

# DISCUSSION REGARDING THE DOCTRINES OF INTRINSECE MALUM AND THEORY OF *FONTES MORALITATIS* AND ST. THOMAS

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## Abstract:

Artikel ini membahas tentang diskusi di kalangan teolog moral mengenai doktrin tentang keburukan intrinsik (*intrinsece malum*). Doktrin ini mengajarkan bahwa suatu perbuatan dapat dipandang buruk secara moral dari dirinya sendiri, dari hakikatnya, dari objek perbuatan itu sendiri, lepas dari keadaan-keadaan yang mengelilinginya atau juga maksud pelaku. Karena keburukannya adalah dari dalam dirinya sendiri, maka perbuatan itu harus mutlak dilarang, kapanpun dan dimanapun, tanpa kekecualian. Namun diskusi persoalan-persoalan moral modern memunculkan banyak kesulitan sehubungan dengan aplikasi dari doktrin ini, sehingga diusulkan agar doktrin ini dibaharui atau ditinggalkan. Banyak persoalan yang muncul terkait dengan diskusi dari doktrin ini. Namun studi ini tidak membahas semua persoalan, melainkan membatasi diri pada persoalan dasarnya, yakni soal apakah valid suatu perbuatan dinilai buruk secara moral berdasarkan obyeknya (*ex objecto*), terlepas dari maksud pelaku dan keadaan-keadaan. Ini soal cara menilai moralitas perbuatan manusia. Penelaahan hal ini dikaitkan dengan teori tiga sumber perbuatan (*fontes moralitatis*) dan juga ajaran St. Thomas tentang penilaian moral perbuatan manusia. Dipandang dari perspektif ajaran St. Thomas, harus diakui bahwa doktrin *intrinsece malum* menunjukkan beberapa ketidaktepatan yang serius.

**Keywords:** morality, *intrinsece malum*, *fontes moralitatis*, theory of moral assessment, St. Thomas, revisionist, traditionalist.

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This article is a further study of my previous article regarding the same topic.<sup>1</sup> Rather than proposing a synthesis of the whole discussion,

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1 See my previous article, Yustinus, "Diskusi Mengenai Doktrin "Intrinsece Malum" Sebelum dan Sesudah Ensiklik *Veritatis Splendor*" in *Studia Philosophica et Theologica* 6:2 (Oktober 2006), Malang: STFT Widya Sasana, 125-146.

here I prefer to present a part of the discussion itself. Because of the limitation of time and space, however, I will concentrate to the core of the discussion, namely the discussion regarding the question on how to assess the morality of an act, and more precisely, in relation with St. Thomas' writings.

This article will go in this line: at first, the doctrine of intrinsically evil acts and its problem; secondly, the discussion and some historical considerations; thirdly, the discussion and the theory of three-sources (*fontes moralitatis*); fourthly, the discussion and St. Thomas's theory of the moral judgment of an act; and finally, some points of conclusion.

In presenting the discussion, I will call the opposing parties simply as "the revisionists" and "the traditionalists". I realize that to call one group "the traditionalists", being opposed to the other group, "the revisionists", can be misleading since it does not mean that the latter entirely disconnect from the tradition while the former are more faithful to the tradition. In fact, both of them invoke the same Catholic moral tradition to support their claims.<sup>2</sup> By the terms "the revisionists" we mean those moral theologians who insist on revising the doctrine, while by "the traditionalists" we simply mean those moral theologians who defend the doctrine.

## 1. The Teaching of The Doctrine of *Intrinsece Malum* In The Catholic Church.

It is commonly said that the teaching on intrinsically evil acts (the doctrine of *intrinsece malum*) has always been present in the history of the Church's moral teaching since the beginning. According to this doctrine, there exist acts that must be judged as always immoral or wrong *per se* and in themselves, according to its object, apart from circumstances or the intention of the one acting.<sup>3</sup> For examples, murder or killing of an innocent person or adultery are considered as always wrong or evil in themselves and therefore must be excluded absolutely from moral life. It is firmly taught that such acts can never be justified whatever the cir-

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2 See, Christopher Kaczor, *Proportionalism and The Natural Law Tradition*, Washington, D.C: The Catholic University of America Press. 2002, 3; Bernard Hoose, *Received Wisdom?: Reviewing the Role of Tradition in Christian Ethics*, London/New York: Geoffrey Chapman, 1994, 151-181. Examples for the revisionists: Josef Fuchs, Louis Janssens, Peter Knauer, Richard McCormick, Bernard Hoose. Meanwhile, for the traditionalists: there are authors whose arguments are clearly connected to the scholastic tradition commonly identified with Thomism, such as John R. Connery, Servais Pinckaers, Paul Quay, Bartholomew Kiely. But, there are also authors whose arguments hardly can be identified with scholastic tradition, for examples: Germain Grisez, John Finnis, Joseph M. Boyle Jr, William E. May.

3 See, CCC 1756 and VS 80.

cumstances and intentions of the moral agent because it is always illicit to do evil that good may come.<sup>4</sup> Closely linked to this, it is strongly held that norms governing intrinsically evil acts are considered to be absolute and exceptionless.

Regarding the teaching of intrinsically evil acts in the official document of the Church, we can find some examples. It is Pope Pius XI who for the first time speaks about the intrinsically evil acts.<sup>5</sup> In *Casti Connubii*, no. 54, the Pope teaches that those who deliberately frustrate the natural power and purpose of the procreative functions during intercourse perform an act considered as “*intrinsece inhonestum*.”<sup>6</sup> His successor, Pope Pius XII, also teaches the same matter when he declares that action that frustrates the inseparable relationship between the unitive and procreative meaning of the marital act and conjugal relations must be considered as immoral and it can never become a good act.<sup>7</sup>

The official document that clearly speaks about the teaching of intrinsically evil acts is the encyclical *Humanae Vitae*, especially in no. 14. Here, Pope Paul VI states that certain acts such as direct interruption of the generative process already begun, directly willed and procured abortion, direct sterilization, or every action which renders procreation impossible, must be absolutely excluded as a licit means of regulating birth. He says:

We are obliged once more to declare that the direct interruption of the generative process already begun and, above all, all direct abortion, even for therapeutic reasons, are to be absolutely excluded as lawful means of regulating the

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4 Cf. Rm 3:8.

5 Regarding the existence of this doctrine in the Magisterium’s document, Josef Fuchs notes that there is no Church’s official pronouncements on the doctrine of intrinsically evil acts until 1930 in the Pius XI’s encyclical of *Casti Connubii*; it is only since then that the formulation of intrinsic evil has been employed more frequently in Roman documents, especially in the document *Persona Humana* (1975) when reflection and discussion on the concept of ‘intrinsic evil’ had become very explicit. See, Josef FUCHS, *Christian Ethics in a Secular Arena*, Washington DC/Dublin: Georgetown University Press/Gill and McMillan, 1984, 72-74.

6 The Pope states: “But no reason, however grave, may be put forward by which anything intrinsically against nature may become conformable to nature and morally good. Since, therefore, the conjugal act is destined primarily by nature for the begetting of children, those who in exercising it deliberately frustrate its natural power and purpose sin against nature and commit a deed which is shameful and intrinsically vicious.” This English quotation is taken from CCSP (Catholics Committed to Support the Pope), *Précis of Official Catholic Teaching on Marriage, Family and Sexuality*, Silver Spring (MD) 1992, 21.

7 He states: “any attempts on the part of the husband or wife to deprive this act of its inherent force, or to impede the procreation of a new life, either in the performance of the act itself, or in the course of development of its natural consequences, is immoral, and furthermore, no alleged “indication” or need can convert an intrinsically immoral act into a moral and lawful one.” See, Pius XII, “Allocution to Italian Midwives”, no. 24 in Catholics Committed to Support the Pope, *Précis of Official ...*, 39-40.

number of children. Equally to be condemned, as the Magisterium of the Church has affirmed on many occasions, is direct sterilization, whether of the man or of the woman, whether permanent or temporary. Similarly excluded is any action which either before, at the moment of, or after sexual intercourse, is specifically intended to prevent procreation - whether as an end or as a means. ... Though it is true that sometimes it is lawful to tolerate a lesser moral evil in order to avoid a greater evil or in order to promote a greater good, it is never lawful, even for the gravest reasons, to do evil that good may come of it - in other words, to intend directly something which of its very nature contradicts the moral order, and which must therefore be judged unworthy of man, even though the intention is to protect or promote the welfare of an individual, of a family or of society in general. Consequently, it is a serious error to think that a whole married life of otherwise normal relations can justify sexual intercourse which is deliberately contraceptive and so intrinsically wrong.<sup>8</sup>

The most recent formulation of the teaching about intrinsically evil acts can be found in the Catechism of the Catholic Church. Here, it is firmly taught that “there are acts which, in and of themselves, independently of circumstances and intentions, are always gravely illicit by reason of their object; such as blasphemy and perjury, murder and adultery. One may not do evil so that good may result from it.”<sup>9</sup> And then in his encyclical *Veritatis Splendor* Pope John Paul II reaffirms this. He states:

Reason attests that there are objects of the human act which are by their nature “incapable of being ordered” to God, because they radically contradict the good of the person made in his image. These are the acts which, in the Church’s moral tradition, have been termed “intrinsically evil” (*intrinsece malum*): they are such *always and per se*, in other words, on account of their very object, and quite apart from the ulterior intentions of the one acting and the circumstances. Consequently, without in the least denying the influence on morality exercised by circumstances and especially by intentions, the Church teaches that “there exist acts which *per se* and in themselves, independently of circumstances, are always seriously wrong by reason of their object.”<sup>10</sup>

For many centuries, this doctrine is never being put into question. But, in contemporary moral theology, in dealing with many moral problems of modern time, such as, therapeutic abortion, the use of artificial means for birth regulation, artificial insemination, fertilization in vitro and embryo transfer, euthanasia, etc, some moral theologians point out that the problem is concerning the employment of the doctrine of *intrinsece malum*. There is a question whether a concrete act can be judged as morally wrong or evil merely according to the so-called object of the act,

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8 HV no. 14.

9 See, CCC 1756. It might needful, however, to read the whole article 4 (nn. 1749-1761).

10 VS 80. Pope John Paul II then continues to point out the examples of this kind of act.

independently of circumstances or good intentions of the moral agent. At the same time, they also call into question the absoluteness of prohibitive norms governing those acts, particularly regarding two categories of acts traditionally considered as intrinsically evil because of being against nature (*contra naturam*) or because of the lack of authority (*ex defectu iuris*), such as abortion, contraception, sterilization, masturbation, etc. In this case, they put into question the understanding of natural law as it is employed in this teaching.<sup>11</sup>

The discussion has also brought them to the question regarding the role of Scripture and Tradition invoked by the traditionalists and the Magisterium as the basis of the doctrine of *intrinsece malum*.<sup>12</sup> And as a result of the dissent of the revisionist moral theologians with the Magisterium, there has been also the question regarding the role of the Magisterium in moral theology, particularly regarding the Magisterium's competency in relation to the moral-theological debate among moral theologians.<sup>13</sup> Thus, many problems arise in the discussion.

As I note before, in this article I will limit myself to treat the discussion regarding the main problem, namely the discussion regarding how to assess the morality of the human act. For the investigation, I will relate this discussion to the theory of *fontes moralitatis* and St. Thomas' theory of moral judgment of human act.

## 2. The Discussion and Some Historical Considerations.

### 2.1. The Traditionalists and the Existence of Intrinsically Evil Acts.

The traditionalists firmly believed that the doctrine of *intrinsece malum* is taught constantly and consistently in the Church since the beginning up to now. They argue that the existence of intrinsically evil acts is recognized in various cultures of different epochs, not only within the Church but also outside the Church as for instance, in the writings of Aristotle.<sup>14</sup> The traditionalists note that it is very evident that from the very begin-

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11 Regarding the discussion on natural law, see Charles E. CURRAN and Richard McCORMICK (eds.), *Readings in Moral Theology No. 7: Natural Law and Theology*, New York: Paulist Press, 1991.

12 Regarding the discussion about the role of Scripture in moral theology, see Charles E. CURRAN and Richard McCORMICK (eds.), *Readings in Moral Theology, No. 4: The Use of Scripture in Moral Theology*, New York: Paulist Press, 1982.

13 For further study about the role of the Magisterium, see Charles E. CURRAN and Richard McCORMICK (eds.), *Readings in Moral Theology, No. 3: Morality and Magisterium*, New York: Paulist Press, 1981.

14 Livio Melina, *Morale: tra crisi e rinnovamento: gli assoluti morale, l'opzione fondamentale, la formazione della coscienza*, Milano: Ares, 41.

ning the Church recognized the existence of acts considered as to be immoral, wrong or evil in themselves, independently from circumstances or intentions of the agent. As for instance, murder, the killing of an innocent person, adultery, theft, and so on. They note that some biblical texts spoke explicitly about the existence of intrinsically evil acts, as for instance, the Decalogue or 1 Cor 6:9-10.

Furthermore, this doctrine can be found also in the writings of authoritative figures in the Church such as St. Augustine, or St. Thomas. They note that St. Augustine had treated the case of lying in his *Contra mendacium* (VII, 18).<sup>15</sup> Regarding St. Thomas, they point to St. Thomas' opinion regarding adultery. They note that St. Thomas himself argue that we can not follow the opinion of a pagan commentator of the Aristotle's *Etica Nicomachea*, known as the Old Scholiast, who supported the licitness of committing adultery with the tyrant's wife in order to save the country.<sup>16</sup> Thus, it is clear that according to St. Thomas adultery can never be justified for whatever reason because it is an act that is evil in itself.<sup>17</sup> Based upon this fact, the traditionalists criticized the opinion proposed by the revisionists that in certain circumstances of psychological pressure and duress, this act might be justified because of the lack of freedom of those who did it.

In short, the traditionalists hold that the teaching regarding the existence of intrinsically evil in the history of the Church is very evident and undeniable. According to them, in enunciating explicitly the doctrine of *intrinsece malum* in recent documents, the Magisterium in reality just affirms a teaching already in existence. The traditionalists argue therefore that to abandon this doctrine will mean to deny a plausible truth made known not only by natural law, but more so, by Scripture and Tradition. Consequently, the denial of this doctrine raises serious theological problems. The changing in this matter will mean questioning the credibility of the Church that has consistently taught such a teaching over the centuries. It means also questioning the authority of the Magisterium that has affirmed such a teaching. Moreover, this would mean also questioning the divine assistance of the Holy Spirit for the Church believed to be the Guide of the Church. In other words, the denial of the doctrine of *intrinsece malum* would mean a denial not only of truth taught by Scripture and Tradition, but also truth regarding the Church as a whole.<sup>18</sup>

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15 See, *Ibid.*.

16 See, John FINNIS, *Moral Absolutes ...*, 34-36; William E. MAY, *An Introduction to Moral Theology* (Revised Edition), Huntington (IND): Our Sunday Visitor, 1994, 2, 141.

17 Livio Melina, *Morale. Tra crisi ...*, 41. See also, Thomas AQUINAS, *De Malo*, q. 15, a. 1.

18 See, William E. MAY, *An Introduction ...*, 223-248.

## 2.2. The Revisionists and the Term “Intrinsece Malum.”

The revisionists, being much influenced by a modern worldview that emphasizes a more historical consciousness,<sup>19</sup> gave an important place to historical investigation in approaching the discussion. In this matter, they tried to show that the claim of the upholders of this doctrine about an already fixed doctrine on intrinsically evil constantly and consistently taught in the long history of Catholic moral tradition can be misleading. To show this, they examine the same Catholic tradition regarding the use and the understanding of “intrinsece malum.”

The revisionists, in fact, do not deny the existence of intrinsically evil acts in Christianity as shown by some historical studies that had tried to make an historical investigation regarding this matter.<sup>20</sup> They recognize what has shown by Servais Pinckaers, who traces the historicity of this doctrine in the Church’s moral tradition, from the early period of Christianity there has been already the teaching about the existence of intrinsically evil acts as it can be shown in the writings of the Fathers of the Church, particularly St. Augustine.<sup>21</sup>

While acknowledging those studies, the revisionists point out James Murtagh’s study that examines such a doctrine in the manuals of the nineteenth century up to contemporary discussion. It informs us two points about the understanding of the term “intrinsece malum”: First, the term of “intrinsic evil” has been used commonly as a comparison to “extrinsic evil” to express the difference between ‘forbidden because wrong’ (*prohibitum quia malum*) and ‘wrong because forbidden’ (*malum quia prohibitum*).<sup>22</sup> Second, although the formula “intrinsic evil” tends to

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19 Speaking about the new context of theology, Bernard Lonergan mentions the change of world-view, i.e., a shift from classicist to modern world-view characterized by a strong emphasis on historical consciousness in seeing and interpreting the world. See, Bernard LONERGAN, “Theology in Its New Context”, in *Theology of Renewal, Vol. I: Renewal of Religious Thought*, ed. Laurence K. Shook, New York: Herder and Herder, 1968, 34-46. Cf. Richard M. GULA, *What Are They Saying About Moral Norms?*, New York: Paulist Press, 1982, 20-21.

20 See for example, Servais PINCKAERS, *Ce qu’on ne peut jamais faire. La question des actes intrinsèquement mauvais: Histoire et discussion*, Freiburg: Editions Universitaires/ Suisse/ Paris: Editions du Cerf, 1986; John DEDEK, “Moral Absolutes in the Predecessors of St. Thomas”, in *Theological Studies* 38 (1977), 654-680; ID., “Intrinsically Evil Acts: An Historical Study of the Mind of St. Thomas”, in *The Thomist* 43 (1979), 385-413; ID., “Intrinsically Evil Acts: The Emergence of a Doctrine”, in *Recherches de théologie ancienne et médiévale* 50 (1983), 191-226. Cf. John FINNIS, *Moral Absolutes: Tradition, Revision and Truth*, Washington (DC): The Catholic University of America Press, 1991; William E. MAY, *Moral Absolutes*, Milwaukee (Wisconsin): Marquette University Press, 1989.

21 Servais PINCKAERS, *Ce qu’on ne peut jamais ...*, 22-66.

22 See, James MURTAGH, *Intrinsece malum : An Examination of This Concept and Its Place in Current Discussion on Absolute Moral Norms*, Dissertation (excerpt), Rome: Pontifical Gregorian University, 1973, 29 ff.

be associated with documents emanating from the Holy See, in fact, the use of such formulation is quite recent. J. Murtagh notes that the first pontiff who used this term in an encyclical is Pius XI in his encyclical *Casti Connubii* in 1930. Furthermore, he underlines the ambiguous use of this formulation and that there has been different understanding regarding the meaning of intrinsic evil in those manuals and in contemporary debates.<sup>23</sup>

The revisionists therefore argue that although it is believed that the teaching on intrinsically evil acts is recognised throughout the history of Catholic moral tradition, it seems obvious that the notion “intrinsece malum” has not always been understood in the same way by moral theologians who have used it. As underlined by Fuchs, it is not easy to determine exactly and unequivocally what the term ‘intrinsically evil’ means and, according to him, the debate regarding the doctrine of intrinsece malum occurs precisely because of the disagreement of moral theologians commonly known as the revisionists about the use of this formula as it is commonly found in the manualist moral theology of the past centuries or in the recent documents of the Magisterium regarding the universality and immutability of prohibitive norms concerning acts such as contraception, sterilization, masturbation, and so on.<sup>24</sup> Besides, although the theory of intrinsically evil acts can be traced back to Sacred Scripture, the writings of the Fathers of the Church such as St. Augustine, or the writings of prominent figures in theology such as St. Thomas, as far as a “doctrine” explicitly taught by the Holy See, it appeared only in the recent past, together with the increasing role of the Magisterium in moral matters.<sup>25</sup>

Thus, based upon the same investigation upon the moral tradition, either the revisionist or the traditionalists hold their own opinion. It is true that the existence of intrinsically evil acts can be recognized from the very beginning of Christianity. But, it is true also that there exist the variety in understanding of the term “intrinsece malum” in such a long period. In this matter, it might be important to note that regarding the investigation of the history of the notion of intrinsece malum and how it

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23 See J. MURTAGH, *Intrinsece malum ...*, 59-60. Cf. B. HOOSE, *Proportionalism, The American Debate and its European Roots*, Washington (DC): Georgetown University Press, 1987, 107.

24 Josef FUCHS, *Christian Ethics in a Secular Arena*, Washington DC/Dublin: Georgetown University Press/Gill and McMillan, 1984, 72-74.

25 See *Ibid.* Regarding the existence of this doctrine in the Magisterium’s document, Josef Fuchs notes that there is no Church’s official pronouncements on the doctrine of intrinsically evil acts until 1930 in the Pius XI’s encyclical of *Casti Connubii*; it is only since then that the formulation of intrinsic evil has been employed more frequently in Roman documents, especially in the document *Persona Humana* (1975) when reflection and discussion on the concept of ‘intrinsic evil’ had become very explicit.

has been understood during such a long period, moral theologians in general recognize the difficulty of such an investigation, either with regard to various authors and their different contexts, but also, with regard to the development of such an idea within the thought of a single author.<sup>26</sup> In this matter, John Dedek's studies which particularly examine the relation of the doctrine to Thomism, reflect obviously the complexity of such an investigation.<sup>27</sup> Because of that, many suggest that it will be of no use to investigate it for contemporary discussion.<sup>28</sup> In this matter, it is important to note that the debate occurs departing from the term as it has been used in recent theological and magisterial literature. Therefore, it might be right to demand that those who want to enter to the discussion must focus to this.<sup>29</sup>

Besides, the variety in understanding and the use of this term also means that although the teaching of intrinsically evil can be found in the Patristic writings, or the writings of prominent figures in the Church's history, it does not necessarily mean that there is already a fixed doctrine consistently taught in the Church from the beginning until the present time. As shown by Pincakers, this teaching has been developed further by scholastic theologians, particularly St. Thomas, and then eventually, it has been very much developed by the scholastic theologians in the neo-Scholastic period of the XVI century to defend the intrinsic nature of Christian morality against the challenge of nominalism (Ockhamism).<sup>30</sup>

### 3. The Discussion of The Doctrine and The Method of Assessment of Moral Acts.

From what we discuss above, it can be said that actually the root of the discussion is not about the denial of the existence of intrinsically evil acts, but rather the question about how to assess the morality of an act, particularly regarding the determinative role of the so-called the object of the act as claimed by the doctrine of *intrinsece malum*. Therefore, we

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26 Cf. James F. KEENAN, "Notes on Moral Theology: Moral Theology and History", in *Theological Studies* 62 (2001), 86-104

27 See, John DEDEK, "Moral Absolutes in the Predecessors of St. Thomas", in *Theological Studies* 38 (1977), 654-680; ID., "Intrinsically Evil Acts: An Historical Study of the Mind of St. Thomas", in *The Thomist* 43 (1979), 385-413; ID., "Intrinsically Evil Acts: The Emergence of a Doctrine", in *Recherches de théologie ancienne et médiévale* 50 (1983), 191-226.

28 Richard A. McCORMICK, "Reflection on the Literature ...", 322.

29 See, Bruno SCHÜLLER, "Direct/Indirect Killing", in *Readings in Moral Theology, No. 1: Moral Norms and Catholic Tradition*, ed. Charles E. Curran and Richard McCormick, New York: Paulist Press, 1979, 139-140; Josef FUCHS, *Christian Ethics ...*, 72-74.

30 *Ibid.*, 64.

deal here with the discussion on how to assess the moral act which is closely related to the so-called theory of *fontes moralitatis* of the scholastic, and also to St. Thomas' analysis of the morality of the human act. We will begin with the revisionists who point out this.

### 3.1. The revisionists' argument.

#### 3.1.1. The Doctrine and the Traditional Theory of *Fontes Moralitatis*.

The revisionists admit that the Church's moral tradition acknowledge the "theory" about three elements composing the human act, namely the object of the act, the intention, and the circumstances. St. Thomas also mentions it in his *Summa Theologiae*, I-II, q. 18, aa. 2-4.<sup>31</sup> However, the revisionists argue that the traditional theory of the three sources of morality (*fontes moralitatis*) which treated the object of an act (taken separately from other elements as a conceptual realm) as the decisive factor in determining the morality of the human act, in fact, belonged particularly to the manualist tradition.<sup>32</sup> They argue that it would be misleading to claim that such a theory should be considered as the only theory used to determine the morality of an act as claimed by the doctrine. They note that tradition has witnessed various theories used in assessing the morality of an act, particularly that of St. Thomas.

Furthermore, by pointing to St. Thomas, the revisionists note that there are differences between the manualist tradition and that of St. Thomas in understanding those three elements of the act because of their different contexts and purposes. Due to its purpose to help the priest in the context of confession, the manualist tradition has exclusively treated the act as a conceptual realm and analyzed it as a singular reality in order to establish the culpability or innocence of the penitent.<sup>33</sup> In the manualist tradition, therefore, it happens that the act is isolated and treated abstractly as a moral entity derived from the formulation of norms. As a result, the moral meaning of the act can be determined by the definition of the act derived from universal principles. It is in this perspective, an act can be judged as an intrinsically evil act *ex objecto*. Thus, the

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31 *Summa Theologiae*, I-II, q. 18, aa. 2-4. Although Thomas consecutively speaks about these three elements of the human act in these three articles, in fact, his discussion of them is not limited to these articles. Instead, it is treated throughout the *Prima-Secondae*. Cf. Todd A. SALZMAN, *Deontology...*, 325-334.

32 Cf. Pinckaers, *Ce qu'on ne peut ...*, 64.

33 The attention to these three elements of act as *fontes moralitatis* becomes greater after Lateran Council IV (1215) which establish the law on making annual confession obligatory for those who had committed a mortal sin. This *fontes moralitatis* is developed in order to help priests to judge the culpability of penitents. Cf. Todd A. SALZMAN, *Deontology ...*, 493-494; also Richard M. GULA, *Reason Informed by Faith, Foundation of Catholic Morality*, New York/Mahwah: Paulist Press, 1989, 108.

moral assessment of the act is primarily determined by the object of the act (*ex sua natura, finis operis*), whereas intention and circumstances became secondary. It can be said that the penitential-manuals tradition has reduced the three sources of the morality of the human act into only one source, i.e., the object of the act.<sup>34</sup>

Regarding the theory of three elements of an act (*fontes moralitatis*), the revisionists argue that St. Thomas's articles about this must be understood in the perspective of the overall plan of St. Thomas's *Summa Theologiae*. In this matter, they note that St. Thomas is not developing a textbook of moral theology in the penitential-manualistic sense. In St. Thomas' writing, three articles about the object, circumstances, and the end, must be considered as a part of his complex analysis of the human act. The revisionists note that St. Thomas's theory of the moral assessment of the human act is not limited only to these three articles, but it is scattered throughout the I-II.<sup>35</sup>

Regarding these three elements of the act, the revisionists make the following points. First of all, they note that the context of these articles is about the good or evil of the human act in general and about the question whether they can alter the good or evil of a human act. It is in this view that these three elements are considered as sources or determinants of the morality of the act. However, there is no indication that the object of the act, as distinguished from circumstances and end, can be the only qualification in determining the morality of human act. On the contrary, since all of these three elements composed a unit in the act, so it must be taken together with other elements as a whole.

Besides, the revisionists also note that the distinction between these three determinants is an artificial instrument used to great advantage in analyzing the human act. Although the abstraction of these determinants in the act correspond to what in reality are distinct, but within the concrete human act they interrelate and entangle to such an extent that it becomes impossible to draw a strict line of demarcation of one element from another.<sup>36</sup> In other words, they can be distinguished, but can not be separated. It means that each element of the human act can not be evaluated in isolation, apart from the dynamic character of the act as a whole.

Furthermore, in attempting to clarify the discussion, the revisionists examine St. Thomas's understanding of each of those three elements. First, regarding the object of the act,<sup>37</sup> they point out that, in fact, St. Thomas

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34 Todd A. SALZMAN, *Deontology ...*, 498.

35 *Ibid.*, 320.

36 *Ibid.*, 313.

37 Thomas AQUINAS, *Summa Theologiae*, I-II, q. 18, a. 2.

uses the analogy between physical things and human actions to clarify what he means by the object: as a physical thing is specified by its form, so an action is specified by its object. In this matter, they emphasize what St. Thomas states succinctly:

The object is not the matter *of which* (a thing is made), but the matter *about which* (something is done); and stands in relation to the act as its form, as it are, through giving it its species.<sup>38</sup>

With regard to the “object” of the act, St. Thomas here proposes the distinction between *materia ex qua* and *materia circa quam*. The revisionists underline that by this distinction St. Thomas clearly states that the object is not identical with the material out of which the act is made, but what it deals with (*materia circa quam*). Besides, as note by Salzman, in St. Thomas’s analysis, the object which gives form to the material act is the object of the interior act of the will. Without the initial interior act of the will, the material of the external act will be mere potential. There is an inextricable link between the object of the interior act of the will and the matter of the external act. There can not be an external human act without the interior act of the will. Thus, it is clear that in St. Thomas the object of the act is not meant the mere physical or external act.<sup>39</sup> Rather, the object of the act would be the *materia circa quam* formed by the interior act of the will.

Second, regarding circumstances, the revisionists mention that following Cicero St. Thomas enumerates seven relevant circumstances.<sup>40</sup> However, they note that St. Thomas’s concern in this article is about the question whether circumstances can alter the specification of the moral act, or not? And if so, to what extent these circumstances changed its morality? According to them, St. Thomas seems to admit clearly that circumstances can be relevant for the morality of an act. In this matter, they point to St. Thomas’ words:

For the plenitude of its goodness does not consist wholly in its species, but also in certain additions which accrue to it by reason of certain accidents: and such are its due circumstances. Wherefore if something be wanting that is requisite as a due circumstance the action will be evil.<sup>41</sup>

Furthermore, the revisionists observed that Thomas made a distinction between circumstances as accidents and as essential properties

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38 Thomas Aquinas, *Summa Theologiae*, I-II, q. 18, a.2, ad. 2. This English translation is cited from Fathers of the English Dominican Province, *St. Thomas Aquinas. Summa Theologica*, Allen Texas: Christian Classics, 1981, 664.

39 Cf. Todd A. SALZMAN, *Deontology ...*, 326.

40 Thomas AQUINAS, *Summa Theologiae*, I-II, q. 18, a. 3.

41 This English translation is cited from Fathers of the English Dominican Province, *St. Thomas Aquinas. Summa...*, 664.

(*propriorum*). They note that circumstances are external to the extent that they did not specify the nature of the act. However, they did function as qualities which modify the action, and to this extent, they internally remained integral to the act. The latter are to be considered essentially related to, and relevant in the moral evaluation of the human act. Therefore, the good of an act can be affected by the good (or bad) of the act's qualifications, i.e., its circumstances as essential properties. For this reason, the revisionists hold that circumstances, to its extent as *proprium*, are integral parts of a human act. In this matter, it is the role of human moral reasoning to distinguish circumstances which are essential properties or which are not in a concrete human act.<sup>42</sup>

Third, regarding the end, the revisionists hold that the goodness or badness of the human act derives from the end or motive of the moral agent. They note that in his articles St. Thomas seems clearly emphasized the decisive role of the end for the moral evaluation on the human act. In this matter, Salzman observed that how Thomas presents his analysis of these three elements of the act seems to indicate something.<sup>43</sup> According to him, the order of the analysis and the more space dedicated to this third element demonstrated that in St. Thomas, it is the end, and not the object, that has the more important role in determining the moral evaluation of the human act. Besides, in the perspective of Thomas' overall analysis of the human act, it is clear that the end is the determinative element of the human act.<sup>44</sup>

In short, the revisionists admit that the three determinants or sources of the moral evaluation of the human act are recognized by Catholic moral tradition. They recognize that these tripartite criteria of the morality of an act are mentioned also by St. Thomas. However, they note that the emphasis on the decisive role of the object of the act in determining the morality of a human act belongs particularly to the manualist tradition, not to St. Thomas. They note that there is a clear difference between the manualist tradition and that of St. Thomas. In this case, in St. Thomas those three elements can only be distinguished, but they can not be separated because they belonged to the same act and composed its unity.<sup>45</sup>

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42 Todd A. SALZMAN, *Deontology ...*, 331.

43 See the order of the analysis in *Summa Theologiae*, I-II, q. 18, aa. 2-4: a. 2: object of act, a.3: circumstances, a.4: end. Here, Thomas speaks about the end only after the object of act and circumstances. Besides, the end occupies more space than the others. According to Salzman, this article about end does not only provide the third determinant, but also gives a summary of the first three articles, and concludes the first part of the question 18. See Todd A. SALZMAN, *Deontology ...*, 325-334; 331.

44 *Ibid.*.

45 Revisionists strongly emphasize that these three elements are not a combination of three human actions. Instead, they are a single action. As an example, in the case of a surgical

Therefore, a moral evaluation of a human act must take all of these three elements into consideration simultaneously. In other words, revisionists assert the demand of the three-sources principle for moral evaluation of a human act. Richard M. Gula notes for this:

When we forget that the act-in-itself, the intention, and the circumstances are three aspects of one composite action, then we too easily make moral evaluations of any one part without considering the whole. This gives us either an “act-centered” morality which forgets the person acting in a context (intention and circumstances), or an “intentions only” morality which does not take seriously enough the act being done, or a “situationalism” which maintains that circumstances make all the difference.<sup>46</sup>

Thus, in the perspective of the demand of the three-sources principle, the revisionists argue that the proper use of “intrinsic evil” as a moral category would come only after considering all the moral determinants of the action. A moral judgment can not be made in anticipation of the agent’s intention, since it would not satisfy the qualification of a “human act.” Fuchs notes that the most we can say about an action apart from its qualifying intention and circumstances is that this action is good or evil only in a pre-moral sense.<sup>47</sup>

### 3.1.2. The Doctrine and St. Thomas’ Analysis of the Morality of the Human Act.

Since the upholders of the doctrine claim that their position is based upon St. Thomas’s writings, so the revisionists also examine the same writings to justify their position. Here, we will see the revisionists’ understanding about St. Thomas’s analysis of the human act that they use as the basis of their critique of the traditional doctrine on *intrinsic malum*.<sup>48</sup> In this matter, the revisionists underline the study of Louis Janssens, one of prominent theologians among the revisionists, who provides a very significant analysis on the structure and morality of human acts in St. Thomas.<sup>49</sup>

First of all, the revisionists note that the medieval tradition of the time of St. Thomas, in fact, witness two distinct currents of thought regarding the morality of the human act: (1) that of Peter Lombard that

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operation: there are three elements involved: wounding, healing, and the purpose of restoring health. But taken as a whole, they are one healing action. See, Joseph FUCHS, “The Absoluteness of Moral ...”, 137. Cf. Bernard HOOSE, *Proportionalism...*, 44-45.

46 Richard M. GULA, *Reason Informed ...*, 267.

47 Joseph FUCHS, “The Absoluteness of Moral ...”, 121; cf. Richard M. GULA, *Reason Informed...*, 268.

48 See, St. Thomas treatise on *De Actibus Humanis* in *Summa Theologiae* I-II, especially qq. 6-20.

49 Louis JANSSENS, “Ontic Evil and Moral Evil”, in *Louvain Studies* 4 (1972-73), 115-156.

propose the distinction between *finis operis* and *finis operantis*; (2) that of Anselm of Canterbury that later on has been elaborated by Abelard and his followers who emphasized the role of the subject, the person and his deliberate will and reason.<sup>50</sup> In this matter, as note by L. Janssens, instead of taking the theory hold by Peter Lombard, St. Thomas developed his analysis by following the theory advocated by Anselm and Abelard. As a result, St. Thomas speaks about the subject and his interior act of the will in the first place, and only after this he speaks about the exterior act.<sup>51</sup> Besides, they also point out that instead of using the distinction between *finis operis* and *finis operantis*, St. Thomas uses the distinction between *finis proximus* and *finis remoti*.<sup>52</sup>

Regarding how St. Thomas assesses the morality of an act, the revisionists point out the following points. They note that St. Thomas starts his treatise with the distinction between two types of acts and emphasizes that only acts which comes from the deliberate will and reason of a person are properly called "human acts." Based on this, revisionists emphasize that morality is confined to actions that pertains to the category of human act (*actus humanus*); the moral act is identified with the human act.<sup>53</sup> This fact itself demonstrates that the moral evaluation must begin with the moral agent as a human person qualified by the capacities of will and reason.

Furthermore, the revisionists emphasize the centrality of the subject through the end aimed by him or her. They argue that in St. Thomas, the end is considered as the primordial element of the structure of an action because that is the proper object of the act of the will. In this view, as note by Janssens, the subject is intrinsically involved in the definition of the end: "every end of an action is to be taken as an end of the subject."<sup>54</sup> Janssens note also that with regard to the traditional distinction between *finis operis* and *finis operantis*, in the mind of St. Thomas the *finis operis* of the act will be *finis operantis* because to his mind "there is no end without

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50 Louis JANSSENS, "Ontic Evil...", 42-43.

51 See *Summa Theologiae*, I-II, q. 8, a. 2; cf. I-II, q. 8, a. 6. In fact, the order of presentation of St. Thomas already shows that according to him the starting point of the moral act must be the subject, the person, specifically the end of the interior act of the will.

52 Louis JANSSENS, "Ontic Evil...", 43.

53 For Thomas the human act is always a voluntary act. Accordingly, he distinguishes the voluntary act from both non-voluntary and involuntary acts. A voluntary act is the act that proceeds from the agent's will and reason. Any defect in either the mind or knowledge of the moral agent of the will renders the act involuntary. If the act is a result of what the person does not know, but will have willed if he or she knows, it is a non-voluntary act. Cf. Todd A. SALZMAN, *Deontology ...*, 319.

54 Louis JANSSENS, "Ontic Evil...", 43.

the inner act of the will of the subject and vice-versa.”<sup>55</sup> Janssens also mentions that although knowing that distinction, St. Thomas never used it; according to Thomas, the *finis operis* is always converted into a *finis operantis* (*finis operis semper reducitur in finem operantis*).<sup>56</sup> Therefore, it seems very clear that in St. Thomas the subject became the center of a human act. Janssens notes that this centrality on the subject is very important in understanding the unity and the totality of a compound act:

This view of Thomas is of far-reaching importance because the determining situation of the subject in the activity makes it possible to consider our actions not as a succession of separate and disjointed actions but as the integrated moments of a life history in which the unity and wholeness can be realized by virtue of the ends of the agent.<sup>57</sup>

However, the revisionists also note that for St. Thomas the action is not only an inner act of the will (*interior actus voluntatis*). Although the interior act can be willed absolutely and for its own sake even without any reference to an exterior act, i.e., as a *simplex actus voluntatis*, but to become a concrete human act, this interior act of the will must be realized through an exterior event (*actus exterior*).<sup>58</sup> How about the unity of the act? Are these two kinds of acts - the interior act of the will and the exterior event - two acts or one?

To show the unity between the interior act of the will and the exterior action, Janssens point out that Thomas explained their relation as a relation of *forma-materia* (*hylomorphism*): the interior act of the will is the formal element, and the exterior action is the material element. In this view, the inner act of the will (end) and the exterior act (means) are one and unified in the same concrete act. Since the formal element is the inner act of the will, so it becomes the decisive and determining factor in the act; whereas, the means has significance only from its relation to the end. So, it is clear that St. Thomas emphasizes the primacy of the subject with his interior act of the will as the decisive factor of the moral act. Janssens notes for this:

For this reason (St. Thomas) reacts sharply against those who are of the opinion that the material event of an act can be evaluated morally without consid-

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55 *Ibid.*.

56 *Ibid.*.

57 *Ibid.*, 43-44.

58 Janssens notes that St. Thomas often uses the analogy of the human being and the human act. He compares the way the act is composed of a formal and a material element with the way the agent himself is composition of soul and body. Thomas repeats again and again that our actions are a unified composite: the formal element is the end of the inner act of the will (*actus interior voluntatis*), while the material element is the exterior action (*actus exterior*). See, L. JANSSENS, “Ontic evil . . .”, 88-89. It might be helpful to see footnote no. 34 of this article.

eration of the subject, of the inner act of the will or of the end. As he sees it, an exterior action considered as nothing but the material event (*secundum speciem naturae*) is an abstraction to which a moral evaluation cannot be applied. This object-event becomes a concrete human act only insofar as it is directed toward an end within the inner act of the will. Only this concrete totality has a moral meaning.<sup>59</sup>

Furthermore, Janssens also note that what is true about the structure of the human act is true also about the morality of the human act: the inner act of the will as the formal element will determine the moral significance of the human act. Since the end can be either good or bad, an external action can have different moral meanings depending on the intention of the agent (the end). Nevertheless, since the end is the formal element of action, so a bad end will vitiate the whole action. For example, making a donation can be morally good when the intention is to bring relief to a person in need. But the same act can be morally bad if it is directed by the intention to satisfy one's vanity and seek praise.<sup>60</sup> The next question, then, is about a good end that involved bad means: can a good end justify bad means?

Although it is clear that the subject is the center of the human act, as argued by Janssens, St. Thomas does not support subjectivism. The centrality on the subject does not mean that a good end would automatically justify bad means. In St. Thomas's view, those two constituent parts of the act must be judged morally in the light of the objective measure of morality; only a means that conforms with the intention adequately expressed the intention. To prevent subjectivism, St. Thomas introduces the demand of the *debita proportio* between end and means: the means (material element), insofar as a means, is always relative to the end, and in order to be justified it must be rightly proportioned to the end within the totality of the act. An example used to illustrate the relation between end and means is the act of self-defence. In this case, the use of violence (the means) that harmed or even killed the assailant would be justifiable when it is necessary to save one's own life (the intention, the formal element). However, the excessive use of violence that went beyond what is necessary to save one's life would not be justifiable because it is no longer properly proportionate to the intention of self-defence. There should be a *debita proportio* between the end and the means.

In short, the revisionists argue that in St. Thomas the decisive element in determining the morality of the human act is the interior act of the will of the moral agent (the intention, the end sought by the agent). However, such centrality of the subject had nothing to do with subjectiv-

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59 *Ibid.*, 49.

60 *Ibid.*, 51.

ism because of the intrinsic cohesive between the interior act and the exterior act as a relation of forma-materia and the demand of debita proportio between them. In this view, means as such, by itself, is not enough to qualify the morality of a human act; in order to be justified, means must be rightly proportioned to the end within the totality of the act.

As a conclusion, in the perspective of St. Thomas' analysis of the human act, the revisionists stated that the centrality of the object as the determinant element in assessing the morality of an act as hold by the traditional doctrine of *intrinsece malum* is not confirmed by St. Thomas' theory. The centrality of the subject in St. Thomas was obvious: the decisive element of the human act was on the part of the subject through the interior act of the will as its formal element. In this case, the morality of the human act was determined by the agent's end that proceeded from his inner act of the will. Meanwhile, in the language of the distinction between *finis operis* and *finis operantis*, the revisionists held that in St. Thomas, the object of the act was no other than the object of the inner act of the will. In this matter, St. Thomas pointed out that the *finis operis* of the basic act would always be converted into a *finis operantis*. Besides, instead of using this distinction, St. Thomas proposed the distinction between *finis proximus* and *fini remoti* in order to distinguish the basic end from further intentions.<sup>61</sup>

### 3.2. The Traditionists' Arguments

It seems that the revisionists have convincingly argue that based upon the investigation of the theory of *fontes moralitatis* and St. Thomas' theory of morality of the human act, the doctrine of *intrinsece malum* must be understood correctly regarding what we mean about the so-called the object of the act. It is only one out of three elements of an act supposed by the theory of *fontes moralitatis*. However, although the traditionalists seem to accept such argument, they still hold the opinion that there are acts that must be considered as evil because of the object of the act, apart from the intention of the agent or the circumstances. With regard to St. Thomas, the traditionalists argue that it is difficult to reproduce St. Thomas's thought precisely regarding the issues being discussed, particularly regarding the "object of the act."<sup>62</sup> They certainly claim that

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61 L. JANSSENS, "Ontic evil ...", 43.

62 Regarding this, Grisez mentions double difficulties: firstly, that it is difficult to reproduce St. Thomas's thought precisely on the "object of the act" since his distinction between exterior act and act of the will is not altogether clear or coherent. Secondly, that the language of *finis operis* is confusing and best avoided. See, G. GRISEZ, *The Way of The Lord Jesus: Christian Moral Principles*, Volume I, Chicago: Franciscan Herald Press, 1983, 247, footnote 3).

their interpretation of St. Thomas's writing is more faithful rather than the revisionists' one although many theologians may doubt it.<sup>63</sup>

With regard to the role of the subject and his/her intention in determining the morality of the human act, the traditionalists seem to recognize also the important role of the subject and his/her end as observed by the revisionists. They acknowledge that the revisionists' theory had brought our attention back to considering the role of the subject in morality as developed in the tradition of Thomism, i.e., the determinative role of the interior act of the deliberate will of the moral agent.<sup>64</sup> However, it do not mean that the traditionalists therefore support the revisionists' teleological approach which in practice can justify because of a good end of the subject certain acts traditionally considered as intrinsically evil.

Although acknowledging the important role of the moral agent, the traditionalists still uphold that there existed acts that must be judged as always immoral, wrong or evil, according to their object apart from the intention of the moral agent or circumstances. By making a reference to St. Thomas, S. Pinckaers notes that in promoting the argument based on the "wholeness" or "totality" of the human act, the revisionists fails to recognize the distinction propose by St. Thomas himself, namely the distinction between the essential elements and the accidental elements.<sup>65</sup> Pinckaers points out that, for St. Thomas, the remote or further ends and circumstances are considered as accidental elements, and therefore, they are secondary.

Furthermore, the traditionalists also raise some criticisms regarding the revisionists' understanding about those three sources of morality. Regarding the role of the intention of the agent, the traditionalists note that they did not ignore the role of the intention of the agent (ends, purposes), but they insisted that both the "remote" or "ulterior" end and the "proximate" end of the agent's action must be taken into account.<sup>66</sup> The traditionalists note that the revisionists' argument of the "wholeness" or "totality" of the human act has in practice focused only on the agent's remote/ulterior end or further intention, i.e., the good that the agent hoped

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63 See, William E. MAY, "Aquinas and Janssens on the Moral Meaning of Human Acts", in *The Thomist* 48 (1984), 566-606. Cf. Louis JANSSENS, "Ontic Evil and Moral Evil", in *Louvain Studies* 4 (1972-73), 115-156. However, about this, Richard McCormick comments that many different interpretations can be attributed to St. Thomas, but Louis Janssens' study is excellent and worthy to be taken into consideration in order to have an adequate understanding of St. Thomas's theory of the morality of the human act. See, Richard McCORMICK, *Notes on Moral ...*, 67.

64 Servais PINCKAERS, « La question des actes intrinsèquement mauvais et le proportionalisme », in *Revue Thomiste* 82 (1982), 190-191.

65 *Ibid.*, 198-200.

66 William E. MAY, *An Introduction ...*, 124.

to realize by choosing to do the act here and now. As a result, they fail to recognize the moral significance of the act that is chosen by the agent as a means for realizing his/her end, and the fact that the agent freely willed such an act as a means.<sup>67</sup> According to them, the revisionists fail here to take seriously the moral meaning of the act and the fact that the agent freely willed the act as a chosen means, the “proximate” end of his/her moral being.

The traditionalists admitted that in a particular circumstance, an act of removing a fetus can be justified according to the principle of double effect. Thus, there might be cases where the death of fetus would be “outside” or beyond the intention of the agent, for example when the intention is to save the life of the mother by removing a cancerous womb. They note, however, that this did not mean to say that abortion would be morally good in such cases; rather, it meant to clarify that the action, in fact, is not an abortion in the moral sense since the killing of the infant is beyond the intention of the agent. However, they hold the absolute prohibition of abortion, namely when the act itself is properly speaking an abortion, that is when the act of killing the infant is intended as an end or as a means. In this case, they firmly hold that a further intention, even a good intention, did not cancel out the intention to kill the infant which remained morally wrong.

The traditionalists strongly reject the revisionists’ proposal to include further ends or foreseeable consequences. As note by John R. Connery, the revisionists’ argument of the totality or wholeness of the act through the emphasis on the role of further ends and foreseeable consequences is not other than consequentialism that had been strongly criticized as inadequate for moral reasoning.<sup>68</sup> The traditionalists insisted that the morality of the human act can not be based on the consequences of the act, but it must be based intrinsically on the act itself. Furthermore, the traditionalists note that the revisionists’ emphasis on taking into account the further ends or foreseeable consequences had put the moral qualification of an act in the perspective of the future-end. As a result of this, the revisionists then had re-described human actions in terms of their “hoped-for result.”<sup>69</sup> For instance, the traditionalists accused the revisionists of describing a series of contraceptive marital acts not as acts of contraception but as a single act of “fostering loving responsibility toward a generous fecundity”, or similarly, of describing the choice of contraceptive sterilization as a “marriage stabilizing” act, or even in the extreme case of

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67 *Ibid.*.

68 John R. CONNERY, “The Teleology of Proportionate Reason”, in *Theological Studies* 44 (1983), 489-496.

69 *Ibid.*.

procuring an abortion, in order to preserve the physical health of the mother. According to the traditionalists, here, the act of abortion is re-described as a “life and health preserving act, and so on.”<sup>70</sup>

In addition, regarding the principle of totality, some traditionalists point to the traditional axiom “*bonum ex integra causa, malum ex quocumque defectu*” to criticize the revisionists’ position. These traditionalists emphasized that in order to be morally good an act must be good in its “totality” or “wholeness” (*bonum ex integra causa*).<sup>71</sup> But, they also hold that, as underlined by W.E. May, the human acts can be judged as morally bad by reason of their “objects,” without taking into account all the elements of the act because “if we know that any of its elements is bad, we know that the whole act is morally vitiated (*malum ex quocumque defectu*).”<sup>72</sup>

In short, in pointing out these criticisms regarding the revisionists’ investigation on Catholic moral tradition, the traditionalists accused the revisionists for misusing the sources taken from the tradition or only selecting the sources that can justify their position.<sup>73</sup>

#### 4. Conclusion

Thus, regarding the doctrine of *intrinsece malum*, it seems clear that we are dealing here with two positions which are diametrically opposed to each other. The revisionists suggested abandoning the doctrine because of inadequacies and inconsistencies involved in this doctrine, whereas the traditionalists defend the validity of the same doctrine against such an opinion. To justify their own positions, both sides invoke Catholic moral tradition, particularly St. Thomas’s writings. Both sides claim that their arguments are more faithful to tradition. Both sides are convinced about their own positions and accuse the other of being mistaken. Indeed there had been a difficult confrontation between them. In front of such a confrontation, it might be important to highlight some points that might help us to understand this discussion better, particularly regarding the root cause of such a debate.

(1) As we have seen, the debate occurred because of the revisionists’ criticism of the doctrine of *intrinsece malum* as it is commonly found in the manualist tradition and in the magisterial teachings regarding some moral

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70 *Ibid.*; cf. Todd A. SALZMAN, *Deontology and ...*, 479-480.

71 See, J.R. CONNERY, “The Basis for Certain Key ...”, 189.

72 William E. MAY, *An Introduction ...*, 124.

73 William E. MAY, “*Humanae vitae...*”, 73. However, this accusation, in turn, also has been criticized by the revisionists. See for example, Todd A. SALZMAN, *Deontology and Teleology ...*, 477-479.

issues in the past decades. It might be important to note that studies on the historicity of moral discourse seem to admit that there is a variety in uses or understandings of the notion of *intrinsece malum* in the long history of Catholic moral tradition. Thus, the starting point of the discussion is concerned with the disagreement regarding a particular usage of the notion of *intrinsece malum as appeared in the recent documents of the Church*.

(2) The fact that the revisionists disagreed but do not deny totally this doctrine, make it clear that the key issue of their disagreement is not about the denial of this doctrine, but about the reason why an act should be judged as wrong or evil, and this is related to the meaning of the “object” of an act. In this matter, we are dealing with different understandings regarding the meaning of the object of an act due to the different uses of the notion of intrinsically evil acts *ex objecto*.

The revisionists criticize the traditional doctrine of *intrinsece malum* which, according to them, conceived the object of the act as already a moral entity. By referring to St. Thomas, the revisionists argue that the object of the act is only an abstract tool used to help us in analysing the human act; it can be distinguished, but cannot be separated from the other elements. They argue that the sharper line of demarcation between “object”, “intention”, and “circumstances” is only in the abstract theory rather than in the concrete application.<sup>74</sup> Besides, they note also that when tradition had defined certain actions as morally wrong *ex objecto*, it had included in the object not simple the material happening, but also elements beyond it that thereby affected its moral qualification. The revisionists often note that the issue is not about the denial of the existence of acts morally wrong in themselves, but rather about “what ought to count as pertaining to the object.”

Meanwhile, the traditionalists criticize the revisionists’ insistence on including circumstances in understanding the object of an act. According to them, the revisionists propose an expanded notion of the object of the act, not the object of the act as commonly understood. In opposition to this, the traditionalists argue that St. Thomas himself acknowledge the existence of acts which are always wrong merely according to the object of the act. They say, for instance, that adultery or the killing of an innocent person is considered as always immoral according to their object, and they can never be justified whatever the circumstances or the intention of the agent.

Thus, although investigating the same Catholic moral tradition, the revisionists and the traditionalists arrived at different understandings

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<sup>74</sup> See, J. GAFFNEY, “The Pope on Proportionalism” in *Veritatis Splendor: American Responses*, ed. Michael E. Allsopp & John J. O’Keefe, Kansas City (MO): Sheed & Ward, 1995, 68.

regarding the meaning of the “object” of the act. In view of this confrontation, it is important to note some clarifications offered by contemporary studies on this matter done by moral theologians who hold a middle position in this debate.<sup>75</sup> They commonly note that regarding the meaning of the object of an act we are dealing with a very complex issue since it is related to the various moral theories acknowledged in the long history of Catholic moral tradition. In this matter, they note that at least we can distinguish three different theories in assessing the morality of an act: first, the scholastic tradition which propose the distinction between *finis operis* and *finis operantis*; second, the penitential-manualist tradition which propose the theory of the three sources of morality; and third, the thomistic tradition which propose a more complex analysis of the human act. They note that the meaning of the object of the act is differently understood in each tradition.

Furthermore, they also remind us that although the term “the object of the act” seemed to be obvious to us all, its meaning, in fact, is puzzling. To clarify the discussion regarding the relation of object-circumstances-intention, it is important to take into consideration the contribution of J. Porter. Being critical of the traditionalists’ position which treated the object as already a moral entity, she argues that the object of the act is an outcome of a process of a moral evaluation, not its presupposition. With this, she seemed to agree with the revisionists who linked the discussion regarding the object of an act first to the process of a moral qualification. However, while admitting that circumstances can be decisive in the determination of the morality of an act, she did not agree with the revisionists’ insistence on taking into account circumstances and foreseeable consequences as determinative. According to her, the revisionists in this matter seemed to confuse the object and circumstances, while St. Thomas himself indeed distinguishes morally relevant circumstances and non-morally relevant ones and also maintained the possibility of distinguishing the object of an act from the circumstances.

(3) We have seen that the revisionists and the traditionalists both invoke Catholic moral tradition, particularly St. Thomas’ writings concerning the moral assessment of an act and the application of norms in

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75 See for example: Brian V. JOHNSTONE, “Faithful Action: The Catholic Moral Tradition and *Veritatis Splendor*”, in *Studia Moralia* 31 (1993), 283-305; ID., “‘Objectivism,’ ‘Basic Human Goods,’ and ‘Proportionalism,’ An Interpretation of the Contemporary History of Moral Theology”, in *Studia Moralia* 43 (2005), 97-126; Jean PORTER, “Basic Goods and the Human Good in Recent Catholic Moral Theology”, in *The Thomist* 57 (1993); ID., “The Moral Act in *Veritatis Splendor* and in Aquinas’ *Summa Theologiae*: A Comparative Analysis”, in *Veritatis Splendor: American Responses*, ed. Michael E. Allsopp & John J. O’Keefe, Kansas City (MO): Sheed & Ward, 1995, 278-295; ID., *Moral Action and Christian Ethics*, Cambridge: Cambridge University Press, 1995, esp. 84-123.

situations of conflict, to justify their own positions. In this matter, the revisionists point to the inadequacy of this doctrine because of its link to the theory of the three-sources of morality (*fontes moralitatis*). They note that in its context this theory is not meant as a theory of morality in its true sense. Besides, they also note that in St. Thomas these tripartite criteria of morality are only conceptual tools used to analyse an act: they are can only be distinguished, but not separated. They argue therefore that for the adequate moral qualification of an act, we have to take into account these three elements simultaneously instead of treating the object of the act as the decisive element in the determination of the morality of the act.

The traditionalists, on the other hand, based upon their investigation on Catholic moral tradition and St. Thomas, argue that the teaching on intrinsically evil acts is very evident and undeniable. They note that St. Thomas himself acknowledges the existence of acts that should be considered as immoral because of the object of the act, independently of circumstances or the agent's intention. According to them, by questioning the doctrine of *intrinsece malum*, the revisionists are denying a plausible truth made known by Scripture and Tradition.

The traditionalists then criticize the revisionists' theory of moral assessment of an act that, according to them, had become the root cause of the denial of this doctrine. They say that in insisting on taking into account all the elements of the act, including the foreseeable consequences, the revisionists fail into consequentialism. Besides, the traditionalists strongly criticize the theory of proportionate reason that, according to them, has departed too far from St. Thomas. They note that although St. Thomas mentions the so-called *debita proportio* between end and means, it is quite clear that St. Thomas himself is against a morality of calculation. They say therefore that the proportionalist method of the revisionists would be harmful and unhealthy for the Christian moral life.

Thus, both of them seriously examined the same Catholic moral tradition, but they arrived at different conclusions. This confrontation reveals the fact that we are dealing with various traditions of moral theology and also with different understandings of St. Thomas's texts. Regarding the issue of the moral assessment of the human act, we can distinguish at least two traditions: the first is the tradition of manualist moral theology which propose the tripartite criteria of morality, namely object-intention-circumstances. The second is the neo-scholastic tradition that invoked St. Thomas who proposes a more complete theory rather than these tripartite criteria of morality. In this matter, the debate occurs because of the revisionists' disagreement about the doctrine's link to the theory of the three sources of morality that, in fact, is inadequate for a complete and comprehensive theory on moral assessment of the human act.

Regarding the reference to St. Thomas, we are dealing here with an inevitable different interpretation of his writings. In this matter, we can recognize at least two different thomistic traditions involved in this debate: on the one hand, the Jesuit thomistic tradition associated commonly to casuistry in the work of some prominent theologians among the revisionists such as J. Fuchs, P. Knauer, or McCormick; and on the other hand, the Dominican thomistic tradition in the work of prominent theologians among the traditionalists such as S. Pinckaers. Meanwhile, it might be important to note that prominent figures of the theory of human basic goods such as G. Grisez, or J. Finnis, do not come from moral theology proper or the scholastic-thomistic tradition in the strict sense, but rather from ethics or moral philosophy.<sup>76</sup> This fact might explain why the confrontation between the revisionists and the proponents of human basic goods theory is much sharper rather than the confrontation between the revisionists and the traditionalists who came from moral theology proper with a scholastic-thomistic background.<sup>77</sup>

(4). Above all of this disagreement, however, it is important to note that actually both of them show the same concern, namely to defend the intrinsic and objective character of morality against all kinds of subjectivism or arbitrary morality. But, as appeared from the discussion, while both sides agree about such issues, they have different understanding about how these issues should be put into practice at the concrete level. Many moral theologians note that the root cause of the differences between them might come from the two different approaches and methods derived from two different worldviews mentioned by B. Lonergan, namely a classicist worldview supported by the traditionalists and a modern worldview characterized by a historical consciousness supported by the revisionists.

The revisionists, based upon a modern worldview characterized by a more historical consciousness, see reality primarily as dynamic and evolving, historical and developing, marked by progressive growth and change. Therefore, they treat moral issues in their concrete particularity, either with regard to the reality of the act, the agent, or norms. The traditionalists, on the other hand, see reality primarily as static, immutable and eternal, marked by objective order and harmony. Therefore, they speak about the reality of human beings and the human world in terms of well-defined concepts, and universal principles. At the same time, they emphasized the duty and obligation to conform human (moral) life to a

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76 Josef FUCHS, *Ricercando la verità morale*, San Paolo, Cinisello Balsamo (MI) 1996, 199.

77 Cf. John HILL, "The Debate Between McCormick and Frankena", in *Irish Theological Quarterly* 49 (1982), 121-133; Kenneth MELCHIN, "Revisionists, Deontologists, and the Structure of Moral Understanding", in *Theological Studies* 51 (1990), 389-416.

pre-established order. In this perspective, the traditionalists' method in grasping reality is primarily deductive.

Thus, we see here that the revisionists and the traditionalists revealed two very different approaches or methods. It seems obvious that in the discussion this profoundly affected their understandings of the issues being discussed. Therefore, although they are guided by the same concern, i.e., to defend an objective morality against any subjectivist or relativist morality, and to ascertain the truth regarding issues being discussed, eventually they arrived at very different conclusions.

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HV - Humanae Vitae

VS - Veritatis Splendor

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