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 “The Decline of Natural Law Reasoning: The Influence of Recent Cultural and Intellectual Currents on the Tradition,” *National Catholic Bioethics Quarterly* 14.2 (2014), 245-255.

**Introduction**

The question of homosexuality has become a hot-button issue worldwide. The traditional morality and teachings of the Catholic Church and other world religions are being challenged in unprecedented ways. Many today feel that persons with homosexual inclinations are unjustly discriminated against when they are told they cannot enjoy similar social benefits as married couples, including the adoption of children.

The Catholic response to these issues has been very clear. The Catechism of the Catholic Church no. 2357 states that “homosexual acts are intrinsically disordered. They are contrary to the natural law. They close the sexual act to the gift of life. They do not proceed from a genuine affective and sexual complementarity.” Likewise, no. 2358 states that homosexual inclination is “objectively disordered.”

 To avoid misunderstanding this teaching, we should note that the phrase “intrinsically disordered” applies to the homosexual act whereas “objectively disordered” applies to the homosexual inclination. Catholic teaching distinguishes the person, the inclination, and the act. Persons with homosexual inclinations are not condemned or excluded from the Church but are children of God with equal dignity as any human beings. In fact, no. 2358 of the Catechism reiterates the fact that persons with such inclinations “must be accepted with respect, compassion, and sensitivity. Every sign of unjust discrimination in their regard should be avoided. These persons are called to fulfill God's will in their lives and, if they are Christians, to unite to the sacrifice of the Lord's Cross the difficulties they may encounter from their condition.”

The term “objectively disordered” applies to the inclination but does not apply to the person, and therefore is not a condemnation.  It means that this tendency is not in harmony with human nature the way God has designed us to be, because that desire cannot be fulfilled in a way consistent the complementarity of the sexes of male and female, and neither can it fulfill the procreative powers inherent in our sexual faculty.[[1]](#footnote-1)

Homosexual acts—like other sexual activity contrary to chastity, for example, masturbation—are considered “intrinsically disordered” which means they are always wrong no matter what is one’s subjective intention.  These acts are always contrary to human reason and therefore unnatural and so the Church teaches strongly and clearly against it.

Apparently, we can trace most of this teaching back to Thomas Aquinas. In his *Summa Theologiae*, St. Thomas considers certain sexual activities that are “contrary to the natural order of the venereal act as becoming to the human race” as “unnatural vice.” He lists these as masturbation, (contraception), bestiality, sodomy and unnatural manner of copulation.[[2]](#footnote-2) According to Aquinas, there is a hierarchy of disorderliness. Sexual sins of lust such as incest, rape, adultery, fornication and seduction, are acts against right reason. Even though they are serious, they are less grave than the unnatural vices which are acts against human nature (*contra naturam*) and are therefore even more unreasonable.[[3]](#footnote-3)

This article will not be an analysis of why according to natural law, homosexual acts are considered unnatural and disordered. This reasoning has been adequately addressed by a number of authors such as John Finnis.[[4]](#footnote-4) Nonetheless, many people today in fact do not find this convincing or comprehensible. The problem lies with the fact that appeal to human nature and natural laws is no longer understood in contemporary culture. In all, the whole debate on this subject is the proper relationship between nature and culture. Is it that human nature is fluid and can vary from culture to culture and with time, or is it that there is a common human nature that is unchanging?  There are those who argue that human nature is subject to cultural transformation.[[5]](#footnote-5) Just as our modern culture now considers practices which were common in the past such as slavery unacceptable, we may one day progress to reject old sexual taboos which are only cultural remnants.

This article will look at the historical background and challenges that have skewed our acceptance of a common human nature and the existence of natural law. We will look at how the debate on contraception initiated this challenge against natural law reasoning and paved the way towards a more evolutive conception of human nature. This converges with the postmodern mentality summarized in the Nietzchean dictum “the will to power”, where in the absence of moral truth and religious absolutes, all that remains is the fulfillment of individual desires which becomes a right. Lastly, we will look at some recent attempts addressing the role of natural law and the recuperation of the sense of common human nature.

**Fallout from the contraception debate**

The debate in the 1960s on the use of contraception can be conceived in some way as a questioning of human nature as something given which can determine our ethical behavior. In those days, effective contraceptive means such as the pill had become available for couples who wished to control their fertility. *Humanae Vitae* (*HV*), Pope Paul VI’s Encyclical prohibiting the use of contraception, argued by appealing to human nature and natural law in its defense of traditional sexual ethics. The negative responses from within and without the Church eventually caused a backlash on the concept of nature itself.

The complaint against natural law reasoning surfaced even before the encyclical. Certain moral theologians and historians criticized the period of pre-Vatican medical and sexual ethics based on the casuistic and manualist approach of moral theology. They complained that there was an overemphasis on identifying nature with biology and thus coined the term “physicalism.”[[6]](#footnote-6) By this, they generally refer to an analysis of the act-in-itself without consideration of circumstances and consequences (and intentions of agent) derived from a fixed static understanding of human / animal biological nature, and thus allowing traditional moralists to claim universal application of norms as absolutely binding.[[7]](#footnote-7) After the appearance of *HV*, numerous other theologians challenged the conventional view of natural law.[[8]](#footnote-8) While some appealed to the writings of St. Thomas Aquinas to justify their new arguments, many others dismissed natural law altogether. These criticisms can be classified as: (1) Natural law sees grace as something imposed externally; (2) Natural law is “physicalist” and based on an antiquated static view of nature; and (3) Natural law does not exhibit a historical consciousness developed in the modern age.[[9]](#footnote-9)

The first objection arises from the claim that *HV* puts too much emphasis on the physical dimension of human nature without sufficient attention to his supernatural destiny. For instance, Charles Curran and others have criticized this comprehension of nature as being too restrictive and contrary to the freedom brought forth by Christ’s redemption and resurrection. A renewed anthropology, they surmise, should be based on “an integral vision of man and his vocation, not only of his earthly and natural, but also his supernatural and eternal, vocation.”[[10]](#footnote-10)

Other writers have accused *HV* of grounding itself on a “physicalist” notion of nature, again as heritage to the manualist moral tradition before Vatican II. This dissatisfaction was registered by some theologians in the Papal Commission on Birth Control. They found the sexual act to be too closely identified with its physical or biological processes, while the entire person—more than his biology—has been overlooked. As William E. May gathers:

The view of these dissenting theologians could be summed up in the words of one of them, Daniel Maguire, who proclaimed that contraception “was for a very long time, impeded by the physicalist ethic that left moral man at the mercy of his biology. He had no choice but to conform to the rhythms of his physical nature and to accept its determinations obediently.”[[11]](#footnote-11)

Thirdly, they complained that the vision of traditional natural law had been based exclusively on an outmoded classicist worldview, depicted as “static, immutable, eternal and unchanging… The more historically conscious worldview emphasizes the changing, developing, evolving and historical.”[[12]](#footnote-12) According to these authors, *HV* has inadequately championed a classicist understanding of nature*.*  Historical consciousness would here indicate how social and cultural changes—dialogues with other Christians and non-Christians, the difficulty of abstinence in modern couples, the cognizance of the question of overpopulation, etc.—should and must affect our moral perspectives. Historical awareness would then accept human evolution both in his physical and spiritual natures, and allows for evolution in moral sensibilities:

Medicine, then, can envisage its task as that of subduing the disorderly powers of human “nature” in view of the most desirable redeemed order. The biblical perspective of creation makes it possible for theology to meet with modern man who, to some extent, considers himself as “his own self-creator, for in a sense man is unfinished and capable now of creating himself.”[[13]](#footnote-13)

It is beyond the scope of this article to defend the natural law theory in response to these critiques. Many writers have since written their rebuttals to these points, and Pope John Paul II’s encyclical *Veritatis Splendor* has also responded to these objections adequately.[[14]](#footnote-14)Some of these issues will be seen in the analysis of the International Theological Commission document.

As I have recounted elsewhere, natural law reasoning in medical ethics and bioethics suffered a huge setback with the debate on contraception. Precisely at the moment when there was rising interest and demand for bioethical discourse, the legacy of Catholic natural law tradition fell into disrepute. In the new arena where biomedical and other ethical issues were discussed, one could no longer claim a common ground based on human reason or human nature universally applicable to all persons and appropriate for all cultures.[[15]](#footnote-15)

In bioethics and sexual ethics, the appeal to nature also diminished due to the entrance of new players, including Protestants and secularists. Protestant theologians and ethicists are not too conversant with the natural law tradition. Even the conservative Methodist Paul Ramsey, though agreeing with many issues with the Catholic Church, diverges on the issue of contraception and its reasoning based on human nature.[[16]](#footnote-16) Needless to say, Joseph Fletcher was tremendous in his attack of the Catholic conception of human nature. He was ahead of his time when, in the 1950s, he advocated the right to contraception and the right to artificial insemination.[[17]](#footnote-17) An Episcopalian pastor who later turned atheist in the 70s, Fletcher was unfailingly optimistic about our freedom to change humanity through technology, which led him to justify cloning, genetic engineering, bio-engineering or bio-designing of para-humans and the creation of chimeras (human-animal hybrids) or cyborg-androids (machine-human combinations).[[18]](#footnote-18)  Another Protestant theologian James Gustafson proposes a “dialectic” method of doing ethics in order to stay relevant by contextualizing theology to presumed modern needs. This dialectic approach is considered vital in a pluralistic culture where justification of ethics must take up the task to include all human experiences—science, history, philosophy, psychology, sociology, and culture, etc.—in order to be credible to the non-believing populace. The dialectic plea to modify religious justification revolves around the question of whether human nature is static and fixed or dynamic and evolving as noted in the contraceptive debate. As a result, Gustafson proposes that each new scientific or cultural breakthrough will call for a theological revision in this ethical dialectic to reflect and often accept the latest behavior accepted by our society.[[19]](#footnote-19)

Another influential bioethicist Tristram Engelhardt is also very critical of natural law reasoning. He equates our understanding of human nature as something biological (i.e., similar to the criticism of physicalism) which can change with evolution. According to him, technological advances can change our preconceived notion of nature and so contraception, homosexuality, and genetic manipulation will become acceptable with time. He considers natural law to be a cultural remnant of the Stoics, the Roman idea of *ius gentium*, and the Justinian and Gaius legal codes that were inherited by scholasticism, but not as a law written within us. Restating the Humean dictum that an *is* does not lead to an *ought*, he claims that biological facts cannot have moral significance (the naturalistic fallacy argument). Accordingly, even if moral sense could be found, one would have already endorsed a *canonical understanding* of nature, or would have chosen among competing accounts of descriptions and interpretations.  Engelhardt finally states that original sin has deformed human nature to such an extent that it cannot reveal to us what is normative.[[20]](#footnote-20)

In all, after the dust has settled with the debate on contraception, the ethical landscape has changed. There is no longer much confidence on an ethic founded on perennial truths of human nature. As ethicists groped for some founding tenet, they either latched on to so-called *prime facie* principles, contractual agreements, utilitarian calculations, and subjective experience; or declare the whole enterprise as hopeless. Nature in the modern and secular conception is now seen not as something static, but malleable and subject to cultural and environmental changes and influence.[[21]](#footnote-21)

Behind this rejection of nature in sexual ethics is a dualistic anthropology. In this vision, the human person can now dissociate himself from her sexual acts. Thus, ones sexuality is no longer central to the human person, but external to her.[[22]](#footnote-22) As Tristram Engelhardt astutely observes,

The emergence of a contraceptive ethos has been a part of a general change in our understanding of ourselves as embodied, sexual beings.  It is a view of ourselves as free individuals, freely manipulating our own natures toward our own goals.  This is a change in our understanding of ourselves and our responsibilities.  Moreover, that change has been supported by biomedicine and understood within the bioethical reflections it has occasioned.[[23]](#footnote-23)

Carlo Caffarra identifies three separations that have taken place in this mistaken vision of liberty. First, there is the separation of sexuality from the person caused by the separation of the body from the person. The individual is conceived only in terms of his will and free choice, divorced from his intellect, while at the same time his body is reduced to its biological dimension. If that were the case, sexual preferences and even gender are dependent on personal choice and cultural background. The second separation comes from a breach in the unity between *eros* and love, between *psyche* and spirit. As a result, one finds fulfilment in self-gratification by following one’s base instincts, and love means hedonistic acts of possession rather than giving of self. Finally, there is the separation of the unitive and procreative meaning of the conjugal act.[[24]](#footnote-24)

Janet Smith has noticed that acceptance of the “contraceptive mentality” in the last forty years have culturally made it easier to accept homosexual acts. When a couple accepts the contraceptive act as normal, they are implicitly agreeing that in sex one can have intimacy without procreation. It is not very different from the homosexual act which is based on mutual desire and is inherently non-procreative.[[25]](#footnote-25)

**The will to power**

Since human nature cannot tell us much about ourselves and how we ought to behave, bioethics and sexual ethics today can be summarized by the nihilism predicted by Nietzsche. Hecharacterizes the postmodern age as one of the “will to power” (*der Wille zur Macht*), conjoining Bacon’s “knowledge is power” with Sartre’s “absolute freedom.” The Nietzschean vision of the new man, the *Übermensch*, or superman, is one who does not accept any moral norms or ethics. All these nihilistic themes are borne out in the problems of secularism, moral relativism, and the ideology of “might makes right” I have described elsewhere. [[26]](#footnote-26)

Nietzsche already predicted the advent of the death of God in the secularized West. Elsewhere, I have analyzed its effect on bioethics which originated in the debate on the morality of contraceptive technology. The secularization of ethics is a bedfellow of *pensiero debole* and nihilism—the denial of moral absolutes, the ability to know right from wrong and even the power of reason to discover truth. The demise of morality takes the form of moral relativism which Nietzsche espouses in *the Twilight of the Idols:*

One knows my demand upon the philosopher that they place themselves *beyond* good and evil—that they have the illusion of moral judgment *beneath* them. This demand follows from an insight first formulated by me: *that there are no moral facts whatever*. Moral judgment has this in common with religious judgment that it believes in realities which do not exist. Morality is merely an interpretation of certain phenomena, more precisely, a *mis*interpretation. Moral judgment belongs, as does religious judgment, to a level of ignorance at which the concept of the real, the distinction between the real and imaginary, is lacking: so that at such a level “truth” denotes nothing but things we today call “imaginings.” To this extent moral judgments are therefore never to be taken literally: as such it never contains anything but nonsense.[[27]](#footnote-27)

“Is not the greatness of this deed too great for us? Must we ourselves not become gods simply to appear worthy of it?” the madman (alias, the modern man) asked rhetorically in *The* *Gay Science*. Indeed, the death of God means the rise of the *Übermensch*who will determine for himself what is true and real. “Will to power” means that this new humanity must continually strive to achieve perfection. Since evolution and transformation are the principles of reality, the postmodern man must never be fixed on anything alleged to be true. Instead, he should move on to a higher plane.

The rise in the sense of freedom, especially in the sexual sphere, has fed into this postmodern mindset. I have previously described how new visions of sexuality aimed to free humanity from the antiquated taboos inherited from religion and cultural traditions.[[28]](#footnote-28) Sexual liberty meant the promotion of hedonism and the dismissal of the traditional family structure. This is all too evident of late, as pornography, sexual promiscuity, the sex trade, and pedophilia became rampant. The acceptance of cohabitation, multiple partners, adultery, divorce, and single parenthood all point to the breakdown of the family.

The influential *Kinsey Report*, based on skewed surveys of American society, concludes that sexual behavior is nothing other than a relatively simple mechanism of erotic reaction when physical and psychological stimuli are sufficiently aroused. Thus, it states that categories such as good and evil, licit and illicit, normal and abnormal are meaningless.[[29]](#footnote-29) Carlo Caffarra puts his finger on the problem: “If the definition of the *humanum* is essentially attributable to man’s freedom; if that definition is the work of freedom itself, it follows that the *humanitas* of marriage is its being simply and purely a creation of human freedom…”[[30]](#footnote-30)

The legalization of same-sex “marriages” is also part of this so-called sexual revolution to redefine ourselves in the sexual sphere. Will to power means that truth is the result of the will, deriving its power from superior and even violent forces. Certainly, the ideology of “might makes right” is found in political regimes as well as in religious fundamentalism. We can see this in the sexual revolution that has permitted the advance of reproductive technology from contraception to *in vitro* fertilization to positive and negative eugenics through genetic screening and enhancement.

Analogically, sexual freedom becomes the “will” of the individuals who with political “power” can demand the rights to form new types of relationships, families, and living arrangements not based on human nature or religious truths but on individual desires and fulfillment of those desires and inclinations.[[31]](#footnote-31) According to Nietzsche, the postmodern superman is one who has no moorings in tradition, in religion, and in moral truths. This superman is capable of creating his own sense of meaning, and thus nature becomes something fluid, created by individual desires that impose their will with power. This can be manifested in the Promethean attempt of transhumanists like Joseph Fletcher who try to create a new humanity. We also see this behind the ideology of “gender as a personal choice” where sexuality is not based on biological nature, but personal choices. These ideas found their expression in the UN International Conferences of Cairo (1994) and Beijing (1995).[[32]](#footnote-32)

Hence, those who wish to dissociate sexuality from its biological base (radical feminism, ideology of gender), and redefine marriage as a cultural choice, promote asexual reproduction (using IVF, PGD, cloning, hybrids) and the recreation of humanity (transhumanism using emergent NBIC technologies), have a common conception of human nature as something liquid.[[33]](#footnote-33)

**The deconstruction of nature**

Now that we have seen some of the reasons why the concepts of nature and natural law no longer enjoy their former recognition, we can examine recent responses and analyses offered by Catholic scholars.

The 2009 International Theological Commission (ITC) document *The Search for Universal Ethics: A New Look at Natural Law* is an outstanding update on this question.[[34]](#footnote-34) The ITC document recognizes the far-reaching applicability of natural law in the global context of ethics and human rights. It traces the historical development of this from Greco-Roman sources, especially their legal tradition, its enrichment from Christian thought, and finally the contribution of Catholic magisterium. Roman laws, Francisco de Vitoria, and Grotius have made important contributions to the notion of natural rights that prepared the way for modern human rights. However, without a firm acknowledgement of human nature, human rights in the absence of duty and limits can be abusive.[[35]](#footnote-35) On the contrary, it protects individual conscience in face of unjust laws:

[F]acing the menace of the abuse of power, and even of totalitarianism, which juridical positivism conceals and which certain ideologies propagate, the Church recalls that civil laws do not bind in conscience when they contradict natural law, and asks for the acknowledgment of the right to conscientious objection, as also the duty of obedience in the name of obedience to a higher law.[[36]](#footnote-36)

Confronting relativistic individualism—in which every subject decides for himself what is good and right—and cautious about democratization of ethics based on consensus, natural law proposes objective moral truths knowable by human reason. This has enormous implications for the subject we are discussing here, against the ideology of the will to power in redefining sexual mores. Natural reason can engage secular positions in public debate by presenting non-sectarian arguments, which are also directed towards the individual and common good.[[37]](#footnote-37)

Grounded on our natural capacity to reason, it can concurrently counteract the claims of cultural relativism while permitting intercultural and interreligious dialogue. Joseph Ratzinger, in a famous interchange with German philosopher Jürgen Habermas, points out the fact that secularization, which marginalizes the place of religion in society and politics in the West, is in fact an anomaly compared to the rest of the world. He believes that secular rationality without any boundaries or limits is incomprehensible to most people in the world.[[38]](#footnote-38) In fact, for Christians, Christ being the *Logos* Incarnate means that the faith itself cannot be *illogical*. Even though natural law finds its fulfillment in the new commandment of charity of Christ, it does not exclude dialogue with other groups on a common basis that is above cultural and religious differences.[[39]](#footnote-39)

Nevertheless, many challenges lie ahead as the recent publication from the Pontifical Academy of Life *Bioethics and Natural Law* commenting on the ITC document realizes.[[40]](#footnote-40) First, there is the opposition of modern and postmodern deconstructionist philosophy, such as in the position of Engelhardt mentioned earlier. Scientific or logical positivism denies any source of truth outside of empirical science, whereas legal positivism places truth at the mercy of societal consensus.[[41]](#footnote-41) Natural law has unfortunately been misconstrued as equivalent to the laws of nature, physical or biological laws. This “physicalist” interpretation leads to the accusation of committing the *naturalistic fallacy* of G.E. Moore or the *is-ought* problem of David Hume. A simple response to this critique is that while natural law reasoning takes biological data as a starting point, it does not exhaust the totality of the human person—a physical and spiritual unit—with finality, rights and duties written within.[[42]](#footnote-42)

A related complication is the fact that natural law language has become unintelligible in contemporary culture. Pope Benedict XVI recognized this difficulty in a 2007 address:

This word for many today is almost incomprehensible due to a concept of nature that is no longer metaphysical, but only empirical. The fact that nature, being itself, is no longer a transparent moral message creates a sense of disorientation that renders the choices of daily life precarious and uncertain. [[43]](#footnote-43)

In his earlier encounter with Habermas, he observed that the problem lies with the victory of evolutionary theories which make it difficult today to discern the presence of rationality within nature. In other words, it is difficult to see purpose and finality (teleology) if nature has evolved and constantly evolves, and when these occurrences are contingent, casual, and random. We have already witnessed this in the contraceptive debate, and the postmodern mentality of inventing a new humanity through technology and our will.

Finally, there is the question of the historicity of natural law. The specific question here concerns the application of universal norms in particular situations both geographically and historically. Some critics of natural law highlight the fact that certain practices such as usury, slavery, and the death penalty have been justified by natural law reasoning in the past but are now shown to be untenable. Thus, some may argue that the same might apply to our views regarding homosexuality.

**New possibilities to recuperate nature**

Given the state of the problem, there is a great need of natural law theorists trained in both modern science and Thomistic philosophy to engage the different fields of science in order to clarify, adapt, rethink, and even modify the natural law language in accord with the latest discoveries compatible with evolutionary findings.[[44]](#footnote-44) It is not easy to find or develop a new language that is clear and intuitive, accessible, capable of engaging secular arguments and scientific reasoning, and which addresses the variability and complexity of cases. One such option proposed is the language of “natural kinds” from analytic philosophy, but one cannot avoid the same problems with its connotations of nature.[[45]](#footnote-45)

Others look forward to a fruitful engagement in the intersection of science and faith in addressing the anthropological status of the human person, viewed from philosophical and theological perspectives. Is human nature a given static form, or can this nature evolve with manipulation? Would the product be still human, and if so, what are the limits? Ethics enters into the discussion about these limits, and theology asks whether man has been given the task to invent and modify nature using his intellect, or whether he is only as guardian to preserve it.[[46]](#footnote-46) These questions lie at the base of the contraception debate, and they are also the ones behind the question of homosexuality.

Another promising proposal could come from philosophy of nature or philosophy of the physical world. Philosophy of nature has as its object of analysis the phenomenon of the physical world, abstracting from it the underlying truths of change, movement, causality and effects without which science cannot operate.[[47]](#footnote-47) Jacques Maritain is one of the proponents who hoped to smooth out the differences of scientific, philosophical and theological knowledge in an integral humanism. Together with William Wallace, he proposed philosophy of nature as a candidate to bridge the gap between the abstracted knowledge of Thomistic metaphysics and empirical science .[[48]](#footnote-48)

The Thomistic tradition of nature may also learn from the Chinese Confucian reflection. In the west, ethical theories often emphasize reason and truth. It is interesting to note that in Chinese, ethics is not just *li* (理), but *lun li* (倫理). The concept of *lun* (倫)is also part of human nature which is relational. *Lun* depicts a certain order or hierarchy of beings and their relative positions with each other, thus forming a certain order or *li*. Therefore, finding and maintaining the right balance in this “order” or “hierarchy” helps promote a certain sustainable environment for these beings to thrive. *Lun* therefore defines the right relationships among human beings, and between humans and nature. In this ethical vision, incest (*luan lun* 亂倫) is a disorder of *lun*. Similarly, *lun* can explain why homosexual acts and bestiality would be contrary to correct relationship or *lun* among human beings themselves and humans with the natural world. Western ethics has recently taken a new interest in relationality, and speaking on relational poverty.[[49]](#footnote-49) Thus I see great convergence with the Confucian concept of *lun* which can greatly boost the argument on human nature.

Perhaps in place of finding a new terminology to recuperate the sense of nature, the language of authentic Christian witness in unconditional caring and marital fidelity could be more effective than philosophical musings. Discussions among the Pontifical Academy for Life members highlighted this aspect:

Culture must be evangelized but more through the witness of Catholics than through the arguments of the Natural Law that we put forth. The leading of virtuous or moral lives is the certain path to evangelization… If we want to convert the culture we need to follow the lead of the current and recent Popes who have attempted to articulate a new language, e.g., in *Familiaris Consortio* and many other of his writings, Pope John Paul II spoke of man having a vocation to love. When people see such a vocation lived out in the lives of others they say: “I would like to be like them.”[[50]](#footnote-50)

1. See J. Finnis, “An Intrinsically Disordered Attraction,” in John F Harvey and Gerard V Bradley (eds), *Same-Sex Attraction: A Parents' Guide* (South Bend: St Augustine Press, 2003), 89-99. [↑](#footnote-ref-1)
2. *Summa Theologiae* II, II q.154, a.11. Contraception in the modern sense is not explicitly mentioned, but is implied as the venereal act not only with prejudice to the future offspring. [↑](#footnote-ref-2)
3. *Summa Theologiae* II, II q.154, a.12. [↑](#footnote-ref-3)
4. See for example, John Finnis, “Natural Law and Unnatural Acts,” *Heythrop Journal* 11 (1970): 365-387; Idem, “Reason, Faith and Homosexual Acts,” *Catholic Social Science Review* 6 (2001): 61-89; Idem, “Sex and Marriage: Some Myths and Reasons,” in *Human rights and Common Good*, Collected Essays: Vol III, (Oxford: OUP, 2011), 353-388. [↑](#footnote-ref-4)
5. See M.P. Faggioni, “La natura fluida. Le sfide dell’ibridazione, della transgenesi, del trans umanesimo,” *Studia Moralia* 47.2 (2009): 387- 436. [↑](#footnote-ref-5)
6. See W.E. May, “The Natural Law Doctrine of Francis Suarez,” *New Scholasticism* 58 (1984): 422-423; D.F. Kelly, *The Emergence of Roman Catholic Medical Ethics in North America: An Historical, Methodological, Bibliographical Study*, (New York / Toronto: Edwin Mellen Press, 1979), 43, 244-401; P.I. Odozor, *Richard A. McCormick and the Renewal of Moral Theology*, (Notre Dame, IN: University of Notre Dame, 1995), 10. [↑](#footnote-ref-6)
7. D.F. Kelly, *The Emergence of Roman Catholic…,* 257-258. [↑](#footnote-ref-7)
8. See J.T. Noonan, *Contraception: A History of its treatment by Catholic Theologians and Canonists*, (Cambridge, MA: Harvard University Press, 1965), 626-631. Some writings before the encyclical are the following: M.G. Plattel, “Personal Response and the Natural Law”, *Natural Law Forum* 7 (1962), 36-37; H. McCabe, “Contraception and Natural Law”, *The New Blackfriars* 46 (1964), 89-93; J. Pleasants, “A Biologist Asks Some Questions”, in D. Callahan (ed.), *The Catholic Case for Contraception*, (New York: Macmillan, 1969)*,* 30-40; C.E. Curran, “Personal Reflection on Birth Control”, in D. Callahan (ed.), *The Catholic Case…,* 19-29; E.A. Daugherty, “The Lessons of Zoology”, in T.D. Roberts et al., *Contraception and Holiness*, (New York: Herder and Herder, 1964), 112-126; M. Novak, “Toward a Positive Sexual Morality”, in W. Birmingham (ed.), *What Modern Catholics Think about Birth Control*, (New York: Signet Books, 1964), 115-123; L. Dupré, *Contraception and Catholics: A New Appraisal*, (Baltimore: Helicon Press, 1964), 114-117. [↑](#footnote-ref-8)
9. See J.E. Smith*, Humanae Vitae: a generation later*, (Washington, DC: CUA Press, 1991), 168-169. [↑](#footnote-ref-9)
10. C.E. Curran, *Directions in Fundamental Moral Theology*, (Notre Dame, IN: University of Notre Dame Press, 1977), 121 (cf. *HV* 7), cited in J.E. Smith, *Humanae Vitae: a generation later,* 170. [↑](#footnote-ref-10)
11. W.E. May, “Anthropological Advances in *Humanae Vitae*”, in A. López Trujillo - E. Sgreccia , *Humanae Vitae, prophetic service for humanity*, , Proceedings of the Study Meeting for the 25th anniversary of the Encyclical *Humanae Vitae*, Rome, November 24-26, 1993, (Rome: Editrice AVE, 1995), 372, citing D. Maguire, “The Freedom to Die”, in M. Marty - D. Peerman (ed.), *New Theology*, No. 10, (New York: Macmillan, 1973), 188. [↑](#footnote-ref-11)
12. C.E. Curran, *Directions in Fundamental Moral Theology*, 138-139. [↑](#footnote-ref-12)
13. B. Häring, *Medical Ethics*, Fides Publishers, Notre Dame IN 19734, 45-46, citing C.E. Curran, “Moral Theology and Genetics”, *Cross Currents* 1 (1970), 73. [↑](#footnote-ref-13)
14. See J.E. Smith, *Humanae Vitae: a generation later,* 98-128; G.G. Grisez., *Contraception and the Natural Law,* (Milwaukee: Bruce Publishing, 1964); J. Finnis, *Natural Law and Natural Rights*, (Oxford: Claredon Press, 1980); M. Rhonheimer, “Contraception, Sexual Behavior and Natural Law”, in Vv.Aa., *Persona verità e morale; Atti del Congresso Internazionale di Teologia Morale, Roma (7-12 aprile 1986)*, (Rome: Città Nuova Editrice, 1987), 73-114; W.E. May, *Humanae Vitae, Natural Law and Catholic Moral Theology*, (Milan: Ares, 1989); G.G. Grisez - R. Shaw, *Beyond the New Morality: The Responsibilities of Freedom*,(Notre Dame, IN: University of Notre Dame Press, 19883), John Paul II, Encyclical *Veritatis Splendor: Regarding Certain Fundamental Questions of the Church’s Moral Teaching*, 1994. [↑](#footnote-ref-14)
15. See S. J. Tham, “The Secularization of Bioethics,” *National Catholic Bioethics Quarterly* 8.3 (2008):443-454. [↑](#footnote-ref-15)
16. See P. Ramsey, *Fabricated man: The Ethics of Genetic Control*, (New Haven / London: Yale University Press, 1970), 32-37, 165. [↑](#footnote-ref-16)
17. See J. Fletcher, *Morals and Medicine*, (Princeton: Princeton University Press, 1954). [↑](#footnote-ref-17)
18. See J. Fletcher, *Humanhood: Essays in Biomedical Ethics*, (Buffalo, NY: Prometheus Books, 1979), 85. [↑](#footnote-ref-18)
19. See J.M. Gustafson, *Intersections: Science, Theology, and Ethics*, (Cleveland, OH, The Pilgrim Press 1996). [↑](#footnote-ref-19)
20. See H.T. Engelhardt, Jr., *The Foundations of Bioethics,* (New York: OUP, 19962), 56, 66, 197-199; Id., *Bioethics and Secular Humanism: the search for a common Morality*, (London / Philadelphia: SCM Press / Trinity Press International, 1991), 109-110; Id., *The Foundations of Christian Bioethics*, (Lisse, Netherlands: Swets and Zeitlinger, 2000), 34, 172-176. [↑](#footnote-ref-20)
21. The *Manifesto of Secular Bioethics* issued by Italian secularists considers human nature not to be something static but as something which evolves and changes with culture. See C. Flamigni, A. Massarenti, M. Mori, A. Petroni, “Manifesto di Bioetica Laica,” *Il Sole24Ore* (June 9, 1996). [↑](#footnote-ref-21)
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23. H. T. Engelhardt, Jr., “Bioethics in Pluralist Societies,” in *Perspectives in Biology and Medicine* 26.1 (1982): 64-78 at 72. [↑](#footnote-ref-23)
24. C. Caffarra, “Natural law: marriage and procreation” in *The Nature and Dignity of the Human Person as the Foundation of the Right to Life. The Challenges of the Contemporary Cultural Context, Proceedings of the VIII Assembly of the Pontifical Academy for Life*, ed. Juan de Dios Vial Correa and Elio Sgreccia, (Vatican City: Libreria Editrice Vaticana, 2002), 238. English text in <http://www.academiavita.org/index.php?option=com_content&view=article&id=218%3Ac-caffarra-legge-naturale-matrimonio-e-procreazione&catid=53%3Aatti-della-viii-assemblea-della-pav-2002&Itemid=66&lang=en>, 238-250. [↑](#footnote-ref-24)
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27. F. Nietzsche, *Twilight of the Idols* in ed. P. Novak, *The Vision of Nietzsche*, (Rockport, MA: Element Books, 1996 [1889]), 72. [↑](#footnote-ref-27)
28. See J. Tham, “Lust, shame and bioethics,” in Pedro Barrajón (ed.), *La Teologia del Corpo di Giovanni Paolo II*, (IF Press, Roma 2012), 233-246. [↑](#footnote-ref-28)
29. See A.C. Kinsey, Wardell B. Pomeroy and Clyde E. Martin, *Sexual behavior in the human male*, (Philadelphia: Saunders, 1948); Id., *Sexual behavior in the human female*, (Philadelphia: Saunders, 1953). [↑](#footnote-ref-29)
30. C. Caffarra, “Natural law: marriage and procreation” [↑](#footnote-ref-30)
31. See P. Kreeft, *How to win the Culture War—A Christian Battle Plan for a Society in Crisis*, (Downers Grove, Illinois: InterVarsity Press, 2002), 89-99. [↑](#footnote-ref-31)
32. See E. Sgreccia, *Manuale di Bioetica*: *Fondamenti ed etica biomedica*, Vol. 1, (Milan: Vita e Pensiero, 20003), 389. [↑](#footnote-ref-32)
33. F.J. González-Melado, J.M. Martínez Guisasola, “Hijos de un mismo dios: ideología de género y transhumanismo [VIII Congreso de AEBI],” *Cuadernos de Bioética*, 22.75 (2011), 465-466. NBIC is an acronym for Nanotechnology, Biotechnology, Information technology and Cognitive science. [↑](#footnote-ref-33)
34. <http://www.vatican.va/roman_curia/congregations/cfaith/cti_documents/rc_con_cfaith_doc_20090520_legge-naturale_en.html> See J. Tham, “Natural Law and Global Bioethics” *Studia Bioethica* 4.3(2011), 7-16. [↑](#footnote-ref-34)
35. See *The Search for Universal Ethics*, no. 18-35. See also Joseph Ratzinger and Jürgen Habermas, *The Dialectic of Secularization: On Reason and Religion*. (San Francisco: Ignatius Press, 2007), 53-76. [↑](#footnote-ref-35)
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37. See *The Search for Universal Ethics*, no. 35. [↑](#footnote-ref-37)
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39. See *The Search for Universal Ethics*, no. 103-116. [↑](#footnote-ref-39)
40. See Pontifica Academia Pro Vita, *Bioetica e Legge Naturale: Atti della Sedicesima Assemblea Generale dei membri, Città del Vaticano, 11-13 febbraio, 2010* (Lateran University Press: Rome, 2010) [↑](#footnote-ref-40)
41. See *Bioetica e Legge Naturale*, 61. [↑](#footnote-ref-41)
42. See *Bioetica e Legge Naturale*, 57-61, 117-124, 155-158. Citing *Gaudium et Spes*, no. 51; *Veritatis Splendor*, no. 47, 50. [↑](#footnote-ref-42)
43. Address of His Holiness Benedict XVI To The Participants In The International Congress On Natural Moral Law, February 12, 2007, <http://www.vatican.va/holy_father/benedict_xvi/speeches/2007/february/documents/hf_ben-xvi_spe_20070212_pul_en.html> [↑](#footnote-ref-43)
44. Some of these questions were debated in the III STOQ International Conference "Biological Evolution: Facts and Theories. A critical appraisal 150 years after *The origin of species*” held at the Pontifical Gregorian University in 2009. <http://www.evolution-rome2009.net/> Among the speakers who addressed the question of contingency, that is, whether life could have arisen or not are the works by Simon Conway Morris, "Darwin's Compass: How Evolution Discovers the Song of Creation" Gifford Lectures for 2007, <http://www.giffordlectures.org/Browse.asp?PubID=TPDCED&Volume=0&Issue=0&Summary=True> and Robert E. Ulanowicz, *A Third Window: Natural Life beyond Newton and Darwin* (West Conshohocken, PA: Templeton Foundation *Press*, *2009*). [↑](#footnote-ref-44)
45. See D.P. Sulmasy, “Diseases and Natural Kinds,” *Theoretical Medicine and Bioethics* 26 (2005): 487-513; *Bioetica e Legge Naturale*, 91-95. [↑](#footnote-ref-45)
46. See G.P. Schner, “Theology and Science: Their Difference as a Source of Interaction in Ethics”, in E.E. Shelp (ed.), *Theology and Bioethics: Exploring the Foundations and Frontiers*, (Philosophy and Medicine 20), (Dordreicht: D. Reidel Publishing, 1985), 17-25. [↑](#footnote-ref-46)
47. See F. Selvaggi, *Filosofia del mondo. Cosmologia filosofica*, (Rome: Pontifical Gregorian University Press, 1985). [↑](#footnote-ref-47)
48. See J. Maritain, *Science and Wisdom*, Charles Scribner’s Sons, NY 1954; Id., *The Degrees of Knowledge*, Charles Scribner’s Sons, NY 1959; Id., *True Humanism*, (New York: Charles Scribner’s Sons, 1950); Id., *The Philosophy of Nature*, (New York: Philosophical Library, 1951); W. Wallace, *The Modeling of Nature*, (Washington, DC: CUA Press, 1990). [↑](#footnote-ref-48)
49. ###  See A. Aguilar, “Eubiosia: per una bioetica della relazionalità,” *Studia Bioethica* , vol. 3, n. 1-2(2010):108-118. Relational poverty was the theme of a recent conference in Hong Kong. <http://icrp2013.caritas.org.hk/>

 [↑](#footnote-ref-49)
50. See *Bioetica e Legge Naturale*, 75-77. [↑](#footnote-ref-50)