

Traditional Catholic philosophy: baby and bathwater

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Abstract: The teaching of the Aquinas Academy in its first thirty years was based on the scholastic philosophy of Thomas Aquinas, then regarded as the official philosophy of the Catholic Church. That philosophy has not been so much heard of in the last thirty years, but it has a strong presence below the surface. Its natural law theory of ethics, especially, still informs Vatican pronouncements on moral topics such as contraception and euthanasia. It has also been important in Australia in the High Court's deliberations on the Mabo case. It is argued that some officially-sanctioned deductions on particular cases have not been correct, but that any attempt to do without a natural law foundation of ethics would throw out the baby with the bathwater. The sense of the basic objective worth of persons that is the centre of natural law ethics is essential to any ethics better than a simple "might is right" approach.

I first attended the Aquinas Academy in 1973. That was the last full year its founder, Dr Austin Woodbury, taught, and the operation had seen better days by then – "the Doc" was inclined to repeat his anecdotes, the examples of racehorses in the notes dated from the 1940s, attendance was down. That was hardly a surprise since it was getting on for thirty years since he founded the Aquinas Academy and about fifty years since his own intensive study of scholastic philosophy in Rome. (I use "scholastic" as a shorthand for the philosophy he taught; the word refers to the "schools" of philosophy of the middle ages, especially that of St Thomas Aquinas.) It was primarily an evening school, aimed principally at the laity, and was for many years a remarkably successful operation. In 1961, for example, it was running nineteen classes a week, with a total enrolment of some 500 – and that in a city much smaller than today.¹

Woodbury was a charismatic classroom teacher. The artist John Ogburn recalled:

Frequently Woodbury would send me to the canvas with his answer and I responded to this as a miner greets the fresh air after working a double shift underground. Through the teaching of these two men [Woodbury and the artist Orban] I had at last found the source of that clear stream of loveliness

¹ J. Franklin, *Corrupting the Youth: a history of philosophy in Australia* (Macleay Press, Sydney, 2003), pp. 80-82.

and beauty, the Being from which or in which all other beings are. I could now start to paint seriously.²

That was not quite my experience. I found the lectures full of unintelligible formulas. So I went back to Thomas Aquinas to find what was behind it. I was still not much the wiser, so I went back a step further to Aristotle, the philosopher from whom Aquinas took his main ideas. I finally made some progress.

Woodbury was well known for his aggressive views on other philosophers, notably the atheist Professor John Anderson at Sydney University. In 1952 Woodbury claimed publicly, “The department of philosophy in the University of Sydney is a cancer at what ought to be the heart of the scholastic life of this city. It is a disgrace to the University of Sydney, and would be a disgrace to any university anywhere. I would warn students, and the parents of students, that a grave risk to their future intellectual and moral life is incurred by students who follow the course of philosophy at the University of Sydney without at the same time taking courses at this academy.” Anderson deigned to reply, at least briefly, describing Woodbury’s attack as “sheer rubbish and propaganda”. “Dr Woodbury not only knows nothing about philosophy, but he knows nothing about the department of philosophy at the University.” Intellectual polemic in Sydney is not what it used to be ... As the Melbourne philosopher Rai Gaita says, in Sydney we not only put the boot in, we make sure it is steel-tipped to begin with.

Like many forms of thought and organisations still found in odd corners at the end of the Sixties (the DLP, for example), the scholastic philosophy that Woodbury taught came to be regarded in many circles as hopelessly outmoded. The Aquinas Academy itself fell to a kind of coup by people of a Jungian orientation, more interested in modern psychology than in medieval philosophy. The present Aquinas Academy descends from them. The spirit of the Second Vatican Council was hostile to the old style of philosophy that had dominated seminary training – or at least, many people thought it was, though of course the “spirit of Vatican II” is a hotly contested article, and there is nothing in the letter of the Council’s documents that denies scholastic philosophy.

My purpose is to put forward three views:

² N. Turner, *Catholics in Australia: A Social History* (CollinsDove, Melbourne, 1992), vol. II, pp. 286.

- Scholastic philosophy is still very much with us, in the teaching of the Pope and those who agree with him.
- The basics of scholastic philosophy, especially its views on the natural law foundation of ethics, are right and we cannot do without them.
- Some of its more esoteric deductions on ethics from the principles are not adequately justified.

Vatican pronouncements on contraception, euthanasia, gluten-free hosts³ and so on are still driven by deductions from the scholastic philosophy of Thomas Aquinas and his followers. That is why they are at odds with the consensus of early third-millennium Western intellectuals. The Pope had the same thesis supervisor as Dr Woodbury and has never given any indication of doubting any of Aquinas's doctrines (though unlike Woodbury he did add to his scholastic formation a serious study of certain twentieth-century philosophers). He makes clear his commitment to the thought of Aquinas many times. For example near the beginning of his 1993 encyclical on the foundations of morality, *The Splendor of Truth*, he complains that "the traditional doctrine regarding the natural law, and the universality and the permanent validity of its precepts, is rejected [by many]; certain of the Church's moral teachings are found simply unacceptable; and the Magisterium itself is considered capable of intervening in matters of morality only in order to 'exhort consciences' and to 'propose values'."⁴ There are many other pro-scholastic statements of the same kind.

Not everyone approves of the conclusions the Pope draws from his philosophy. But the attempted answers to him have mostly been disappointing. If one does not like some of the deliverances of his philosophical thought – for example, its policy on condoms and AIDS – then it is not satisfactory to condemn it as outmoded, or patriarchal, or out of touch with reality, or reactionary, or pigheaded, or clerical, or Polish. It or some of those promoting it may or may not suffer from those defects, but that does not bear on whether

³ "Hosts that are completely gluten-free are invalid matter for the celebration of the Eucharist. Low-gluten hosts (partially gluten-free) are valid matter, provided they contain a sufficient amount of gluten to obtain the confection of bread without the addition of foreign materials and without the use of procedures that would alter the nature of bread." Letter of Cardinal Ratzinger, July 24, 2003, <http://www.usccb.org/liturgy/innews/1103.shtml>

⁴ John Paul II, *Veritatis Splendor* (1993), section 4; similar in *Fides et Ratio* (1998), sections 43, 61, 78.

the philosophy itself or the conclusions from it are true. The proponents of those ideas are rightly unimpressed by those accusations. They put forward a philosophy and arguments for it, and answers to them must be in the same terms – either an explanation of why the principles of that philosophy are wrong, or argument that the conclusions deduced about particular cases from those principles do not follow. A dryer task than expressing indignation, perhaps, but the only relevant way to proceed.

Natural law ethics is based on a simple idea. A caricature of it has it saying “If God had meant us to fly, he would have given us wings.” That is not what it is about. It would be better to start with the Nuremberg trials. The judges at Nuremberg said that it was not up to the Nazis to develop historical understandings of morality as they saw fit, understandings, for instance, that Jews were vermin who deserved to be exterminated. What prevents the Nazis doing that is the fact that Jews, like other humans, have an intrinsic worth that makes killing them wrong. That is an objective fact – not a scientific fact, but a moral one.

The central idea in scholastic or “natural law” ethics is that the objectivity of ethics is founded on the nature of humans. The reason murder is wrong, on this view, is neither an arbitrary command of God (or of society, or of our genes), nor a free-floating rule, nor some fact about the greatest happiness of the greatest number, but the intrinsic worth of persons, which makes their destruction wrong. Dr “Paddy” Ryan, the celebrated Sydney scholastic philosopher and anti-Communist crusader of the 1940s, explained:

Ultimately, then, the morality of human acts is not to be explained by the civil legislation, public opinion and tradition, nor the authority of great men, nor mere utility, nor by gradual evolution from brute beginnings, nor their relation to the production of the super-man, but by their conformity to the law of God, founded in the nature and essential relationships of things, and known by reason. On the other hand, the morality or immorality of our acts does not

depend wholly on God's will. In other words, a thing is not always bad because God forbids it; God forbids it because it is bad.⁵

Surely there is something fundamentally right about that. If we were to deny that there is some sort of intrinsic worth of persons, we would be agreeing with the view of atheist materialism that humans are fundamentally the same kinds of things as galaxies – just heaps of atoms. In that case, there is no distinction between an exploding galaxy and the death of a human. But we all really know that the explosion of a lifeless galaxy is just a firework but the death of a human is a tragedy. The concept of tragedy, and a serious reading of all our other moral vocabulary, does not make sense in the absence of a concept of the objective worth of persons. What makes us Catholics philosophically as opposed to both atheists and religious fundamentalists is a strong sense of the inherent value of people, prior to any wishes of people or commands of God.

Although the worth of persons is a high-level principle, it makes a difference at a very detailed level. The most dramatic outcome of Catholic philosophy in Australia in recent times has been the High Court's Mabo judgment on Aboriginal land rights. The fundamental issue in the case was the conflict between the existing law based on the principle of *terra nullius* and what the judges took to be objective principles of justice. The existing law held that the white settlers of Australia had found the land unoccupied, as if the aboriginal inhabitants were just tourists who walked over the land without in any sense possessing it; therefore the land belonged to no-one and the whites could occupy it. The judges in the Mabo case agreed that it is a very serious matter to overturn existing law, and that it could only be done if the doctrine of *terra nullius* could be found inconsistent with one of the basic underlying principles of the law. That principle, they said, is a simple one: equality before the law. "No case can command unquestioning adherence if the rule it expresses seriously offends the values of justice and human rights (especially equality before the law)."⁶

⁵ P.J. Ryan, 'The fundamental tenets of scholasticism', *Catholic Press* 17/5/1934, p. 12 & 7/6/1934, p. 6; Franklin, *Corrupting the Youth*, p. 67; a more recent exposition in N. Brown, *The Worth of Persons: a study in Christian ethics* (Catholic Institute of Sydney, 1983) .

⁶ G. Brennan, in *The Mabo Decision with Commentary by Richard H. Bartlett* (Sydney, 1993), p. 19.

Sir William Deane, one of the judges in the case, was happy to mention (later) his commitment to natural law principles. “The basis of natural law”, he says, “is the belief that some things are innately right and some innately wrong, flowing from the nature of things, including our nature as human beings. That approach provides a philosophical basis for seeing such things as human rights as going deeper than any particular act of Parliament or what have you. That is not exclusively Catholic. It runs through Christian belief.”⁷

Deane also emphasised how much detail it is possible to derive from the principles. In a remarkable passage on the natural law basis of international law, as founded by Aquinas and his Spanish followers, he had earlier said “This basis gave international law a rich philosophical foundation which was a source of unlimited development. In it there is a reservoir of rules for all situations and cases. A law based on natural law can never grow out of touch with the current needs of nations.”⁸ Sir Gerard Brennan, one of the other Mabo judges, has an equally remarkable passage where he advises that the point of the endless complications of commercial law is not to provide many opportunities for legal loopholes, but so that the lawyer can advise his client’s conscience with due complexity.

Those beliefs about natural law are not agreed to by the kind of judges appointed to the High Court by the Howard Government. They regard the attempt to make law conform to principles of justice as an unwarranted “judicial activism”, and complain that the “activists” replace “strict rules with flexible standards based on their own notions of reasonableness, fairness and efficiency.”⁹ Without their explicitly saying so, it is clear that these lawyers do not believe in the existence of any objective standard of justice to which law ought to conform. The conflict about these very basic matters of the philosophy of ethics makes a difference.

To clarify our ideas on natural law ethics, let us run briefly through some objections to it.

⁷ T. Stephens, *Sir William Deane: The Things That Matter* (Sydney, 2002), p. 100; Franklin, *Corrupting the Youth*, pp. 388-98.

⁸ W.P. Deane, ‘Crisis in the law of nations’, *Social Survey* 6 (1957), 8-15, at p. 12.

⁹ J. Gava, ‘The rise of the hero judge’, *UNSW Law Journal* 24 (2001), 747-59; D. Heydon, ‘Judicial activism and the death of the rule of law’, *Quadrant* 41 (1) (Jan-Feb, 2003), 9-22.

In the light of our strong grasp of human worth, should we be impressed by arguments that ethics cannot be objective because different tribes have different moral views, or we understand how ethical views have developed historically, or we know from psychology what makes us believe our ethical opinions? As the Pope puts the problem, “The great concern of our contemporaries for historicity and for culture has led some to call into question the ‘immutability of the natural law’ itself, and thus the existence of ‘objective norms of morality’ valid for all people of the present and the future, as for those of the past. Is it ever possible, they ask, to consider as universally valid and always binding certain rational determinations established in the past ... ?”¹⁰

(Now, it is true that on the natural law view, our ethics could change to some degree if we came to know human nature better. In fact that has happened, as when a better grasp of human equality made it clearer that slavery was wrong. Perhaps the last century’s advances in psychological understanding made some difference too, but the best of psychological research has been continuous with what we knew already. For example, the discovery that abuse of children caused long-term trauma means we understand that child abuse is worse than we thought; but still, we always knew it was serious. And psychology has given us a better idea of when blame is appropriate and when treatment is needed instead of moral advice, but those things are only marginal to the questions about right and wrong that natural law is concerned with. By and large, ethics should not change with time, on the natural law view, except, like mathematics, by being better understood.)

The objections from historicity, psychology and so on all claim to undermine the objectivity of ethics by finding causes for our ethical views. But the argument that the objectivity of a belief is undermined by knowing what caused it is a bad argument. It is an instance of what my philosophy teacher David Stove named as the winner in his “competition to find the worst argument in the world” – the argument that we can only know things through our perceptual organs, or through our cultural understanding or whatever, therefore we cannot know things as they are in themselves. It is like saying that

¹⁰ John Paul II, *Veritatis Splendor*, section 53.

the display on a calculator is just caused by its wiring, so there is no reason to believe it is right. Or even more bluntly, it is like saying “we have eyes, therefore we can’t see.”¹¹

The objection that morals are diverse among different tribes is not convincing either. It needs longer discussion than I can give it here, but I would argue it is taken care of by a combination of the replies that at the more fundamental levels, there is not a great deal of diversity in morals (the Pope mentions respect for parents as they deserve as almost universal ¹²) and that we can dismiss some ethical conclusions of some tribes as simply mistaken, the way we would dismiss the views of tribes who thought there were no numbers bigger than four.¹³ For example, we dismiss the Nazi tribe’s view that Jews are vermin because we understand that the reasons they gave for those views were rubbish. Skull measurements cannot possibly be relevant to the ethical worth of any persons. So to the question “Who are we to say (that other cultures have made mistakes in ethics)?”, natural law thinking would answer “It is everybody’s job to say (that blowing up infidels is wrong)”.

The same reasoning applies to the idea that we must “make our own values” (as in, “I’m not going to take orders from any Church, I need to do my own thinking and determine my own values.”) That has a Nazi tinge about it too – it is no accident that the most famous Nazi film was called “Triumph of the Will”. On a natural law view, making your own values is as misconceived as making your own additions. Sure, you can add up a column of figures and write down any answer you like at the bottom. A number of prominent Sydney businessmen availed themselves of that freedom, and several of them are before the courts at the moment. Any sum is possible, but only one sum is right. Any estimation of the ethical worth of other people is possible, but one that estimates others as worth less than yourself is wrong.

It is by now clear that it is very hard to do the things one normally does in ethics, such as defend human rights, condemn injustice and so on, without committing oneself to the basics of natural law ethics. If humans do not have an objective worth, why are we bothering with the injustices done to them?

¹¹ J. Franklin, ‘Stove’s discovery of the worst argument in the world’, *Philosophy* 77 (2002), 615-24.

¹² *Veritatis Splendor*, section 52.

¹³ J. Franklin, ‘On the parallel between mathematics and morals’, *Philosophy* 79 (2004), 97-119.

One last reason for believing in the objective worth of persons comes from the problem of evil. As is well-known, it is very difficult for religion to deal with the question, How could God allow so much evil to happen? That is a very fair question, but it only makes sense if the evil happens to beings for whom evil really matters, that is, ones of objective worth. There is no problem for evil for cockroaches, because it does not matter what happens to cockroaches. There is only a problem of evil for humans because humans have great worth, so that it matters a great deal if they suffer. Any conclusions drawn from the problem of evil need to take account of that. Which is not so easy.¹⁴

Now we come to some more detailed ethical matters. The principle that all humans have worth, indeed an equal worth, is very general, whereas moral questions are very particular. Plainly there is work needed to fill in the gap between the ethical principle and the particular cases. Concerning euthanasia, for example, does a respect for the worth of persons imply keeping them alive at all costs, or assisting them in a decision to end life?¹⁵

Here, Catholic thinking has again turned to the concept of the “nature” of humans, but in a way that appeals to more detailed facts about humanity than merely their equal worth

There is an interesting diagnosis of Catholic ethics by Alan Donagan, originally from Melbourne but for many years Professor of Philosophy at the University of Chicago. He was broadly sympathetic to Catholic ethics but believed it had made a fundamental mistake at this point, where Catholic thought attempted to “read off” morality from the purposes of various organs. He considers Aquinas’s analysis of what is wrong with lying. Aquinas says “since words are naturally signs of thoughts, it is unnatural and wrong for anyone by speech to signify something he does not have in his mind.”¹⁶ So Aquinas is not appealing directly to anything about the worth of persons, but just to what is natural for the part of the person that deals with language production. Donagan argues that Aquinas has gone wrong on two points. First, he says, Aquinas has not established that it is the natural purpose of speech to express what is in the speaker’s mind: speech is to

¹⁴ J. Franklin, ‘Two caricatures, II: Leibniz’s best world’, *International Journal for Philosophy of Religion* 52 (2002), 45-56.

¹⁵ Survey in the Australian context in Franklin, *Corrupting the Youth*, pp. 425-30.

¹⁶ Thomas Aquinas, *Summa Theologiae* II-II q. 110 art. 3.

communicate, but an act of misinformation, for which there could be a good reason, is not unnatural. Secondly, Donagan says, Aquinas has not explained why it is wrong to prevent natural activities reaching their natural end; for example, we prevent animals performing naturally if we eat them, but there is nothing wrong with that. To explain why lying is wrong, Donagan says, one must recall that in the normal case with communication, one lies for the purpose of harming someone, and the harm explains why it is wrong; if, however, telling the truth is what would harm someone, it is telling the truth that is wrong.¹⁷ His analysis thus appeals directly to the worth of persons. He went on to write a book, *The Theory of Morality*, that shows how the morality we normally assume can be deduced from implicit principles of the worth of persons.

Donagan is right to emphasise that appeals like Aquinas's to what is natural are something added to the original idea of natural law based on the equal worth of persons. He comments "one reason why the scholastic theory has had less influence outside Catholic circles than it merits, is that it is assumed to be a seamless unity, and that little is known of it but arguments like St Thomas' against lying. It is widely believed that if you reject such arguments (that against artificial contraception is, of course, the best known) then you must deny that there is a natural law: that is, you must abandon the conception of the moral law as a matter of human reason."

(He could have mentioned also that the "seamless unity" theory has the problem that the Church has admitted to mistakes a few times – on usury and on religious freedom and the Inquisition.)

In summary, he suggests that natural law in the style of the Nuremberg trials is all right, but that Catholic morality has been misled by arguments that really do amount to saying "if God had meant us to fly, he would have given us wings."

Is he right?

I am sorry to complicate things further, but not so fast.

We will find ourselves more in sympathy with Aquinas' thought on lying if we recall that language production is done by the whole cognitive and speech system – the mind that knows the truth and decides to utter either the truth or its opposite. Surely there is

¹⁷ A. Donagan, 'The scholastic theory of moral law in the modern world', in A. Kenny, ed, *Aquinas: a collection of critical essays* (Anchor Books, Garden City NY, 1969), pp. 325-339.

something to be said for the idea that the point of the cognitive system is be aligned with the truth, as far as possible, and hence that forcing it to serve falsehood is a perversion that is unworthy of its dignity and its role in human life? Do we not think of people gaoled for fraud, “You’re only on the planet once, what are you doing wasting your life and your intelligence deceiving people?” If we are forced to lie, as in the classic case of misleading a would-be murderer on the location of a knife, that is the right thing to do, but still does a kind of violence to the cognitive system – indeed, the point of the example is the need for a serious reason to overcome the natural orientation of the system to the truth. Cognition is integral to being human, not a tool, which is why the notions of perversion and violence apply.

That is the kind of appeal to natural use of organs that has ethical credibility.

However, in the case of misleading the would-be murderer with a lie, we should not think of ourselves as doing something “intrinsically evil”, lying, so that good may come of it. The case simply presents a conflict between the worth of the potential victim and the normal orientation to truth of our cognitive system. Obviously the rights of the potential victim prevail in this case.

Let us take another example where reasoning from what is natural for humans is strong. Consider what advice you would give to a daughter of yours who told you she was considering starring in porn films as a career. (True, the scenario is not very realistic, since a daughter with an adequate parent is probably not thinking of that particular career.) She says she has found a recommended place of employment, the Occupational Health and Safety guidelines are in place, and she asks what is wrong with simulated sex for money. What would you say (after you’d recovered)?

You might reply along these lines:

“That is not looking after yourself. Sex is too close a part of the personality to be exposed for money. It is just the nature of sex that it is a way of giving yourself very one-to-one and privately. That’s why rape is worse than an assault of similar physical severity and why we’re especially concerned about sexual abuse of children: it is because the sexual part of the personality is close and private that a violation of it is serious. For the same reason, doing something else that doesn’t suit it, like trading it for money, is

harming yourself even if you consent. It is like staying deliberately ignorant by refusing to learn anything at school – doing that harms the intellectual part of the personality, and it’s wrong whether you consent or not.”

Those arguments, both as to sex and education, are appeals to details about what human nature is like: starring in porn films and deliberate ignorance are perversions of our nature, or failures to develop what is good about our nature.

It is an argument of that sort that Paul VI gave against contraception in his 1968 encyclical *Humanae Vitae*. This is the full argument, which is intended to be free-standing and apply to all humans, irrespective of their religious beliefs.

“Each and every marital act must of necessity retain its intrinsic relationship to the procreation of human life. This particular doctrine ... is based on the inseparable connection, established by God, which man on his own initiative may not break, between the unitive significance and the procreative significance which are both inherent to the marriage act. The reason is that the fundamental nature of the marriage act, while uniting husband and wife in the closest intimacy, also renders them capable of generating new life—and this as a result of laws written into the actual nature of man and of woman.”¹⁸

That is the complete argument. It is hard to argue further either for or against it. It seems to me inadequate, but if someone does find it adequate, I would call that reasonable, as it is very close to the argument about why lying disturbs the natural relation between our cognitive faculties and the truth. If the argument is right, it still seems not to have established that the wrongness of contraception is serious.

In cases like this, it would be simplistic to dismiss those who take a laxer view of morality that the traditional one as simply infected by modern ideas of freedom or autonomy. The Pope has a certain view of his opponents. While recognising a certain variety among them, he comes back repeatedly to the idea that the main trouble arises from Enlightenment ideas on absolute freedom. He has absorbed an idea once very

¹⁸ Paul VI, *Humanae Vitae*, sections 11-12.

colourfully expressed by Archbishop Vaughan, the leader of Sydney Catholics in their fight against the withdrawal of state aid to church schools in the 1870s. Vaughan gave an extraordinary talk with the title “Hidden Springs” on the conspiracy that he thought lay behind plans for secular and compulsory education. It was a plot, he believed, by the sect of the revolution, international Freemasonry. “The Sect fixes savagely on one dogma of its own,” he said, “whilst gnashing its teeth at all dogmas, it is this, viz., that absolute liberty and unlimited freedom to do, say, or think anything he likes, is the natural and inalienable right of every man.”¹⁹

That diagnosis of the opposition to natural law theory does fit a number of cases – not the Masonic plot theory, of course, but the Enlightenment freedom one. Peter Singer, Australia’s best-known philosopher, has views on the permissibility of infanticide (of healthy but unwanted babies) that fit that scheme exactly. But seeing Catholic natural law theory as a seamless unity and all its opponents as infected to one degree or another by rabid ideas on freedom is simplistic. It fails to see and hence fails to answer those who take their stand on natural law but draw different conclusions in detail. (For one thing, the most famous Enlightenment document is the American Declaration of Independence, which says “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life ... etc” That is a natural law theory too – and one that joined well with Catholic theory in the Universal Declaration of Human Rights in 1948, largely written by an American lawyer and a Catholic Lebanese follower of Aquinas.²⁰)

We need to discuss condoms and AIDS. If the average Muslim is asked whether he is distressed by Islamic practices of terrorism and female genital mutilation, the answer is often “Nothing to do with me”: those practices are said to be unIslamic and only practised in primitive parts of the Islamic world or by strange subsects. That is a reasonable answer, but at the same time one might hope for something a little more

¹⁹ R.B. Vaughan, *Hidden Springs, or the Perils of the Future and How to Meet Them*, (Sydney, 1876), discussed in J. Franklin, ‘Catholics versus Masons’, *Journal of the Australian Catholic Historical Society* 20 (1999), 1-15.

²⁰ ‘A conversation with Habib Malik’, usinfo.state.gov/journals/itdhr/1098/ijde/habib.htm ; see C.H. Malik, ‘The search for absolute values’, in *The Search for Absolute Values in a Changing World: Proceedings of the Sixth International Conference on the Unity of the Sciences* (New York, 1978), pp. 1251-70.

forceful in condemning practices done in the name of Islam and perhaps some agitation to encourage the authorities to suppress the practices. In the view of many in our community, the Vatican's opposition to condom campaigns against AIDS is as bad as Islamic terrorism and probably kills more people. There is a great deal of anger about it. Catholics should be thinking about what is being done in their name and asking themselves if they agree with it. We need to consider it in the present context because the Vatican's position is a direct consequence of its arguments on natural law and contraception, described earlier.

The main official Vatican document on the question is a long article 'Family values versus safe sex' (2003) by Alfonso Cardinal López Trujillo, President of the Pontifical Council for the Family.²¹ It contains mostly argument about factual matters rather than philosophy. In brief summary, it claims:

- There is no such thing as safe sex: although condoms reduce the risk of transmission of AIDS considerably, they have failure rates in both normal and perfect use that mean "safe sex" is a false promise (he suggests that if American legal practice is followed, victims of so-called safe sex campaigns might like to sue).
- Although condoms reduce AIDS infections, that has to be set against an increase in AIDS infections that a condom campaign brings about, by suggesting "everyone is doing it" (and safely), which leads to promiscuous behaviour. The Cardinal points out that AIDS is rampant in Thailand, which has had a large condom campaign, but not in the Philippines, which hasn't.

It is not my business to evaluate complicated matters of health policy and the physics of latex and so on, but I would say the evidence the Cardinal provides for these assertions is substantial. Perhaps there are some facts he does not mention, such as the reasonable success of Australian policy against AIDS and the effectiveness of imperfect methods of protection in reducing epidemics. Still, it would not be good to maintain that it is obvious that Vatican policy is killing people without looking at the evidence very carefully. It

²¹ A. López Trujillo, 'Family values versus safe sex', http://www.catholicculture.org/docs/doc_view.cfm?recnum=5836

would not be desirable to find oneself saying “Of course black people and gays can’t be expected to show restraint, but I certainly don’t want condom vending machines in the toilets at my daughter’s expensive private school – that would be sending the wrong message.” And if it seems unlikely that there would be a world conspiracy to pretend condoms work better than they do, as the Cardinal in effect claims, one might compare with a point he makes in passing – that in Western countries, cervical cancer kills more people than AIDS, and it is almost always caused by sexually transmitted HPV virus, against which condoms have poor effectiveness. That is “well-known”, in principle (well-known to the health authorities to the extent that they are considering mass immunisation of 12-year-old girls against HPV²²) but not much mentioned in the newspapers. It means that safe sex campaigns here are fraudulent.

Having said that, there is still something disturbing about Cardinal Trujillo’s position. It is that if the facts were different, he would still be saying the same thing. He maintains that the use of condoms is a natural evil and cannot be excused if it did turn out that they saved lives. That is like arguing that it would be wrong to lie to save someone’s life. It is not seeing correctly the need to balance the natural worth and rights of potential victims against the natural use of personal faculties.

In conclusion – the essentials of the Catholic natural law view of ethics provide the only way to make sense of the foundations of ethics: the only way to explain what rights are, what rules ought to be adopted, what ought to be considered in individual acts of decision. Some of the bathwater of detailed deductions needs to be thrown out, but the baby of basic principle needs to be kept. Then fed and displayed.

²² Australian Medical Association press release, ‘Immunisation against cervical cancer?’, 15/6/2003, <http://www.ama.com.au/web.nsf/doc/WEEN-5NG4JQ>