it as disconnected. Why does Grisez introduce a disconnection here? First, because he thinks that practical reason is not concerned with that which is but with that which *can* be if man effects it:

Practical knowledge refers to a quite different dimension of reality, one which is indeed a possibility through the given, but a possibility which must be realized, if it is to be actual at all, through the mind’s own direction. [...] The practical mind [...] crosses the bridge of the given, but it bears gifts into the realm of being, for practical knowledge contributes that whose possibility, being opportunity, requires human action for its realization.<sup>52</sup>

Second, he argues that the term “good” which appears in the first principle is a formal term, without material content.<sup>53</sup> How does it gain material content? The content of the term “good” is derived from the “experience” of natural tendencies, states Grisez, as very similarly Dewey had said that the content of the term “aim” is derived. These tendencies are “[psychic] facts.”<sup>54</sup> They give the content to the formal principle when they reveal

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<sup>52</sup> See G. GRISEZ, “First Principles,” 176. This point is emphasized in *Contraception* as well: the goods are possibilities of self-realization, not given beings. See 65.

<sup>53</sup> See G. GRISEZ, *The Way of the Lord Jesus*, Vol. 1, *Christian Moral Principles*, Chapter 7, appendix, “How One Knows the Basic Human Goods.”

<sup>54</sup> See *ibidem*. The list of the basic goods which are connected to practical principles is established through empirical facts. In *Contraception*, Grisez invokes psychology, the science cultivated by Dewey, in order to establish the list. Afterward he states that anthropology confirms it. (See 64). This first list was superseded at the latest in 1974, G. GRISEZ and R. SHAW, *Beyond the New Morality*, 65-70. Here Grisez divides the basic goods in “reflexive” and “substantive” goods and establishes 4 of each kind. This list is repeated in G. Grisez, *Christian Moral Principles*, 123-124, Chapter 5, Question D, nn. 7-11, but two of the substantive goods are coalesced into one, knowledge and aesthetic experience. In 1974, no argument was given to support the list, except that anthropology had found unity among human cultures after piercing the surface of apparent radical differences (see 58). Hittinger also points out that according to Grisez anthropology and psychology are



what is the good which must be promoted: “in the experience of tendencies, human understanding which is oriented toward possible action grasps the possible fulfillments to which the tendencies point. Thus one forms, naturally and without reflection, the truth: Such-and-such is a good.”<sup>55</sup> Please note well the consequence which Grisez seeks to derive:

Some tendencies can be at least partly satisfied by nature and by the action of other persons. The process of gaining insight into goods partly depends upon this fact. In experiencing a tendency and its satisfaction, one learns factual truths which provide a background for the practical insight. Thus, for instance, children are naturally curious and naturally grow in understanding as they ask and answer questions. Insight into this process provides a basis for the practical insight that knowledge is a good which can be pursued by one’s own deliberate action. However, this insight cannot be derived from nonpractical awareness. Practical awareness is an irreducible starting point of self-actualization, which is a creative process of exploring and realizing one’s own possibilities by one’s own initiative.<sup>56</sup>

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important at least to confirm the list of basic goods. He adds that Finnis invokes those very same disciplines as “reminders” of the list of basic goods: see R. HITTINGER, *A Critique of the New Natural Law Theory*, 44. Hittinger quotes Finnis in *Natural Law and Natural Rights*, 136

<sup>55</sup> G. GRISEZ, *The Way of the Lord Jesus*, Vol. 1, *Christian Moral Principles*, Chapter 7, appendix, “How One Knows the Basic Human Goods.” Compare Grisez’s notion of the good with Dewey’s notion, which “consists in a satisfaction of the forces of human nature, in welfare, happiness.” (J. DEWEY, *Human nature and Conduct*, 199-209. –Part Three, Section V).

<sup>56</sup> G. GRISEZ, *The Way of the Lord Jesus*, Vol. 1, *Christian Moral Principles*, Chapter 7, Appendix. The same subject is dealt with in *Beyond the New Morality*, 64-75. This account of the rise of practical principles is more extensively explained in *Contraception*, 60-68, and it powerfully reminds one of the account Dewey makes of the rise of “aims” in *Human Nature and Conduct*, 223-237 (Part Three, Section VI). According to Dewey, a wish is joined to the knowledge of its non-designed satisfaction. From this fact, one can study how satisfaction occurred and there can be progress concerning this “how,” through the help of science. The aims so risen might become ideals. It must be clarified here, because it has been the subject of some controversy, that Grisez does state that the conception of these possibilities presupposes the knowledge of some matters of fact, presupposes experience. The problem lies in how Grisez conceives this “experience” and why. Grisez’s account of the awareness of knowledge as a human basic good as independent of theoretical reason is especially problematic because “knowledge” is identical with what is known. Thus, it is impossible to experience it at all (let alone as a good) without theoretical reason. However, Grisez is trapped in his understanding of Hume as we will show immediately in the text. Hittinger does not seem to grasp Grisez’s proposal concerning



Why does Grisez hold that the “good” is so completely severed from theoretical reason? Because he thinks that such is the way to avoid the objection based on Hume’s law against natural Law.<sup>57</sup> Like Hume,<sup>58</sup> Grisez understands that (1) for the good to move man to action it has to be connected to a human inclination.<sup>59</sup> He even thinks, as we have seen, (2) that we cannot conceive the good in all its content, without the inclinations, without motivation. On these two points he is right: reason alone cannot move us to act and, moreover, without the will, our intellectual appetite/tendency, we cannot even form the notion of the good. Actually, it seems to me that Feser and others overlook this basic relation between the will and the intellect regarding the formation of the notion of the good (not regarding the need of the will for the practical judgments to move towards the moral *ought*).<sup>60</sup>

However, the way in which he understands the second point, the connection between our tendencies and our knowledge of the human good, is incorrect. The right way to understand what perhaps Grisez had in mind is this: the moral good is not the good as a transcendental. That is fine. But the moral good depends on the good as a transcendental.<sup>61</sup> How do we form the transcendental notion of the good? The intellect grasps being (which is not a “formal concept” deprived of all meaning except consistency). In grasping being, due to the natural tendency of the will, man experiences the beauty and the excellence of this being, admiring it, willing its excellence. Later the intellect reflects on this love and forms the notion of the good as of that which is “lovable” (not necessarily ac-

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the reflection on the actual satisfaction of our desires in order to identify the list of basic goods. See, for example, *A Critique of the New Natural Law Theory*, 38 and 44.

<sup>57</sup> See G. GRISEZ, *Contraception*, 70; “First Principles”, 194; *Christian Moral Principles*, Chapter 4, F, n. 9.

<sup>58</sup> See D. HUME, *A Treatise of Human Nature*, book 3, Part 1, Section 1.

<sup>59</sup> See G. GRISEZ, “First Principles,” 180, 195.

<sup>60</sup> See E. FESER, “In Defense of the Perverted Faculty Argument,” 379-387. Steve Jensen is aware of this problem and confronts it: knowledge does not move without desire (*Knowing the Natural Law*, 201). He adds that “The first knowledge of the good [...] cannot depend upon the desire of the will, for the will presupposes the knowledge. Rather, the first knowledge depends upon nonconscious inclinations, the inclinations of the various powers and of the soul itself.” The latter one is the fundamental inclination of the will because the will is the power with which the intellectual soul *qua* intellectual desires. See 226.

<sup>61</sup> This was masterfully pointed out by Peter SIMPSON. See “Saint Thomas and the Naturalistic Fallacy.”

tually loved) by the will, in Greek, *bouletón*.<sup>62</sup> This “good” is not merely “formal.” “A merely formal good” is an expression hard to understand. In a Kantian context, what it means is clear: “good” cannot depend on the notion of any “thing” because things are evaluated only with the senses and thus are not worthy of the will. So, the good worthy of the will is only that which the will prescribes to itself and has no content of experience.<sup>63</sup> But outside of such Kantian context, only God knows what is meant by the the *merely formal good*. In truth, “good” is a universal notion, not an empty one.<sup>64</sup> It is realized in every being as that which deserves to be loved by the will. And such content can be found in experience because what we take from experience is not merely sensible, contrary to what Hume and Kant thought.

Now, if we suppose the notion of the transcendental good, we can understand what is meant by “one must serve or pursue the *bonum conveniens apprehensum*.”<sup>65</sup> Here *bonum* is the transcendental. But in order to be

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<sup>62</sup> See AQUINAS, *De Veritate* I 1, c.: “Si autem modus entis accipitur secundo modo, scilicet secundum ordinem unius ad alterum, hoc potest esse dupliciter. Uno modo secundum divisionem unius ab altero; et hoc exprimit hoc nomen aliquid: dicitur enim aliquid quasi aliud quid; unde sicut ens dicitur unum, in quantum est indivisum in se, ita dicitur aliquid, in quantum est ab aliis divisum. Alio modo secundum convenientiam unius entis ad aliud; et hoc quidem non potest esse nisi accipitur aliquid quod natum sit convenire cum omni ente: hoc autem est anima, quae quodam modo est omnia, ut dicitur in III *de anima*. In anima autem est vis cognitiva et appetitiva. Convenientiam ergo entis ad appetitum exprimit hoc nomen bonum, unde in principio *Ethicorum* dicitur quod bonum est quod omnia appetunt.”

<sup>63</sup> See I. KANT, *Critique of Practical Reason*, Part I, Book I, Chapter II, 171-172 (110-111 of the original edition). The ways in which Grisez understands Kant (see G. Grisez, *Christian Moral Principles* chapter 4, appendix on Kant) have the mark, it seems to me, of Dewey’s (for Dewey’s understanding of Kant, see *Human nature*, Part Three, Section VII). Both refer to the universality of the categorial imperative. Neither of the two, however, refer to Kant’s rejection of goodness as the origin of the moral law.

<sup>64</sup> Against Lottin and others, Grisez clarifies that the first principle of practical reason is not merely formal, but a content of knowledge. It “is an object of the intellect’s act” (“First Principle,” 197). He states nothing here about the notion “good.” But even this clarification is wrong. A principle is an intentional reality which is not the object of our knowledge except when we metaphysically or logically reflect on it (see, for example, *Summa Contra Gentiles* lib. 2 cap. 75 n. 7). What the principle means is indeed an object of knowledge, but the principle itself is not, initially, an object of knowledge.

<sup>65</sup> In *De Malo* this is clarified: the formula of the first principle is not complete without *apprehensum* and *conveniens*: *bonum conveniens apprehensum is prosequendum*. See, for example, q. 2, a. 4, c. (“In rebus autem naturalibus actus bonus est qui est secundum

the principle of a moral action it must be *conueniens*, proportionate to the agent as agent. Thus, this principle presupposes that human beings have a rational appetite which loves the good as such (as a transcendental) and try to serve it. It is a natural tendency, but not a blind one. This means that there is a necessary connection between the will and the practical intellect, on the one hand, and the theoretical intellect, on the other, since the proportion between good and agent is intellectually and theoretically knowable.<sup>66</sup> Of course, this in turn means that the first practical principle is not deduced from any other practical or theoretical principle, but depends on the grasping of the following realities by the theoretical intellect: the "good," the agent's nature and the proportion between such a nature and the good. The fact that what the practical intellect prescribes is to be done and will be constituted by action poses no obstacle to what is being said because one can grasp the unrealized potentialities of human and other natures.<sup>67</sup>

We must pause here to consider more thoroughly Grisez's view on the underivability of practical principles. It is clear that principles are not conclusions of a syllogism, "they are not derived from any statements at all. They are not derived from prior principles. They are underivable."<sup>68</sup> But does that mean that no knowledge is previous to them? Not at all.<sup>69</sup> Of course, there is knowledge previous to practical principles. First, we need to know the terms, "good" and "to be pursued." Verbs are not mere copulas, as Grisez holds.<sup>70</sup> They are predicates.<sup>71</sup> So, they emerge from experience,

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convenientiam naturae agentis"); q. 6, c.; q. 10, a. 1, ad 8m; q. 16, a. 2, c., etc. Actually, the connection appears in many works, in the *Sentences* and both *Summas*, but I find it clearest in *De Malo*.

<sup>66</sup> This is the basis for Aristotle's argument concerning the nature of happiness: there must be a proportion between a nature and its end. See *Nicomachean Ethics* I 7, 1097b22-1098a18, and Aquinas' Commentary, Lesson 10, especially n. 6.

<sup>67</sup> Steven Jensen has answered this objection by Grisez sufficiently in *Knowing the Natural Law*, especially 142-144 y 149.

<sup>68</sup> G. GRISEZ, "First Principle", 195.

<sup>69</sup> This point was made in a different way by S. Jensen in *Knowing the Natural Law*, pp.13-17.

<sup>70</sup> See G. GRISEZ, "First Principle," 191.

<sup>71</sup> See Aquinas, *In Libros Perihermeneias et Posteriorum Analyticorum Expositio*. Lect. 5. Also C. A. CASANOVA, *El ser, Dios y la ciencia, según Aristóteles*, 42-52. See, as well, R. T. CALDERA, *La primera captación intelectual*, 81-82.; A. BELLO, *Gramática*, Nota II, 360-361, in *Obras completas*, vol. IV; G. E. MOORE, "Is Existence a Predicate?"

as all terms do.<sup>72</sup> But, the practical “good” and the demand “to be pursued” presuppose a knowledge of the transcendental good and of the agent and of the proportion of the agent as agent to the good.<sup>73</sup> In turn, the notion of good as transcendental has presuppositions, both intellectual and appetitive. It is not true that “the first act of appetite” presupposes a “rational principle”<sup>74</sup> –at least not in the subject of such act.<sup>75</sup> But, as we have already mentioned, the notion of the good does presuppose the notion of being and an act of the will, which loves being. Based on this, the intellect finds “lovable being,” and that is how the notion of the good is formed. But the notion of the good is not sufficient ground to form the first practical principle. Grasping the proportion of the good to the agent is also needed. And, finally, along with all this, one must understand the basic tendency of the will to serve the good, a given in our nature on which we naturally reflect when forming the first principle of practical reason. Thus, the undervivability of practical principles does not imply that the practical intellect does not depend on the theoretical intellect, even if practicality adds an aspect which is not given in theory –that is to say, the efficacious attraction of the good concretized in an act of the will.<sup>76</sup>

#### IV. Consequences of Grisez’s Metaphysical Conceptions on the Perverted Faculty Argument.

Grisez’s wrong conception of the good leads to various unsolvable problems of which I will mention those relevant to our current line of reasoning. First and foremost, Grisez reduces the love of the will to the love of “ideals,” unrealized goods. But this is very much at odds with a thorough

<sup>72</sup> See *Posterior Analytics* II, chapter 19, 99b34-100b17; and Aquinas’ Commentary on it. See also two answers to current interpretations and objections here: C. A. CASANOVA, *El ser, Dios y la ciencia*, 176-177; and P. BIONDI, *Aristotle. Posterior Analytics II.19. Introduction, Greek Text, Translation and Commentary Accompanied by a Critical Analysis*.

<sup>73</sup> Or, of the good to the agent as agent, which is the same: see *S. th.* I-II q. 18 a. 2, ad 1m.

<sup>74</sup> See G. GRISEZ, “First Principles”, 195.

<sup>75</sup> See, for example, AQUINAS, *In Librum Boetti de Trinitate Expositio*. Proemium, q. 1, a. 3, ad 4m. Knowledge is presupposed, but in this case the subject who knows is our Maker.

<sup>76</sup> Steven Jensen’s book, *Knowing the Natural Law*, is a *tour de force* in demonstration of this very point. See, especially, 227.

understanding of realistic ethics: in realistic ethics, what is loved is concrete, real beings and mostly persons.<sup>77</sup> Because this point is important, let us cite here a clear statement by Grisez:

Abstract as it may seem to call love a disposition toward a fulfilling good, we do use the word this way: People 'love' steak and they 'love' truth. Even more often we speak of loving people, ourselves and others. But the two things, loving something and loving somebody, are not separate; they are different aspects of the same thing. Thus to be disposed to a fulfilling good is to be disposed to the person fulfilled by that good. St. Thomas distinguishes between these two aspects of love, calling the disposition to that which is good 'love of concupiscence' and the disposition to the person 'love of friendship.' This terminology misleads if it is mistaken to mean two different kinds of love –for example, selfish love and love which is altruistic.<sup>78</sup>

In the same line, those persons whom we should love above all, especially God, appear as blurred in Grisez's conception, because He, God, *qua* good, is seen with this weak "practical" intellect. It is not God, really, but a "human good," a "favorable relationship with unseen Power."<sup>79</sup> Along the same line, like Utilitarianism and Pragmatism, Grisez cannot explain why we should desire human goods for other persons, because, how would we even know what and who other persons are without the use of theoretical reason?<sup>80</sup> And, if we can use theoretical reason both to determine what and who other persons are and to draw the moral consequences, why can we not grasp in general also with theoretical reason the goods which are *convenientes* for us as agents?

<sup>77</sup> See R. HITTINGER, *Critique of the New Natural Law Theory*, 28-29, 53-54. See *Nicomachean Ethics* VIII 1, 1157b27-31, on the love of persons and on the distinction between the love of friendship and the love of concupiscence; also, *Summa Contra Gentiles* I, chapter 91 and *Summa Theologiae* I q. 82, a. 3, on the love of real goods. Abstract things such as mathematics or a theorem may be loved but hardly with the love of friendship.

<sup>78</sup> G. GRISEZ, *Christian Moral Principles*, ch. 24, A, n. 5, 575. In *A Critique of the New Natural Law Theory*, 29, Hittinger brings a text by Finnis in which Kant's respect for humanity is translated as respect for the basic goods. See *Fundamentals of Ethics* (Washington: Georgetown University Press, 1980), 228 f.

<sup>79</sup> See G. GRISEZ, *Christian Moral Principles*, chapter 7, Appendix 1.

<sup>80</sup> See R. HITTINGER, *A Critique of the New Natural Law Theory*, 42, 55-56, 59.

Here we return to the way in which Grisez conceives choice because it is a very central corollary of his metaphysical conceptions and it has important consequences for the consideration of the perverted faculty argument. Indeed, according to Grisez, one can only choose between multiple final ends, ideals, and only from such goods can the moral rule of action emerge, when considered together with some principles of practical reason. This implies that if a good which produced intrinsic order in a particular human act is not an ultimate end, an ideal, from which the order of the whole life emanates, then such order would not be a moral order and its rules would not be moral rules. This is so especially if such intrinsic order of a particular human act is a *natural order*, because the moral order cannot be derived from a mere empirical-biological teleology.<sup>81</sup> The moral order must rather be derived from the basic goods being ideal goods which man must promote. It definitely cannot be derived from a humble concrete and intrinsic end of a human operation connected to our biological dimension.<sup>82</sup>

## V. Conclusion

Now we can solve the knot formed by the able and sharp defense of the traditional understanding of natural Law and of the perverted faculty argument by Edward Feser, on the one hand, and, on the other, Germain Grisez's reply to similar reasonings, which, to my knowledge, had not been properly answered to this day. Feser established without a doubt that there

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<sup>81</sup> See G. GRISEZ, *Fulfillment in Christ*, 45-46 and 98-100. I think that even in this regard one can find the influence of Dewey on Grisez. Indeed, in their *Ethics*, 201-211, J. Dewey and J. Tufts had declared that the teleology of inanimate objects or artifacts, even of the animal kingdom or of voluntary acts deprived of real choices in the sense we have explained above, are irrelevant in order to turn human conduct morally relevant. The "moral factor" appears only when "we have alternative ends so heterogeneous that choice has to be made" (*ibidem*, 207).

<sup>82</sup> It is possible to find in Grisez some sort of dualism, similar in a way to the Kantian one (although Grisez is no Kantian): the sensible world, object of our experience, cannot contain in itself a rule worthy of being moral. Such dignity must proceed from human attribution (see G. GRISEZ, *Beyond the New Morality*, 98-100). Of course, on this point Grisez is not coherent, because, if he were, he would not be able of being Catholic. In the classical view, man is directed to love the good as such, and so, to love any real good and to discover the real order of his self to the good and serve it. The notion of ideal, similar to Grisez's, can be found in Dewey's and Tuft's *Ethics*, 421-422 (Part 2, Chapter 19, section 4).



is a natural order. But Grisez would have replied that although the existence of such natural order is certain, moral rules do not derive from it. Now we have demonstrated that Grisez' metaphysical conception of the good and of choice contains the key to understanding such a response and why it is inadequate. If one accepts the following:

(1) the connection between the first practical principles, on the one hand, and the transcendental notion of the good and its proportion to the agent's nature, on the other;

and (2) that the human will is a power of the soul which naturally thirsts for admiring and serving the good;

and (3) that one does not understand the *good* as an ideal, but as something real and often concrete,

and (4) that the concrete good which gives order to a particular human act might be a participation on the single final end of human life and nature and therefore a source of moral rules,

then, and only then, can one fully understand how the natural order of human nature must be a source of morality. Because if, as Aquinas states in *De Malo* (q. 2, a. 4, c), "among natural things the good act is that which is adequate to the nature of the agent," the practical good must be determined by the consideration of such proportion: the adequacy of the human act to the natural order of our humanity. In sexual activity this means that the good act must keep the due order to the nature of the human sexual power, which has procreation as one of its main essential ends.

From everything we have said we can see the real reasons for which Grisez could not accept the perverted faculty argument. He is forced to reject this form of argument not so much because of the objections which he raises, objections that can be met by avoiding logicism, but because to accept it was precluded by his metaphysical and ethical system.

Indeed, the conception of the good as an ideal (and not as a concrete reality present in the concrete situation) held by Grisez for metaphysical reasons, forced him to regard as absurd even the possibility that a concrete good sought by human beings in accordance to their nature, including the biological dimension of such nature, could be a source of morality.

Our present study shows, we hope, the vital importance of really scrutinizing the metaphysical theses which one is going to spouse as the basis for an ethical theory. Because truly from them will emerge the critical at-



titude one will assume for or against the natural persuasions which guide the moral life of non-philosophers, including ourselves before we became philosophers. This is the case even if the metaphysical theses one spouses claim that there is no derivative connection between metaphysics and morality, between the theoretical intellect and the practical<sup>83</sup>.

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<sup>83</sup> Esta investigación se ha llevado a cabo en el marco del Proyecto Fondecyt 1180720.

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