

11-1-1988

[Book Review of] *A Critique of the New Natural Law Theory*, by Russell Hittinger

William E. May

Follow this and additional works at: <http://epublications.marquette.edu/lnq>

 Part of the [Ethics and Political Philosophy Commons](#), and the [Medicine and Health Sciences Commons](#)

Recommended Citation

May, William E. (1988) "[Book Review of] *A Critique of the New Natural Law Theory*, by Russell Hittinger," *The Linacre Quarterly*: Vol. 55: No. 4, Article 16.

Available at: <http://epublications.marquette.edu/lnq/vol55/iss4/16>

BOOK REVIEW

A Critique of the New Natural Law Theory

by Russell Hittinger

(Notre Dame, IN.: University of Notre Dame Press, 1987, \$24.95.)

In this book, Hittinger seeks to provide a critique of the "new natural law theory" developed over the past two decades by Germain G. Grisez and, to a lesser degree, by John M. Finnis. Grisez's articulation of the position began in the early 1960s with the publication of his *Contraception and the Natural Law*, continued with the publication of major articles and massive books concerned with abortion, euthanasia and other issues, and, while still developing today, culminated in the 1983 publication of his *Christian Moral Principles*, the first of a projected four-volume work in moral theology. In *Christian Moral Principles*, Grisez not only summarized his theory of natural law, but also showed how the natural law is brought to completion by the redeeming act of Jesus Christ. Finnis has presented the position in two major works, *Natural Law and Natural Rights* (1980) and *Fundamentals of Ethics* (1983) and in several major articles.

Hittinger's assessment of the work of Grisez and Finnis on natural law theory is, to put it mildly, exceedingly negative. Hittinger claims that their work is fatally flawed in its foundations because these authors have failed, in his judgment, to root their natural law theory in philosophical anthropology and metaphysics. As a result, their natural law theory is sadly lacking and fails utterly to show why and how nature is normative. In fact, he regards their effort as more Kantian than Thomistic because of the autonomy from metaphysics and philosophical anthropology that they accord moral theory. He believes that their position is, in essence, a quest for individualistic self-fulfillment which fails to recognize the intrinsic value of human persons and the demands of the common good. He likewise claims that their theory offers a woefully inadequate account of religion and that, in Grisez's hands at any rate, it ultimately collapses into an irrational form of fideism.

These are serious charges. If what Hittinger has to say is true, his work constitutes a devastating dismantling of the Grisez-Finnis "project," one that its authors would be well advised to abandon immediately and start afresh. But note the "if": "if what Hittinger has to say is true." But that is the central question: are Hittinger's criticisms true? Are they on target? My judgment is that they are not. Rather, they are directed against a grotesque caricature of the natural law position carefully developed by Grisez and Finnis, not against the genuine article.

Fully to substantiate my judgment that Hittinger's critique is based on a terrible misrepresentation and misunderstanding of what Grisez and Finnis are doing would require a lengthy essay, not a relatively brief book review. But I have the obligation to offer some support for my judgment. I shall do so by illustrating some of the very serious shortcomings in Hittinger's analysis, noting first of all the very inaccurate way in which Hittinger speaks of the "basic goods" identified by Grisez and Finnis and central to their theory. Next I shall comment on his claim that their account of the first principles of the natural law, far from being rooted in the tradition of St. Thomas, is Kantian and fails to show the basic human goods and our knowledge of primary natural law precepts must be grounded in metaphysical and anthropological theory. Finally, I shall consider his claim that their position is basically an individualistic quest for self-fulfillment that ignores the intrinsic and irreplaceable value of human persons and neglects to take into account the requirements of the common good.

Hittinger correctly observes that Grisez has employed more than one term to refer to basic human goods, calling them "possibilities," "purposes," "values," and "ideals" as well as "goods" (cf. H, p. 40). But Hittinger (ibid.) also asserts that Grisez calls these basic goods "inclinations" and "tendencies," and elsewhere (H, p. 55) he writes as follows: "... all the goods are defined as actions *which are attractive to the agent*" (emphasis added). But Grisez *never* refers to the basic goods of human persons as "inclinations" or "tendencies." Rather, with St. Thomas (cf. *Summa Theologiae*, 1-2, q. 94, a. 2) he refers to the basic or natural inclinations or tendencies within human persons, orienting them to the goods perfective of them. The goods, as Grisez sees it (again along with St. Thomas) are "ends", not inclinations. Nor does Grisez ever define the goods as "actions attractive to the agent". The subjectivism that Hittinger attributes to Grisez by speaking in this way is utterly without foundation in anything that Grisez has written and is totally at variance with his entire work.

A central charge levelled by Hittinger against Grisez and Finnis is that their account of the natural law is more Kantian than Thomistic insofar as it posits a non-rational intuition of the primary precepts of the natural law and does not show how nature is "normative," that is, how natural law precepts are grounded in philosophical anthropology and metaphysics. This charge is simply false. In their treatment of the first precepts of the natural law, Grisez and Finnis explicitly base their work on the thought of St. Thomas. The Common Doctor insisted that the *first principles* of practical reason or of the natural law, like the first principles of speculative inquiry, are completely *underived* from anything prior to them; otherwise they would not be "first" or "primary." Aquinas's point — and the point which Grisez and Finnis make too — is that there are propositions of practical reason, rooted in the concept of the "good," which are self-evidently true or *per se nota*. Among these are the propositions that "good is to be done and pursued and its opposite (evil) is to be avoided," and, as Aquinas himself writes, (*Summa Theologiae*, 1-2, q. 94, a. 2), "all those things that reason naturally apprehends as good," i.e., all those goods to which we are naturally inclined, are goods to be pursued and done and their opposites are evils to be avoided.

Nor does this mean that Grisez and Finnis are insouciant or unaware of the relationship between a sound metaphysics and anthropology and a sound moral theory. These go together; but we do not *derive* our knowledge of the natural law by deducing it from our knowledge of human nature; persons who may well have a very erroneous understanding of human nature (e.g., a behaviorist) might well know what they are required to do by the moral law. Moreover, both Grisez and Finnis insist that were our nature other than it is, then the goods perfective of us and orienting us dynamically toward them would be different than they actually are. Moreover, both authors, and particularly Grisez, have written at length to criticize the false dualism of modern philosophy and theology which denigrates the good of human bodily life. Grisez, moreover, has written at length in criticism of modern determinist philosophies and has amply defended such anthropological truths as the freedom of self-determination.

In Hittinger's account, (cf. H, pp. 53 ff), the Grisez-Finnis theory emphasizes one's own self-fulfillment and the avoidance of unnecessary self limitation. He says (p. 87) that their theory "seems to limit the motivational life of practical reason merely to a concern, or respect, for modes of one's own well-being and fulfillment." This claim is a serious injustice to Grisez and Finnis and simply ignores what they actually say. Within sentences of one passage that Hittinger cites out of the context to support his claim, Grisez, for instance, had this to say: "The ideal of integral human fulfillment is that of a single system in which all the goods of human persons would contribute to the fulfillment of the whole community of persons." And shortly later, in the same section of his writings from which Hittinger cites a passage to prove Grisez's individualism, Grisez writes: "Integral human fulfillment is not individualistic satisfaction of desires; it is the realization of all the human goods in the whole human community" (cf. Grisez, *Christian Moral Principles*, p. 186).

I could continue to note similar misrepresentations of the Grisez-Finnis theory found in Hittinger's book. But I think that I have already shown sufficiently how wide off the mark are Hittinger's claims. The theory he attacks is simply one of his own making. I have been

studying Grisez and Finnis for years (along with a study of St. Thomas). I picked up Hittinger's book, hoping to find in it some constructive criticism, or at least a pointing out of areas that are not clear and need development in the work of Grisez and Finnis. But as I read the book, I could not believe my eyes, because the "Grisez-Finnis theory" I found in it was utterly unrecognizable to one who had spent many years studying it. I knew something was wrong. A close inspection of the work and comparison of some key passages with passages in Grisez and Finnis showed how poorly Hittinger had done his work. It is sad to render such a verdict, but it is the only one I can honestly give.

— William E. May
Professor of Moral Theology
The Catholic University of America

Statement of Ownership, Management and Circulation

(Required by 39 U.S.C. 3685)

Title of publication: Linacre Quarterly; Pub. No.: 00587100

Date of filing: September 28, 1988

Frequency of issue: quarterly

Number of issues published annually: four

Annual subscription price: \$24

Location of known office of publication: 850 Elm Grove Rd., Elm Grove, WI 53122

Location of the headquarters of the publisher:

850 Elm Grove Rd., Elm Grove, WI 53122

Publisher: National Federation of Catholic Physicians' Guilds, Inc.

850 Elm Grove Rd., Elm Grove, WI 53122

Editor: John P. Mullooly, M.D., 8430 W. Capitol Dr., Milwaukee, WI 53222

Executive editor: Robert H. Herzog, 850 Elm Grove Rd., Elm Grove, WI 53122

Owner: National Federation of Catholic Physicians' Guilds, Inc.

850 Elm Grove Rd., Elm Grove, WI 53122

Known bondholders, mortgages, and other security holders owning or holding 1 per cent or more of total amount of bonds, mortgages, or other securities: none

The purpose, function and nonprofit status of this organization and the exempt status for federal income tax purposes have not changed during the preceding twelve months.

Total number of copies printed: 2,319

Mail subscriptions: 1,963

Total paid circulation: 1,941

Free distribution by mail: 22

Total distribution: 1,963

Copies not distributed: 356

Total: 2,319