



This thematic issue of *The National Catholic Bioethics Quarterly* is devoted to critiques of what has come to be called the new natural law theory. This is somewhat unusual for our journal, which is typically dedicated to addressing practical moral questions, but the widespread influence of this new understanding of natural law within Catholic circles, and the prominence of its many distinguished exponents, emphasizes the need for a careful critique and response. Our authors' fundamental concern is that the NNLT substantially contradicts the traditional understanding of the moral teaching of St. Thomas Aquinas and is thus used to justify decisions that would have previously been considered indefensible. A recent example was the defense of a case at St. Joseph's Hospital in Phoenix, in which an unborn child was killed by dilation and curettage.

This is not a "pro and con" discussion. Only opponents of NNLT appear. That is intentional.

The contributors to this issue are representative of Catholic moral thought as handed down by previous tradition, especially in the writings of Aristotle and Aquinas. We are alarmed by the development of an outlook that is so distinctly at odds with what has gone before. Our authors do not form a single school of thought, but they unite here to express their common concern about a theoretical outlook that in some ways jettisons the best of Catholic moral thinking, and in other ways seriously disfigures it. Given the centrality of natural law ethics to the Catholic faith, the objections of our contributors deserve widespread attention.

In his essay on Elizabeth Anscombe and the NNLT, Matthew O'Brien shows with masterful clarity the pertinence of Anscombe's thought to this debate. He demystifies the NNLT account of intention as essentially a proposal or content of the mind rather than, as Anscombe held, what objectively answers to the agent's *carrying out of what happens*. Her reflection on Aquinas's discussion of human action yields realist rather than logicist conclusions. Intention is more than an ideational proposal.

Edward Feser, in his "The Role of Nature in Sexual Ethics," illumines the natural teleology that alone can serve as the basis for sexual ethics. The sexual act

is by its very nature procreative and cannot be reduced to its unitive dimension. In contradistinction to the NNLT, the “old” natural law theory is shown to be more intelligible than any account that presumes unbridgeable chasm between nature and good, or between “fact” and “value.”

Fulvio Di Blasi takes up the puzzling and profound absence of God in the NNLT in “The Role of God in the New Natural Law Theory.” He shows that it is impossible for the theory to admit that reality itself and all natural ends or purposes are necessarily ordered to God. Bearing in mind Aquinas’s distinction between nature and grace, Di Blasi shows that nature itself, and human nature in particular (as created *ad imaginem dei*), is unintelligible apart from God.

In “Is the New Natural Law Thomistic?” Michael Pakaluk confronts the new natural lawyers’ architectonic misunderstanding of the first precept of law. He argues that, absent a natural teleology, they fail to understand the analysis given by Aquinas of ends, natural inclinations, and precepts, especially as laid down in the central question I-II, q. 94, a. 2 of the *Summa theologiae*. For the NNL theorists, the moral law is not measured by anything in nature beyond human reason.

One of the capital assertions of the NNLT has been its denial that there is any morally significant order of “basic” ends prior to human choice. One implication of this view has been a reductionist instrumentalization of the common good that denies its intrinsic importance for moral life. John Goyette, in “On the Transcendence of the Political Common Good,” addresses this issue head on. He defends the classical Catholic understanding of the transcendence of the common good within the political order against the NNL theorists.

In “Fundamental Errors of the New Natural Law Theory,” I identify and seek to explain five central errors of the NNLT: (1) the denial of the primacy of speculative over practical truth, (2) the negation of any unified normative natural teleology expressed in the NNLT doctrine of the “incommensurability” of basic goods prior to choice, (3) the failure to affirm the transcendence of the common good, (4) the negation of the essentially theonomic character of the natural law, and (5) the intentionalist construction of human action. These five defects stand as a summary of the main theoretical difficulties faced by the NNLT.

Can the NNL theorists justify their approach through the writings of Aquinas? In his article, “St. Thomas Aquinas and the New Natural Law Theory on the Object of the Human Act,” Rev. Kevin Flannery, SJ, carefully explains why the passages from Aquinas to which the NNL theorists typically appeal fail to coincide with the NNLT account of human action. The loss of these critical supports leaves their central claim—that the theory has an adequate foundation in the teaching of Aquinas—unjustified. Given the centrality of the human act to moral theory in general, this shows that their work cannot be considered Thomistic.

Several of the papers published here are abbreviated versions of larger works that will appear in a forthcoming book on this topic from The National Catholic Bioethics Center. That larger effort will also add other names to the distinguished list that appears in this issue, and will address an even wider range of crucial topics.

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Guest Editor