

## ERRATA

Page	Line of text	
438	1	critique <b>should be</b> critique
440	30	<b>after</b> attractive <b>insert</b> that
440	39	<b>after</b> ought <b>insert</b> not
444	between 31 & 32	<b>insert the following paragraph:</b> Hittinger says (H, 164): "Finnis readily acknowledges that the speculative issues concerning nature place a question mark over the project."
447	16	critique <b>should be</b> critique
449	17	existenc. <b>should be</b> existence.
451	14	<b>after</b> individual <b>insert</b> or
453	36	31)). <b>should be</b> 31).
454	34	heart's <b>should be</b> hearts
456	10	good or <b>should be</b> good of
456	26	But just, as <b>should be</b> But just as
463	31	model <b>should be</b> modal
464	25	<b>after</b> moral theology <b>insert</b> ,
465	36	St. Mary's College <b>should be</b> Mount Saint Mary 's College

**Note: Author never received page proofs.**

## DISCUSSION ARTICLE:

### A Critique of Russell Hittinger's Book, *A Critique of the New Natural Law Theory*

by *Germain Grisez*

In this book,<sup>1</sup> Russell Hittinger offers an analysis and critique of what he calls "the new natural law theory" or the "Grisez-Finnis system." He claims both that this theory or system is internally incoherent and that it is inadequate, particularly in its treatment of religion. Hittinger thinks the system is flawed because it does not take due account of philosophical anthropology and metaphysics.

#### I. Methodology

I do not use "methodology" here in any recondite sense; I simply mean one's way of carrying out a project. To evaluate Hittinger's critique, one must be aware of his methodology. The best way to do this is by considering some examples of it. Of many possible examples of Hittinger's methodology, I give only a few.

Early in chapter one, Hittinger outlines what he calls "system criteria" (H, 11-14).<sup>2</sup> He says (H, 11) that I use these criteria in my critique of the adequacy or coherence of other systems and that they set the standard I wish to meet myself. He claims that they can be found in chapter one of my book, *The Way of the Lord Jesus*, vol. 1, *Christian Moral Principles*.<sup>2</sup>

Hittinger provides four footnote references to support his discussion; two are to passages in chapters four and seven of *CMP* while the other two are to passages in *Contraception and the Natural Law*.<sup>3</sup> In fact, the four criteria which Hittinger discusses

<sup>1</sup> *A Critique of the New Natural Law Theory*, Notre Dame, IN., 1987; referred to hereafter within parentheses as H, with a page reference.

<sup>2</sup> Franciscan Herald Press (Chicago, IL., 1983); referred to hereafter as *CMP*.

<sup>3</sup> Bruce, (Milwaukee, WI., 1964); referred to hereafter as *CNL*.

do not appear in chapter one of *CMP*, although I there (p. 18) list several conditions for "an adequate treatise in Christian moral principles" and in chapter four (106-107) list several *other* conditions for "a more adequate theory of moral principles." But the four criteria Hittinger sets out correspond to neither of these lists.

Hittinger says (H, 22): "It is interesting that Grisez finds proportionalism superior to scholastic natural law theory, at least to the extent that it takes into account the 'important truth' that ethics must be rooted in choices which bring about 'human fulfillment' (reference to *CMP*, 166, fn. 16)." And Hittinger repeats this point: (H, 25): "As we said, Grisez is sympathetic to the effort of consequentialism or proportionalism to stress the relationship between practical reason and its role in bringing about outcomes which are fulfilling to human beings."

However, the important truth enunciated in the sentence to which my fn. 16 is attached is, not that ethics must be rooted in choices which bring about human fulfillment, but that "moral fulfillment is part of total human fulfillment" (*CMP*, 145). I maintain (*CMP*, 154) that proportionalism misconstrues the nature of morality precisely by focusing on what choices *bring about*: it reduces morality "to effectiveness in bringing about benefit and preventing harm."

Hittinger says (H, 24): "In response to Richard McCormick's contention that any hierarchy requires 'some kind of commensuration,' Grisez agrees; but he goes on to state that 'commensuration does occur once one adopts a hierarchy,' *yet only* 'in the choice.'"

But, in fact, McCormick does not contend that any hierarchy requires some kind of commensuration; rather, he says that the commensuration proportionalism needs can be achieved by adopting a hierarchy.<sup>4</sup> The remark which Hittinger quotes responds to that statement; my point is that commensuration achieved *by adopting a hierarchy* occurs in the choice. Hittinger supplies and emphasizes "yet only," but I do not say that a hierarchy of values can be established only by choice.

<sup>4</sup> See Richard A. McCormick, S.J., "A Commentary on the Commentaries," in *Doing Evil to Achieve Good*, ed. Richard A. McCormick, S.J., and Paul Ramsey (Chicago, 1978), 227.

Hittinger says (H, 27): "In the chapter of *Christian Moral Principles* entitled 'Some Mistaken Theories of Moral Principles' (wherein Augustine is included among the mistaken theorists), his remarks on Kant are consigned to an appendix."

But Augustine is not treated in that chapter. In the following chapter, Augustine's position on a different matter—the human good as a whole—is treated and criticized as inadequate, not as mistaken (CMP, 127-28).

Hittinger says (H, 52): "Under a premoral description, goodness is defined as a 'realization of potentialities.'"

But I do not *define* goodness by that phrase, for I also say (CMP, 118): "not every fulfillment of potentialities is good." And (CMP, 185, emphasis added): "In general, goodness is in fullness of being—that is, in realization of potentialities *by which one is open to further and fuller* realization of potentialities."

Hittinger says (H, 59): "It is significant that neither the virtues nor the moral attitudes are included among the list of basic goods."

However, I explain that people are good without qualification only if they are morally good, and say (CMP, 129): "It follows that moral uprightness is an essential part of human fulfillment. It leads to harmony on all levels"; and (CMP, 193): ". . . one who understands the virtues sees the essential point of being morally good, since good action of itself makes one virtuous, and being virtuous signifies fulfillment of the person with respect to the existential goods."

Dealing with my treatment of contraception, Hittinger asks (H, 62): "How do we recognize that procreation is as irreducible a good as justice and fellowship, not to mention practical reason itself? What makes procreativity so attractive it is a good that can never be submerged?"

But I nowhere say that practical reason is a good, and the good to which contraception is opposed is not procreativity, but its fulfillment, namely, the "good of the child, the very beginning of his life" (CNL, 103). Moreover, I nowhere claim that any basic human good is "so attractive that it is a good that can never be submerged." Rather, I hold that the basic human goods provide fundamental reasons for acting, and that whether or not their instantiation is attractive to people, they *ought* to act

against these reasons, although morally wrong choices can and do violate them.

Hittinger says (H, 73): "Grisez holds that in the act of choice the 'self is a unifying principle,' but he hastens to add that the 'various aspects of the person are unified by the self but not identified with it' (reference to *BNT*,<sup>5</sup> 351.)"

But I nowhere say that the self is a unifying principle *in the act of choice*. The sentence from which Hittinger quotes fragments is not concerned with the act of choice. He overlooked an explicit statement on the following page, which distinguishes the self (which is the principle of the unity of the person) from the existential agent who makes choices (*BNT*, 352): ". . . the self which is the principle of the unity of a human person is not identical with the knowing subject, the existential agent, or the culture-maker. All of these are included in the self; they are aspects of it."

Hittinger goes on (73): "If we press the issue by asking how it is possible to envision four irreducible aspects of the person—one of which is the existential order of choice itself—which are not identified with the self that unifies them in the existential act of choice, Grisez appeals to the 'mysterious' nature of it all":

The unity of the person is mysterious and must remain so. This unity is immediately given in human experience, and it cannot be explained discursively, since reason cannot synthesize the distinct orders in a higher positive intelligibility. . . . Thus I conclude that the complex unity of the human person is a fact for which one ought not to expect an explanation [reference to *BNT*, 352].

"This passage represents the upshot of Grisez's position."

The three sentences Hittinger quotes are in my book, but not all are on page 352. The first two are on page 349; the dots replace more than three pages of text. Thus, the three sentences Hittinger quotes hardly constitute a passage which represents anything.

Hittinger says (H, 74): "In his debate with proportionalists such as Richard McCormick, Grisez concedes that 'there are several senses in which goods form a hierarchy' [reference to *CMP*, 156]. In the first place, there is a hierarchy of values insofar as

<sup>5</sup> *BNT* refers here and hereafter to my book, *Beyond the New Theism: A Philosophy of Religion* (Notre Dame, IN, 1975).

the basic goods are to be preferred (strictly interpreted, they must be preferred) to the merely instrumental goods."

But Hittinger omits the priority of intelligible to sensible goods which I actually put in the first place in the passage he cites: "There certainly is a hierarchy of values in one sense: Sentient satisfactions as such are not adequate human goods. They are valuable only insofar as they contribute to some aspect of intelligible human fulfillment."

Hittinger says (75): "Grisez argues that there is no objective hierarchy among the basic goods because each is 'essential.' When it comes to making choices, 'there is no objective standard by which one can say that any of the human goods immanent in a particular intelligible possibility is definitely a greater good than another' [reference to *CMP*, 156]. Their irreducibility militates against finding a standard by which to commensurate. In *Beyond the New Morality*,<sup>6</sup> to illustrate his point he gives the example of a person who, on Sunday morning, must face the choice of whether to go to church, play golf, or read the papers."

But I do not argue in *CMP* that there is *no* objective hierarchy among the basic human goods. Rather, I say that there are *two* (entirely different) senses in which there is not a hierarchy (*CMP*, 156): "However, there are two senses in which there is not a hierarchy among the basic human goods. In the first place, they are all essential and closely related aspects of human fulfillment. In the second place, when it comes to making choices, there is no objective standard by which one can say that any of the human goods immanent in a particular intelligible possibility is definitely a greater good than another."

Moreover, I do not offer the example in *BNM* to illustrate any point about hierarchy of goods, but to illustrate something entirely different: the nature of immorality, as it is manifested in morally wrong choices among alternatives which in themselves are morally acceptable. Hittinger ignores the example which I do offer (*CMP*, 156), immediately after the sentence he quotes, to illustrate the *second* point I make there about a hierarchy of goods:

<sup>6</sup> Hittinger here refers to Germain Grisez and Russell Shaw, *Beyond the New Morality: The Responsibilities of Freedom* (Notre Dame, IN, 1974; 2nd ed. rev., 1980). He refers to this book without indicating which edition, and his references are sometimes to the one, sometimes to

“For example, parents who deliberate the evening before Thanksgiving whether to spend the next morning having a leisurely family breakfast or to use it to join in a special liturgy (which would mean getting up at a certain time, dressing the children, and so on) cannot reach a conclusion by comparing goods or bads to find which alternative is measurably better.” The point of this example is that *despite* the objective priority of religion, understood within the perspective of Christian faith, the goods *immanent in the particular intelligible possibilities* cannot be measured by an objective standard.

Speaking of my philosophy of God, Hittinger says (H, 101-102): “This uncaused entity *D* necessarily obtains, and causes contingent states of affairs to obtain. Thus, three things can be affirmed: it is uncaused; it obtains; and it causes contingent states of affairs to obtain [reference to *BNT*, 230]. To say anything else is either to move into scientific inquiries concerning particular states of affairs, or to tread on the thin ice of metaphor about the uncaused cause.”

However, Hittinger here temporarily overlooks three chapters of other things one can say which are neither scientific inquiries nor mere metaphor. On the very page he cites, I outline the three chapters, saying: “What I said of *D* in part two can be distinguished into three closely related points: 1) that *D* is *uncaused*, 2) that *D* *obtains*, and 3) that *D* *causes* contingent states of affairs to obtain. In chapter fifteen I consider how *D* is said to be *uncaused* and show what else can be *denied* of *D*. In chapter sixteen I consider how *D* can be said *to obtain* and show that some other metaphredicables can be *affirmed* of *D*. In chapter seventeen I consider how *D* can be said *to cause* contingent states of affairs and show that some other relational predications can be made involving *D*.” Also, I explicitly distinguish relational predication from metaphor (*BNT*, 255).

Hittinger says (105): “Grisez argues that no divine command can be anything other than a command to act in accord with the Fpm<sup>7</sup> and integral human fulfillment. What is revealed accords precisely with what we wanted all the way along.”

the other. *BNM* refers hereafter to this work; my own references unless otherwise indicated, are to the first edition.

<sup>7</sup>Here and hereafter, Fpm is an abbreviation for first principle of morality.

But I argue something quite different from what Hittinger says: that no divine command can be *contrary to* the Fpm, but that God in his revelation commands specific actions which human persons would not otherwise think of doing (*CMP*, 278-79). Moreover, I do not hold that either moral truth or the Gospel is "what we wanted all the way along."

After quoting a passage from *CMP*, 666 Hittinger moves (H, 123) to another passage over three hundred pages earlier: "When he goes on, in the same work, to say that 'there would be no genuine religious community to which any person could belong apart from God's redemptive work,' [reference to *CMP*, 349] it is exceedingly difficult to see not only how we are referring to the same value of religion, but how the value can be upheld as a good that satisfies moral requirements in *any* respect without an explicit faith in Christianity."

Hittinger takes "apart from God's redemptive work" to mean "without an explicit faith in Christianity," but these are not the same, as I begin to explain (*CMP*, 655): "Nevertheless, the Church clearly teaches that God provides every person with the opportunity for salvation [cross reference]. Such salvation comes only by the grace of Jesus; somehow those who have not heard the gospel can be united with Jesus by living faith." And the explanation goes on at length. Hittinger later mentions and sets aside (H, 133) this explanation as "a matter of theological doctrine beyond the ken of our inquiry."

Hittinger summarizes and quotes (H, 135) some fragments from my treatment of the eighth mode of responsibility, in chapter eight (*CMP*, 220 and 222). He then says (H, 135): "Here it is necessary to keep in mind the context for these remarks." To provide context, he quotes (H, 136) a paragraph from chapter twenty-four (*CMP*, 588).

But Finnis's question mark is not over the project. Finnis says that when he first introduced the good of religion, he put off treating various questions about God, and so introduced that value with a question mark.<sup>8</sup>

Hittinger says (H, 172): "For Aquinas, the human relationship

<sup>8</sup> See John Finnis, *Natural Law and Natural Rights* (Oxford and New York, 1980), 410; hereafter *NLNR*.

to goods is not open-ended, for the individual and the goods pursued have proper natural completions which are 'given.' Indeed, Aquinas argues that the first exercise of the will is not an act of freedom but a necessary inclination to beatitude (*viz.*, Good) [reference to *ST*, 1, q. 82, a. 2].

But while Aquinas does say that the will necessarily wills beatitude, and that things by which one clings to God are necessarily connected with beatitude, he also says in the place cited that "before the necessity of this link is shown to be certain by the vision of God, the will clings by necessity neither to God nor to the things of God. But the will of one who sees God's essence necessarily clings to God, just as we now necessarily will to be happy. Therefore, it is plain that the will does not will of necessity whatever it wills." And the answer to the first objection is: "The will cannot tend toward anything except under the *ratio* of the good. But because the good is manifold, it is not necessarily determined to one." This last proposition is one which Hittinger finds most objectionable in the "Grisez-Finnis system."

## II. Inconsistencies

Using the foregoing methodology, Hittinger tries to show that the Grisez-Finnis system is fundamentally flawed by inconsistencies. Some of these are incidental to the main lines of Hittinger's critique, but others are essential. I first consider some examples of the former.

Hittinger says (H, 35) that Grisez makes a "systematic distinction between the premoral and moral" and "regards the Fppr<sup>9</sup> as premoral."

But I say ("Fppr," 181) only that a mistaken interpretation of Aquinas's theory of natural law "restricts the meaning of 'good' and 'evil' in the first principle to the quality of moral actions." I hold that "good" and "evil" in the Fppr refer both to moral good and evil *and* to other intelligible goods and evils. That is

<sup>9</sup> Without quotation marks, Fppr *should be read here and hereafter as an abbreviation for* first principle of practical reason. "Fppr" will refer to my article, "The First Principle of Practical Reason: A Commentary on the *Summa Theologiae*, 1-2, Question 94, Article 2." *Natural Law Forum* 10 (1965), 168-201.

why I say the mistaken interpretation "restricts . . ." I make no systematic distinction between the "pre-moral" and "moral," but between human good and evil as a whole and their parts, one of which is moral good and evil.<sup>10</sup>

However, Hittinger goes on to take "pre-moral" and "moral" as exclusive categories, and in this way easily derives an apparent contradiction (H, 37): "Grisez's inclusive rendering of the Fppr runs into the problem of having to regard moral goodness as moral *and* pre-moral."

Hittinger notices that I say different things about religion in *CMP* than in previous, philosophical works. He says (H, 124): "Grisez has to come down one way or another, and either say that we are dealing with two intrinsically different values (one of which is available to, and incumbent upon, choice only for those who believe), or say that we are dealing with one and the same value, but that without faith one cannot act rightly with regard to the value."

In reply, I reject the first and distinguish the latter alternative. Without faith one cannot act *entirely* rightly with respect to religion: I agree. Without faith one can do *no* right religious act: I deny. Moreover, insofar as Hittinger wishes to challenge theological positions, he should attend to theological sources. If he thinks that "ordinary morality" not only is knowable but *efficacious* without faith, he should read St. Paul to the Romans.

Concerning what I say about charity, Hittinger says (H, 137): "He first states that 'charity in the Christian life is the first principle of a specifically Christian morality,' and, by motivating faith itself it is the 'fundamental option, the basic human act, of the Christian life' [reference to *CMP*, 599]. Then (on the same page) he notes that, since charity is a participation in the divine nature, 'Christian love itself is not a human act, although it is related to human acts.' Finally (and again on the same page) Grisez concludes that 'charity is a disposition toward fulfillment in divine life. As such, it is not something one is asked to do but something one is asked to remain in. Love of God is not a human

<sup>10</sup> See Germain Grisez, Joseph Boyle, and John Finnis, "Practical Principles, Moral Truth, and Ultimate Ends," *American Journal of Jurisprudence*, 32 (1987), VIII, B.

action, and is presupposed rather than directly commanded.' The statements contradict one another."

But I do not say that *charity* is the fundamental option of Christian life; rather (*CMP* 599 emphasis added): "It [charity] motivates faith itself, and *faith* is the fundamental option, the basic human act, of Christian life."

In a footnote (H, 215, fn 115), Hittinger tries to reinforce his argument: "Grisez himself describes prayer as a human act of charity in *CMP*, 600."

But I say, not that prayer is a human act of charity, but that the expression "acts of charity" often is used to refer to human acts, such as prayers: "Acts of religious devotion, such as a prayer expressing love toward God, also are called 'acts of charity' . . ."

For the first example of the internal incoherence in the Grisez-Finnis system essential to Hittinger's critique I take the problems which arise from the supposed ideality of the Fpm.

Hittinger quotes (H, 50) my formulation of the first principle of morality (*CMP*, 184): "Grisez defines the Fpm as follows: '*In voluntarily acting for human goods and avoiding what is opposed to them, one ought to choose and otherwise will those and only those possibilities whose willing is compatible with a will toward integral human fulfillment.*'" Commenting on this, Hittinger says (H, 50): "The first thing to notice about the Fpm is its ideality." He then quotes a passage which states that integral human fulfillment is an ideal, *not* that the first principle of morality, which makes reference to but is distinct from integral human fulfillment, is an ideal.

Immediately after the quotation, Hittinger goes on: "The Fpm is an ideal for at least three reasons." In his statement of the three reasons, Hittinger manages to include (H, 51) part of the reason I give for the ideal character of integral human fulfillment (under his "In the second place"). He also lays a basis for one line of his later argument—that the basic human good of religion depends on faith, although according to the "Grisez-Finnis system" it is the object of a self-evident principle of practical reason—by saying (H, 51): "In his transition from moral principles to moral theology, Grisez regards Jesus as the concrete good that annuls the ideality of the Fpm. Its ideality,

therefore, makes room for (even requires) a move into moral theology."

But since I do not hold that Fpm is an ideal, everything Hittinger builds on this confusion is groundless.

Hittinger also says (H, 51): "Given the ideality of the Fpm, how is it derived? Grisez answers very simply that 'reason does not exclude the possibility of integral human fulfillment' [reference to *CMP*, 185]".

But the quoted remark refers to integral human fulfillment, not to the first principle of morality. Besides, as a first principle, the Fpm cannot be derived, although I do offer a dialectical argument for it (*CMP*, 186-89), which begins: "Because it is basic, the first principle of morality cannot be proved directly by being deduced from prior truths. However, several considerations indirectly support this formulation." Hittinger quotes (H, 52) part of the first sentence, but not the second, and ignores the dialectical argument I offer.

Moreover, in reporting my formulation of the first principle of morality, Hittinger says (H, 50): "Grisez defines . . ."

But I do not define the principle. I introduce the formulation by saying (*CMP*, 184): "The basic principle of morality might best be formulated as follows." Before coming to that point, I carefully explain (*CMP*, 183-84) that there are various formulations of the first principle of morality, including that of the two precepts of charity, which, according to St. Thomas, "are the first and common precepts of the law of nature, which are per se known to human reason, either through nature or through faith" (*S.T.*, 1-2, q. 100, a. 3 ad 1). (This statement of Aquinas exemplifies one "incoherence" Hittinger sees in the Grisez-Finnis system.)

Another example of internal incoherence Hittinger criticizes arises from his assumption that the basic human goods are of themselves good only for individual agents.

Part of the trouble is that Hittinger thinks (H, 29) that the "Grisez-Finnis position" shifts "focus from persons to goods." Thus he asks (H, 29-30): "Does this not assume, or suggest, that goods and persons are strictly coextensive both ontologically and in terms of actions which bear upon them? Is moral agency, for instance, something more than the sum of the parts of the goods

with which practical reason is interested? In other words, is there something of value in personhood that needs to be affirmed in terms quite different from merely our concern for goods which fulfill persons.”

Hittinger could have found the answer in many places in my works, including my first book (which he often cites), concerning the relationship between the good of procreation and the person of the child (*CNL*, 78):

The good which is an object of the parent’s effort is strictly speaking only what the parent can attain—not the child in his totality as a person but rather the child only insofar as his being and perfection depend upon the action of his parents.

We easily become confused about this point because we assume that the relevant value is *what* is loved, and obviously the child as a whole is loved. However, persons are not among human goods as if they were values to be desired. Instead, they actualize and receive the human goods into personal existence. We love persons, including ourselves, when we will relevant values *to* the person, when we will that the person *have* the goods.

In an appended note (*CNL*, 104, fn. 5), I explain that the distinction I make is the one St. Thomas makes between love of concupiscence and love of friendship; the goods are loved with the former and persons are loved with the latter, and both are involved in every act of love.

But, overlooking my account of the relationship between persons and goods, Hittinger asks (*H*, 53): “Is the emphasis or focus of morality given to the goods, or to my own fulfillment?” In answer he says: “Grisez often speaks in a way that appears to give emphasis to one or the other. Thus, on the one hand he says, ‘moral goodness is characteristic of choices in which one avoids unnecessary human self-limitation’; on the other hand we can find him saying that ‘right choice is in accord with open-hearted love of all the basic human goods’ [reference to *CMP*, 185; “RRM,”<sup>11</sup> 28.] The first statement underscores moral respect for the good as a *bonum mihi*, while the latter suggests not only that

<sup>11</sup> “RRM” is an abbreviation for: John Finnis and Germain Grisez, “The Basic Principles of Natural Law: A Reply to Ralph McInerney,” *American Journal of Jurisprudence* 26 (1981), 21-31.

what is good for me is good for others, but that I am morally obligated to respect and promote it among others."

The trouble is that Hittinger reads "self-limitation" in an individualistic sense which the text excludes. For within a dozen lines before the sentence Hittinger quotes I say (*CMP*, 185): "The ideal of integral human fulfillment is that of a single system in which all the goods of human persons would contribute to the fulfillment of the whole community of persons." And within a dozens lines after (and in a paragraph from which Hittinger quotes other bits, *CMP*, 186): "Integral human fulfillment is not individualistic satisfaction of desires; it is the realization of all the human goods in the whole human community." Or, as I later put the point (*CMP*, 576): "Understandable goods do not have anyone's proper name attached to them."

Moreover, Hittinger ignores many places in my earlier philosophical works where I explicitly reject the position he reads into "moral goodness is characteristic of choices in which one avoids unnecessary human self-limitation." For example, distinguishing morally wrong from right ways of pursuing goods, I say: "In one way, I pursue the good, or something subordinate to it or an abstracted aspect of it, inasmuch as it is *such* a good, *this* good, *here-and-now* good, *for-me* good. In the other way, I seek that which is a particular good of a certain sort, that happens to be good for me here and now, precisely and only insofar as it is *good*. In the former case, my affection for the limited good sets up a barrier to my transcending it; I am engaged without being detached, like the fly on the flypaper. In the latter case, my affection for the limited good precisely arises from my love of the Good Itself of which this good appears to me as a participation."<sup>12</sup>

Hittinger says (*H*, 55): ". . . since all the goods are defined as actions which are attractive to the agent, there is still a distinction missing that would allow us to speak of 'respect' for some thing more than ourselves."

But I nowhere define the goods as *actions* (attractive to the agent or otherwise); one acts for the goods, and by doing so both shares in them oneself and helps others to share in them, but

<sup>12</sup> "Methods of Ethical Inquiry," *Proceedings of the American Catholic Philosophical Association*, 41 (1967), 160-68 at 165. Hittinger (*H*, 210, fn. 111) refers to page 168 of this article.

actions and goods are not identical. Moreover, the subjectivist connotation of "attractive to the agent" is without foundation in the account I offer of the basic goods. Rather, they are principles by which anything is rationally attractive.

Later Hittinger notes (H, 86) that I deny (he quotes from *CMP*, 270) that the common good, considered as a principle of the moral rectitude of social action, refers as a principle to some good in addition to the basic human goods. He says (H, 87) that this "seems to limit the motivational life of practical reason merely to a concern, or respect, for modes of one's own well-being and fulfillment."

But on the page after the one from which Hittinger quotes I say (*CMP*, 271): "In general, the basic human goods are not good precisely insofar as they are realized in this or that individual group; they are good because they are humanly fulfilling. There is a constant danger that my or our experience of sharing in a good will become an empirical objective whose emotional appeal will override reasonable judgments about the pursuit of that which is good—for example, peace and justice. The appeal to the common good in part attempts to forestall this danger."<sup>13</sup>

Another example of the internal incoherence Hittinger thinks he finds in the Grisez-Finnis system arises from his confusion of given, natural tendencies (or inclinations) with the basic human goods.

Hittinger says (H, 40): "Throughout his writings, Grisez has employed more than one term for the 'goods.' They are variously called: 'possibilities'; 'purposes'; 'values'; 'sources of motivation'; 'basic human needs'; 'tendencies'; 'basic inclinations'; and 'ideals.' Not infrequently, they are called 'primary practical principles' [note omitted]. The terms are more or less equivalent, depending upon whether Grisez is emphasizing practical reason's grasp of the possibilities inherent in an inclination or emphasizing the way that the Fppr is directive of this grasp. Faced with this hodgepodge of terms . . ."

But while some of these expressions are used with the same reference, "tendencies" and "basic inclinations" are never used to refer to the goods (see *CNL*, 64-70, to which Hittinger makes

<sup>13</sup> Cf. Finnis, *NLNR*, 155, on the basic human goods as the common good for human beings.

several references, in the context of 63). "Tendencies" and "basic inclinations" refer not to the goods, but to appetites which point to the goods. The goods are ends, not appetites.

Hittinger's confusion about this elementary distinction underlies much of his criticism of the theory throughout the remainder of the book. For example, commenting on various treatments of knowledge of the basic goods, and noticing that I both affirm that they are self-evident as practical principles and subject to empirical inquiry insofar as tendencies or inclinations toward them are included in human nature, Hittinger says (H, 44): "Given the self-evident, and purportedly universal, nature of these goods, it is not explained why we should have to consult anthropological surveys to be reminded of them." Therefore, Hittinger thinks he has shown inconsistency (H, 165): "The foundation of the system is flawed, and this is manifest in the fact that Grisez himself cannot remain consistently within the intuitional approach that undergirds the Fppr, the *prima principia*, and the Fpm."

However, my treatments of the tendencies or inclinations are dialectical considerations which do not try to establish but to explain and indirectly defend the several self-evident first principles. These dialectical considerations belong to theoretical reflection, not to practical insight itself, and I explicitly distinguish the two (CNL, 64). In general, I treat two distinct questions *about* practical knowledge of the basic goods: One is concerned with identifying the basic goods (CNL, 64; CMP, 121-25, 195), while the other is concerned with the way in which the practical principles become known in the first place (CNL, 64-65; CMP, 195-96). Both of these inquiries presuppose the practical knowledge of the goods, which are prescribed by self-evident principles of practical reasoning. There is no inconsistency.

When he encounters passages which tend to falsify his interpretation, Hittinger takes them as additional evidence of inconsistency.

For instance, Hittinger says (H, 144-45): "A careful reading of *Christian Moral Principles* indicates that Grisez *sometimes* suggests a transcendent pole for some of the values and, along with that, a respect or concern for values which go beyond a mere interest in self-fulfillment. For instance, he contends that 'no one can live with two ultimate orientations' [reference to CMP, 814]. Here, despite having argued to the opposite effect against

scholastic moral theory, he criticizes the proponents of 'liberalized' Christianity who 'generally ignore heaven' [reference to *ibid.*, also 765, 810].

In all my work, basic human goods go beyond mere interest in self-fulfillment. "No one can live with two ultimate orientations" states the impossibility of ultimately directing the whole of one's life to this world and to heaven. That impossibility is compatible with the possibility—for which I argue against St. Thomas—of simultaneously making a particular choice or choices in view of two nonordered ultimate ends.

Hittinger goes on (H, 145): "Furthermore, despite his argument, which we considered in the previous chapter, that the concept of the common good adds nothing to moral principles, Grisez now states: 'Plainly, the whole universe is the greatest good, because it is the fullest created expression of God's goodness. Human fulfillment is only a part of this whole and, as such, not ultimate . . . . We are called to live for God's glory, not merely for our own happiness' [reference to *CMP*, 460]."

However, the first two sentences Hittinger quotes here are not concerned with the good to which human action is directed, but are part of the explanation of *God's purpose* in creating. And the third reflects my view that all the basic human goods constitute the common good just insofar as they transcend individuals and provide reasons for acting for the fulfillment of others as well as of oneself.

Hittinger goes on (H, 145): "While we had quoted him earlier to say that human beings cannot be ordered as a part to a whole, he is willing to say in this theological context that the concept of the body of Christ is important for Christian moral behavior, because 'the welfare and fulfillment of every part of the body is bound up with the welfare of the whole' [reference to *CMP*, 562]. The notion of a hierarchy prior to, and pertinent to, choice is introduced, along with a different emphasis on the levels of motives. Hittinger adds (H, 216) in the fn.: "Yet elsewhere he says that persons 'cannot be ordered to a good as any part to a whole' ("Ac,"<sup>14</sup> 31)). Thus in *CMP* Grisez has reversed, and perhaps contradicted, himself on the question of the common good."

<sup>14</sup>Here are hereafter, "Ac" is an abbreviation for "Against Consequentialism," *American Journal of Jurisprudence*, 23 (1978), 21-72.

Hittinger overlooks the fact that in "Ac" I am arguing against Aristotle's doctrine of the end, which subordinates some individuals ("natural slaves") entirely to the fulfillment of others. The sentences from which he quotes one phrase are: "If persons are ends in themselves, they cannot be ordered to a good as any part to a whole or any means to an end. Aristotle either subordinates the lives of the many to the actualization of a few, or he admits the intrinsic value of lives other than the contemplative." And there is no contradiction, because in the body of Christ, created persons are *ends in themselves* and are not simply ordered to the fulfillment of that body as parts to the whole but as persons in communion with the divine persons and with one another. Finally, that there are hierarchies prior to choice is not first affirmed in *CMP*, and the sorts of hierarchies previously denied are not finally introduced there.

Hittinger goes on (H, 145-46): "Moreover, in *Christian Moral Principles*, one finds Grisez in some passages suggesting that moral growth in the Christian life (i.e., holiness) requires one to break out of the ordinary motivation with regard to immanent goods. For example, he writes: 'As St. John of the Cross explains, the good shared by God and the soul is common to both. Moreover, one who adheres to God with living faith is not seeking eternal life with God for the sake of something—a merely human good—other and less than God, but for the sake of the divine goodness by which one hopes to be fulfilled with God' [reference to *CMP*, 585]. Although the quest or 'hope' of self-fulfillment is still prominent in this passage, and although the context is strictly theological, there is a strong implication that the motive is not operating solely within the ambit of self-fulfillment."

Hittinger once again mistakenly assumes that the motivation of practical reason toward basic human goods operates "solely within the ambit of self-fulfillment." He also reduces holiness to moral growth, and overlooks the sentence next after the one he quotes (*CMP*, 585): "By God's love poured forth in our heart's through the Holy Spirit who is given to us, we are disposed to love supernaturally and spontaneously the superhuman good, namely, divine goodness (see *S.T.*, 1-2, q. 62, a. 1; q. 109, a. 3)." And Hittinger is mistaken in thinking this passage unusual, since I consistently maintain that charity is not a human act and that its proper object is not a human good.

Hittinger goes on (H, 146): "A 'personal loyalty' to God, he argues, is an 'aspect of the moral motivation of Christian life [that] is essential to its growth toward perfection' [reference to *CMP*, 577]. Here he reinforces his point by citing the passage from St. Paul: 'But whatever gain I had, I counted it as loss for the sake of Christ' (Phil. 3:7)."

Hittinger's reference here is mistaken; the fragments are taken from *CMP*, 557, where they are part of the answer to the question, "What does it mean to follow the way of the Lord Jesus?" Personal loyalty, here not to God but to Jesus as man, is needed because in living our Christian lives "we effectively cooperate with Jesus by completing in our own lives the commitment we share with him: to do the will of our heavenly Father."

Hittinger concludes (H, 146): "These comments, of course, imply a more complex understanding of values and motivation. The fact that they are few and far between in his writings does not mean that they should not be taken seriously. Indeed, as Grisez completes the subsequent volumes in his *summa* of moral theology, it will be interesting to see whether the transcendent pole of values, and the corresponding difference it makes for motivation, is given more weight. At this point, we have to conclude that Grisez's remarks about the transcendent pole either contradict what he says elsewhere or, more seriously, are out of step with the main thrust of his systematic understanding of practical reason, moral principles, and the relation between values and motivation.

But all the "inconsistencies" arise from Hittinger's misinterpretations.

### III. An Inadequate and Incoherent Treatment of Religion

Hittinger pays special attention to my treatment of religion; he thinks (H, 98-99, 191-92) its inadequacy makes clear the underlying incoherence of the "Grisez-Finnis system." Near the end of his second chapter, Hittinger says (H, 89-90) that before moving on to his treatment of religion, faith, and practical reason, "it would be helpful to outline briefly certain questions regarding the relationship between religion and the Grisez-Finnis natural law system." I accept these questions, as Hittinger formulates them, as a framework in which to begin my critique of this aspect of his work.

Hittinger begins (H, 90): "First, if religion is counted among the self-evident, basic goods, and is thereby a primary principle of practical reason, then it would seem that all persons are obligated to protect and promote the good of religion. Remember, Grisez does not speak of religion as a right, but as a basic form or human well-being. How is such a moral theory able to handle not only the objections of an atheist, but the inevitable, if not intractable, differences between religious traditions on what constitutes the content of the basic good? At the very least, it will be necessary to distinguish between the good or religion and *a* religion, as well as to offer criteria for assessing whether the latter satisfies the nature of the general good of religion."

Hittinger simply assumes here that ethical theory and/or moral theology must deal with all the theoretical and practical questions relevant to the religious quest. But nothing in my account of the principles of practical reasoning and morality suggests that these, by themselves, are sufficient to guide action to authentic fulfillment. Health, for example, is an element of one of the categories of basic good, but my theory does not pretend to answer all the questions dealt with by the biomedical sciences and arts. Similarly, the providing of criteria for assessing whether the practice of a particular religion really will fulfill human persons as individuals and as a community is the task, not primarily of ethical theory and/or moral theology, but of other parts of philosophy and theology, including philosophical anthropology, metaphysics, apologetics, and so on. But just, as the self-evident truth that health is a good to be protected and promoted by human action is presupposed by all the biomedical sciences and arts, so the self-evident truth that harmony with the more-than-human source or sources of reality, meaning, and value is a good to be protected and promoted by human action is presupposed by all forms of thinking and other action relevant to the religious quest.

Hittinger goes on (H, 90): "Second, if there is no objective hierarchy among the basic goods (which include religion), what are we to make of religion serving as an architectonic for one's life? If it is not ultimate, then what is it? Moreover, inasmuch as individual life plans are determined by different religions, how are we to deal with what appears to be an incommensurability between different religious life plans? Does each one (that of a

Muslim and that of a Unitarian) share equally in the same general form of religion? This poses a problem of how Grisez can undertake a consistent transition from his ethical principles to the moral theology of a specific religious tradition."

The problem of transition is solved very easily: in moral theology I assume the truth of the Catholic faith. Making this assumption, my work neither on ethical principles nor on moral theology deals with the many interesting and relevant questions which pertain to other fields. There is no inconsistency here. Hittinger's prior questions in this paragraph involve the same assumption as in the previous paragraph.

Hittinger goes on (H, 90): "Third, Grisez defines the good of religion as a harmony between choice and the will of God. He also contends that it is not self-evident that the will of God must be obeyed. Does this not suggest that the self-evident basic good of religion depends upon an act of faith that is not accounted for in his description of the goods?"

The answer is: No. For one can know some normative truths which are not self-evident independently of an act of faith. I point out (*CMP*, 115) that the moral obligation to obey divine commands is not self-evident in explaining why this obligation is not the *first* principle of morality. But there is another category, which Hittinger overlooks, besides self-evident moral principles and moral norms which presuppose faith: the category of moral norms derived from self-evident moral principles. I hold that the obligation to obey God's commands follows from moral principles (*CMP*, 278-79). An individual who does not already have faith, if confronted with a recognizable divine command, can (and should) judge on the basis of moral principles that the command ought to be obeyed.

Moreover, Hittinger generates inconsistencies by treating (H, 106-118) my various descriptions of the basic good of religion as if they were so many attempts to provide a theoretical definition of it. He ignores warnings, such as (*BNM*, 64-65): "The friendly reader is asked to be sympathetic and to understand that the labels we will use are attempts at identification rather than precise definition." He overlooks explanations that the basic goods are not fully determinate conceptually, but unfold dialectically as human individuals and humankind as a whole pursue them (*BNM*, 73-74; *CMP*, 182).

And so, when Hittinger deals with what I say about the basic good of religion in *CMP*, he treats the formula as a theoretical definition superseding what I said about religion in my philosophical works: (H, 115): "Moving to the first volume of his theological *summa*, *Christian Moral Principles* (1983), the good [of religion] is defined as 'religion or holiness, which is harmony with God, found in the agreement of human individual and communal free choices with God's will.'"

This theological description of the good of religion naturally is enriched by faith. But it does not follow, as Hittinger supposes, that I must either deny access to religion for those who lack faith or suppose that there are two different basic goods of religion. For I point out with respect to the principles corresponding to the reflexive goods (*CMP*, 196): "The various levels of existential harmony are understood as good on the basis of human tendencies no less fundamental than the urges to survive, to play, and to understand. For everyone wants peace of mind, friends, and a favorable relationship with unseen Power. But differences in experience and in theoretical beliefs make a great difference in how people conceive these goods in specific detail."

Hittinger goes on (H, 90-91): "Fourth, Grisez contends that it is only possible for one to love all of the goods properly if one considers them to be participations in a divine goodness. If this insight depends upon an act of faith, it would seem that no one can fulfill the modes of responsibility without the data of a revealed religion. Would not this lead to a kind of hyper-Augustinianism that Grisez himself rejects?"

This question must be put into context. A few pages previously, Hittinger discusses portions of two different statements of my argument that the account of the first principle of morality I propose is in harmony with a religious view. I argue that the human will can and should be open, beyond the basic human goods, to a good in which they participate. Of this, Hittinger says (H, 88-89): "He is quite clear that this only acquires content, and thus becomes a determinate objective, in the light of faith. His point is that there is nothing in his system that is an obstacle to making such a move. In fact, he states that '*it is only possible for man to love all of the goods properly if he considers each of them a participant in perfect goodness*' [reference to *CNL* 71,

emphasis Hittinger's]. We shall explore the meaning of this remark in more detail in the next chapter. Taken at face value, his statement suggests not only that his system is not an obstacle to making an act of faith, but that such an act is necessary in order to achieve, in the order of motivation, all of the requirements of his system."

But the sentence Hittinger quotes and emphasizes is part of a sketch of a philosophical account of the end of man and its relationship to morality. The remainder of that paragraph and the following two complete this philosophical sketch. Then follow (*CNL*, 72) two paragraphs providing a complementary theological sketch. To mark the transition, they begin: "Thus far philosophy. If the teaching of the Christian faith be considered . . ." Thus, contrary to what Hittinger says, the quoted statement in no way suggests that faith is necessary to meet the motivational requirements of the ethical system.

Hittinger goes on (*H*, 91): "Fifth, if each of the human goods can be regarded as participations in a divine goodness, and if this can be established by reason, then are we to conclude that an ultimate transcendent good is proportionate in some minimal way to human nature? If so, then it is unclear why Grisez rules out the Augustinian 'restless heart' position and Aquinas's argument that God is man's final end by nature, for Aquinas's position explicitly involves a doctrine of participation that enables him to bring metaphysics or natural theology to bear upon practical rationality. If not, then it is unclear why a belief in a metaphysics of participation alluded to by Grisez has any significance for ethics; for a good that is in no way proportionate to man could not be a matter of moral judgment and choice."

The answer is that the ultimate transcendent good is proportionate to human nature insofar as human nature includes an indefinite potentiality for fulfillment in human goods as participations in goodness itself. I rule out Augustine's restless heart and Aquinas's argument that God is man's final end by nature because these seem to me to imply what I believe to be impossible: proportionality between human nature and fulfillment in divine goodness, not in its participations, but *in itself*. Hittinger might ask: How can human persons ever be fulfilled by divine goodness in itself if there is no proportionality between human nature and

that fulfillment? The answer: Human persons can be fulfilled by divine goodness in itself insofar as they share in divine nature.

Hittinger elsewhere shows that he is aware of my answer to this question, for he says (H, 17): "Grisez holds that Aristotle and Augustine 'pointed St. Thomas in the direction of an overly definite conception of the natural end of human persons' [reference to *CMP*, 26 (which should be 38), fn. 29]. This likewise reinforced a popular piety which not only demoted the value of this-worldly goods but also confused nature and supernature [reference to *ibid.*, 17]"<sup>15</sup>

Hittinger goes on (H, 91): "Sixth, the Fpm obligates the moral agent to remain continually 'open to' an integral human fulfillment. What are the systematic implications of annulling the ideality of the Fpm by an act of faith?" And he adds further considerations.

But presupposed by everything under this sixth question is Hittinger's mistaken idea that the first principle of morality is a mere ideal, whose "ideality" must be "annulled."

Coming to the end of his question, Hittinger asks (H, 91-92): "Seventh, to the extent that Grisez's system includes both a respect for goods and a eudaimonistic quest for self-fulfillment, is there any provision in the system to prevent the value of one's relationship to God from being reduced to a mere 'good for me'?" Again, he adds further considerations.

But presupposed by everything under this seventh question is Hittinger's mistaken idea that in themselves the basic human goods are goods only for the individual moral agent.

Hittinger also thinks (H, 105) there is a "problem of how religion can be included among the *prima principia* of practical reason," partly because he thinks that "Grisez holds that God

<sup>15</sup> In *CMP*, 38, fn. 29, to which Hittinger refers, I mention my article, "Man, the Natural End of," *New Catholic Encyclopedia*, 9:134-37, which Hittinger ignores. Had he dealt with it, he would have had to contend with my real theory of the natural end. I do not deny that human persons have an end set for them by nature prior to any choice of theirs, as Hittinger supposes (see H, 85-86). Rather, I say (*loc. cit.*, 137): "From a psychological point of view, what each man seeks as a concrete last end is determined by himself; but from an ethical point of view, what last end every man should seek is predetermined by the nature of man and by his inescapable place in reality."

can only be conjectured as personal, or as a moral being, but cannot be *known*, without an act of faith in revelation [reference to *CMP*, 477f]”.

Here, Hittinger reads too much into the passage he cites, for he is misled by his interpretation (H, 101-105) of my work on philosophy of religion, *BNT*. He misreads that whole book as if I meant to exclude approaches to God necessary for the religious life of those who do not (yet) have faith. But I say (*BNT*, 90): “Arguments quite different from the one I propose also yield definite descriptions of something which I would call ‘God’ without qualification. For example, many philosophers and theologians reject a straightforward cosmological argument in favor of a moral argument for the existence of God.”

Moreover, in that same book (*BNT*, 85-87), I sketch out the way of reasoning to God characteristic of believers, show that the general pattern of such reasoning is the same as that of the cosmological argument I propose, and point out that any specific way of reasoning to God following this pattern reaches a reality of religious significance. But Hittinger overlooks this explanation.

In *CMP*, I begin to describe the way of reasoning to God by saying (*CMP*, 65): “The general form of the reasoning by which one comes to know God from experience is simple enough. In many ways humankind experiences the world as incomplete, as in need, as somehow unsatisfying to the human mind and heart.” The explanation goes on for a half-dozen more sentences and then concludes: “Virtually every human group seeks ways to live without tension and in harmony with this quasi-personal Other. The ways diverse people find and use constitute their religions. Thus, religion of some sort is almost a universal phenomenon.”

Hittinger quotes parts of this passage (H, 115-16) but says (H, 116): “These remarks concerning the experiential soil of reasoning about God appear at first glance to move well beyond the argument given in *Beyond the New Theism*. If they are read carefully, however, it is clear that Grisez is not attempting to demonstrate the existence of God, but is rather speaking in general of experiences which prompt interest in the good of religion. This can prove confusing, because he mixes together the conclusion of his philosophical argument (that a transcendent Other exists) and general psychological (religion is attractive) and anthro-

pological (everyone does it) observations of the sort we have encountered in his previous works."

The fact, however, is that while I do not try here to provide a complete demonstration of God's existence, I am not "speaking in general about experiences which prompt interest in the good of religion," but sketching out the *via* by which God can be known with certainty by the natural light of reason. Hittinger overlooks the immediately prior paragraph, which makes clear what I am doing. That paragraph quotes St. Paul and Vatican I on the knowability of God by reason, and provides the context for my explanation, which begins: "The general form of the reasoning [of which Vatican I speaks] by which one comes to know God from experience is simple enough."

Hittinger also thinks (H, 105) that the status of religion as a basic human good is problematic because of what I say about certain moral norms bearing on God. Of these, Hittinger says (H, 105): "Among these latter ones, Grisez explicitly mentions the principles that 'God should be loved above all else,' and that 'God should be obeyed before all else.' [reference to "Fppr," 172]. These, however, cannot be among the primary principles of the natural law—not, at least, as Grisez interprets it, because they are not self-evident; indeed, as he says, they rely upon faith."

But the passage to which Hittinger refers here is part of a commentary on Aquinas. I mention the two precepts and say: "Man can be ignorant of these precepts because God does not fall within our grasp so that the grounds of his lovability and authority are evident to everybody." To this I append a footnote ("Fppr," 172-73): "Thus Aquinas remarks ( *S.T.*, 1-2, q. 100, a. 3 ad 1) that the precept of charity is 'self-evident to human reason, either by nature or by faith,' since knowledge of God sufficient to form the natural law precept of charity can come from either natural knowledge or divine revelation." Thus, contrary to what Hittinger says, the position asserted here (primarily as Aquinas's, rather than as my own) is that these precepts are self-evident in themselves, but not to those who lack adequate knowledge of God; however, they are self-evident to those who have sufficient knowledge of God, whether they have this knowledge by reason or by faith.

Later, having summarized some of my treatment of divine positive law (H, 121-22), Hittinger goes on (H, 122): "It is

interesting to note that the morally obligatory laws which come into effect *with the faith relationship* include the two rules to love and obey God above all else, as well as the obligation to observe the superordinate status of the good of religion. This is interesting because while the scholastic Catholic tradition and traditional Protestant thought have ordinarily regarded these either as precepts of the natural law, or at least as intuitions of conscience by which humanity is held accountable (e.g., in Calvin), Grisez now appears to place them exclusively within the category of divine positive law."

But I nowhere say that these "rules" are divine positive laws. Hittinger here confuses the *moral* ground—that God ought to be obeyed—which I offer for obeying divine positive laws with the positive *laws* which are to be obeyed. And he simply assumes that because in theology I offer believers grounds in faith for obeying God, I deny that there are any other grounds for obeying him.

On the basis of these confusions, Hittinger thinks he has shown that I am a fideist (H, 125). This accusation recurs throughout the remainder of his book, and is the basis of another of his claims that my theory is inconsistent. For example, Hittinger says (H, 126) that my statement that moral principles can in principle be known without faith "is not consistent with what Grisez says concerning the fideist condition built into his more recent definition of the good of religion (one of the principles of the natural law), not to mention his position on the two commandments which give a superordinate status to obeying and loving God above all else."

Later, Hittinger quotes (H, 130-31) fragments from the summary of my chapter on the modes of Christian response, and then, after some other remarks, says (H, 131): "With the impetus gained from the modal specifications of the Christian life, one might expect Grisez to emphasize the unique motivational and behavior aspects of Christianity." (The treatment of the modal specifications of Christian life is in chapter twenty-six of *CMP*.) Hittinger goes on at once (H, 131-32): "He does not do this but, instead, abruptly changes course back to the problem of obedience to God versus the pursuit of human goods, and states: 'In most cases we can see, with the help of faith, the wisdom of norms proposed in divine revelation, for they can be reduced to human

goods and the modes of responsibility [i.e., the nontheological list]’ [reference to *CMP*, 278]”.

But it is Hittinger who, now dealing with what I say about divine positive law, in *CMP*, chapter eleven, has abruptly rearranged the course of my treatment. Having done this, Hittinger concludes (H, 132, emphasis his): “*Having diluted the efficacy of morality without faith, he now speaks in a way that dilutes the unique features of morality with faith.* A moral attitude (or norm) such as mercy, for instance, is to be reduced back to the motives and norms of the initial framework of morality.”

By such arguments, Hittinger obtains his basis for referring to (H, 197) “the intricate mess which we encountered in Grisez’s moral theology.”

#### IV. Concluding Reflections

Hittinger ends his book (H, 198): “What we are awaiting is a retrieval of natural law, or something very much like it. Having reached the end of this investigation, we are sorry to report that despite the ambition of the Grisez-Finnis project, we are still waiting. What is clear is that there is no way to recover natural law theory by way of shortcuts.”

Hittinger approached our work looking for retrieval and recovery, which, in general, is not our project. Rather, Finnis and I, together with Joseph Boyle and others, are simply trying to answer the questions of ethical theory, philosophy of law, and moral theology learning what we can from earlier philosophical and theological work, but proceeding according to the issues and evidence, and using analyses and arguments which we think are clear and sound. But Hittinger looks at fragments of our works—written during twenty years by different authors and sometimes with coauthors—through the filter of his own assumptions about what must be retrieved and recovered. So, he hardly ever pays attention to what questions we are addressing, what arguments we offer for our positions, what distinctions we make, and precisely what we reject in the sort of position he prefers. As a result, he systematically misunderstands what we say.

An assumption underlying Hittinger’s work is stated most clearly near the end (H, 192): “A natural law theory must show how nature is normative with regard to practical rationality. This has not been accomplished by the Grisez-Finnis method.” What

Hittinger means by "a natural law theory must show how nature is normative" is that it must show how nature *which is given antecedent to the principles of human practical knowledge* and known by a theoretical philosophy of nature is normative. But Hittinger never tries to establish this assumption underlying his critique.

Contrary to this assumption, the theory Finnis and I defend departs from classical models—at least, as many have understood them—by taking full account of the fact that the moral *ought* cannot be derived from the *is* of theoretical truth—for example, of metaphysics and/or philosophical anthropology. Logically, of course, one can derive a moral *ought* from an *is*, whenever, the *is* expresses a truth about a reality which embodies a moral norm. Thus, from "This is the act an honest person would do" one can deduce "This act ought to be done." But from a set of theoretical premises, one cannot logically derive any practical truth, since sound reasoning does not introduce what is not in the premises. And the relationship of principles to conclusions is a logical one among propositions. Therefore, the ultimate principles of morality cannot be theoretical truths of metaphysics and/or philosophical anthropology.

The natural-law theory on which Finnis, Boyle, and I (along with others) have been working during the past twenty-five years has stimulated many critical responses. We have restated the theory in various works, not always calling attention to developments. Many of the questions Hittinger tries to raise have been raised more ably by other critics, and we have answered only some of these questions in various replies to critics. Moreover, even Hittinger's book raises some interesting questions which deserve a more constructive response than I make here. Therefore, we have gathered the fruit of our reflection on all the criticisms of our works of which we are aware, and published a fresh restatement of the elements of the theory most often questioned by those with roots in the (broadly speaking, Thomistic) natural-law tradition from which we developed the theory.<sup>16</sup>

*St. Mary's College,  
Emmitsburg, Maryland.*

<sup>16</sup> This recent article is cited in fn. 10, above.