

Nenad Polgar

The Origin(s), Meaning, and Relevance of the Concept of Intrinsic Evil

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Nenad Polgar



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Introduction

The concept of intrinsic evil has become a pillar of official Catholic sexual ethics from which it started to work its way further into other areas of theology and Church practice. From *Casti connubii* to *Veritatis splendor* and up until the most recent pontificate of Pope Francis, one could hardly find a teaching office's document on sexual ethics and bioethics that did not make use of it by pointing out acts that are labelled as intrinsically evil. More recently, however, the usage of the concept has been expanded in the magisterial teaching to include also those acts/realities which regularly fall under the category of social ethics. Thus, for instance, *Veritatis splendor* engages in providing the reader with some examples of intrinsically evil acts by quoting, among other things, the pastoral constitution *Gaudium et spes* 27, which mentions "genocide, [...] subhuman living conditions, [...] arbitrary imprisonment, deportation, slavery, prostitution and trafficking in women and children [...]"¹, and so on.

Given this expansion of the list of issues that can, seemingly, be settled and morally evaluated by invoking the concept of intrinsic evil, it is perhaps not surprising that the initiative spilled over into political and wider public discourse, where the concept of intrinsic evil became the trademark of a specific Catholic approach to an ever-increasing number of issues, especially in the United States. In that sense, the examples include the document of the U.S. bishops on the political responsibility of Catholics, *Forming Consciences for Faithful Citizenship*, that identifies a host of

¹ JOHN PAUL II, *Veritatis splendor* (06.08.1993), URL: http://www.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_06081993_veritatis-splendor.html (accessed 18.07.2025), no. 80; SECOND VATICAN COUNCIL, *Gaudium et spes* (07.12.1965), URL: https://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_const_19651207_gaudium-et-spes_en.html (accessed 18.07.2025), no. 27. However, it is important to point out that *Gaudium et spes*, no. 27 does not call these acts/(social) conditions "intrinsically evil". In fact, and contrary to what *Veritatis splendor* implies, the pastoral constitution does not use this kind of vocabulary at all, which already suggests that the constitution had a different approach to moral issues.

intrinsically evil “acts”², the U.S. bishops’ objection to a healthcare programme that would finance the use of contraceptives³, and statements of various bishops and political commentators⁴, whose screening of political candidates often relies heavily, if not exclusively, on whether they would oppose what is intrinsically evil in legislation.

Finally, Pope Francis seemed to have signalled a departure from the recent magisterial trend of expanding the area of application of the concept of intrinsic evil, since the recently deceased Pontiff never used it in his own encyclicals where he distanced himself from the kind of magisterial interventions that characterised the previous two pontificates.⁵ Despite that, it was precisely his attempt to initiate a different style of pastoral guidance in the apostolic exhortation *Amoris laetitia*⁶ that brought the concept of intrinsic evil again into focus. More precisely, after the encyclical was promulgated, a number of cardinals issued five *dubia*⁷ in which they questioned the orthodoxy of the Pope’s teaching in that document and summoned him to explain himself. Three of these *dubia* invoke the concept of intrinsic evil, thereby linking the concept explicitly with Catholic orthodoxy and implicitly suggesting that the Pope either deliberately

² See UNITED STATES CONFERENCE OF CATHOLIC BISHOPS, *Forming Consciences for Faithful Citizenship. A Call to Political Responsibility from the Catholic Bishops of the United States* (2020), URL: <https://www.usccb.org/issues-and-action/faithful-citizenship/upload/forming-consciences-for-faithful-citizenship.pdf> (accessed 18.05.2025). In our main text above we have put the term “acts” in the quotation marks, because some of the examples of intrinsically evil acts that the document provides in no. 23 (human cloning, destructive research on human embryos, genocide, torture, targeting non-combatants, racism, treating workers as mere means to an end, deliberately subjecting workers to subhuman living conditions, treating the poor as disposable, redefining marriage to deny its essential meaning) and no. 34 (abortion, euthanasia, assisted suicide) are clearly not “acts” in the usual sense of that word.

³ See UNITED STATES CONFERENCE OF CATHOLIC BISHOPS, *Bishops Renew Call to Legislative Action on Religious Liberty* (10.02.2012), URL: <http://usccb.org/news/2012/12-026.cfm> (accessed 18.07.2025).

⁴ See Cathleen M. KAVENY, *Law’s Virtues. Fostering Autonomy and Solidarity in American Society*, Washington, D.C. 2012, 237.

⁵ As will be shown further on in Chapter One, the concept has, however, not been entirely abandoned in the magisterial pronouncements during the pontificate of Pope Francis.

⁶ See FRANCIS, *Amoris laetitia* (19.03.2016), URL: https://www.vatican.va/content/dam/francesco/pdf/apost_exhortations/documents/papa-francesco_esortazione-ap_20160319_amoris-laetitia_en.pdf (accessed 18.07.2025).

⁷ See Walter BRANDMÜLLER/Raymond L. BURKE/Carlo CAFFARRA/Joachim MEISNER, *Seeking Clarity. A Plea to Untie the Knots in Amoris Laetitia*, URL: <https://aleteia.org/2016/11/14/full-text-seeking-clarity-a-plea-to-untie-the-knots-in-amoris-laetitia/> (accessed 18.07.2025).

denied this claim or was not sufficiently familiarised with the teaching of the religion he was the head of and was, therefore, in need of a “brotherly correction”.

Throughout all of this, the question what is meant by “intrinsic evil”, or “intrinsically evil acts” is often left unexplained, despite the reasonable expectation that the presumed relevance of this concept for settling such a wide variety of issues as indicated above should make that question a priority. This curious observation is the starting point of our study that aims to examine the *origin(s)* and *meaning(s)* of the concept of intrinsic evil and argues that the *relevance* of the concept within contemporary theological ethics and other discourses can only be determined by reaching a greater clarity in relation to these two fundamental issues.

The context of our discussion within this study and of the aforementioned curious observation about the magisterial insistence on the importance and the broadening of the scope of the concept of intrinsic evil becomes clearer when considered against the background of various theological debates that have been going on in the Catholic Church since the Second Vatican Council. These debates⁸ within theological ethics have been encouraged by what took place at the Council, especially by the Council’s document *Optatam totius*, which stated: “Special attention needs to be given to the development of moral theology. Its scientific exposition should be more thoroughly nourished by scriptural teaching.”⁹ The conciliar documents did not venture much further in their explanation of how exactly the development of theological ethics should proceed, but many theological ethicists interpreted *Optatam totius*, no. 16 and similar documents as a clear sign of the Council Fathers’ dissatisfaction with the prevailing Manualist

⁸ The abovementioned debates cover a wide area of issues in theological ethics. Among those, the specific issues in applied ethics (contraception, masturbation, homosexuality, war and peace, biomedical issues, etc.) are most well-known and regularly provoke wide interest in public. The exclusive emphasis on issues in applied ethics would, however, fail to identify or misrepresent the core disagreement between theologians in the post-conciliar period. That disagreement had to do with the very foundations of the discipline of theological ethics and revolved around methodological and anthropological issues, such as the right interpretation of the natural law, foundational sources (Scripture, tradition, reason, experience) of moral wisdom and their interpretation, the role of authority in moral matters, the (non-)existence of absolute moral norms, moral decision making, moral agency, etc.

⁹ SECOND VATICAN COUNCIL, *Optatam totius* (28.10.1965), URL: http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_decree_19651028_optatam-totius_en.html (accessed 18.07.2025), no. 16.

tradition within the discipline and started looking for ways to improve upon it in order to answer the Council's call.

At first, the task ahead seemed to consist of only a simple updating of the discipline of theological ethics in terms of its scriptural basis and exposition, where the latter would make use of scientific insights and more current forms of philosophical argumentation. However, the amount of catching up that awaited the discipline¹⁰ made at least some theologians realise that the task of developing theological ethics further could not maintain what is in many ways a problematic distinction between the substance of the moral teaching that theological ethics is supposed to elaborate and the manner in which that teaching is expressed.¹¹ Instead, these theologians argued, the process of updating theological ethics would have to go much deeper by examining the implications of new insights for the methodological presuppositions of the whole discipline in terms of how it reaches its judgements and conclusions and whether and to what extent can they still be maintained unchanged. These theologians who were involved in the project of renewal of theological ethics in the sense explained above later became known as Revisionists. On the other hand, there were those who held that the Council certainly did not give theological ethicists such a broad mandate and that their efforts to renew the discipline, in terms of either its exposition or methodology, does not extend to those judgements and conclusions (of the discipline) that the magisterium considers to be a part of the moral teaching of the Church. These latter theologians became known as Traditionalists.

¹⁰ The tremendous scope of the task that moral theologians were facing in their attempt to update their discipline has been well described by Joseph Selling: "Human and social sciences have progressed nearly as rapidly as the so-called positive or empirical sciences. Insights into psychology and sociology have opened doors into the human psyche and the very decision-making process itself. Anthropology and ethnology have shed light on the construction and evolution of mores, morals and ethical systems. Philosophy and psychology have exposed the intricacies of valuing and value systems that inform decisions that are being made every day." Joseph A. SELLING, *The Context and the Arguments of Veritatis Splendor*, in: Joseph A. SELLING/Jan JANS (eds.), *The Splendor of Accuracy. An Examination of the Assertions Made by Veritatis Splendor*, Kampen 1994, 11–70, 13.

¹¹ The encyclical *Veritatis splendor* reminds theologians of that distinction by quoting the pastoral constitution *Gaudium et spes*: "The Council also encouraged theologians, 'while respecting the methods and requirements of theological science, to look for a more appropriate way of communicating doctrine to the people of their time; since there is a difference between the deposit or the truths of faith and the manner in which they are expressed, keeping the same meaning and the same judgment'." JOHN PAUL II, *Veritatis splendor* (06.08.1993), no. 29; SECOND VATICAN COUNCIL, *Gaudium et spes* (07.12.1965), no. 62.

This fundamental disagreement between Revisionists and Traditionalists on how the Council's call to renew theological ethics ought to be interpreted has echoed through almost every debate that has been going on within the discipline during the last 60 years. Within these debates the status of the concept of intrinsic evil has become a crucial issue that carries tremendous methodological significance for the future of theological ethics and that might be decisive for the very identity and the mission of the Catholic Church, insofar as these relate to the area of morality. Therefore, when seen in this context, the recent broadening of the scope of the concept of intrinsic evil in magisterial documents, in traditionalists' writings, and in wider public and political discourse is not surprising and constitutes an extension of the abovementioned debates, which does not necessarily mean that it is not theologically problematic.

One way of introducing the reader into the theologically problematic character of the concept of intrinsic evil in relation to the ever-expanding list of intrinsically evil acts is to draw attention to the definition that often accompanies the concept. According to that definition, intrinsically evil acts are those acts that are evil (bad? wrong?) on the basis of their object, quite apart from circumstances and the intention of the agent. While the definition might sound familiar to anyone who has even a marginal interest in theological ethics or the moral teaching of the Church, that familiarity should not be confused with clarity about what the definition actually states. In other words, its vagueness can certainly be perceived as an asset as one attempts to establish a distinctive group of kinds of acts and searches for a concise way of expressing what makes these acts wrong/bad/evil. However, these advantages should not blind one to the fact that the definition seemingly allows the grouping together, say, an act of contraception, genocide, and racism, thus raising the question of (ir)relevance of the involved *gravity* of listed transgressions, of their *nature* as either kinds of acts, a whole set of somehow linked kinds of acts, or even larger social conditions and phenomena, and of the *criterion* on the basis of which these transgressions made the list of intrinsically evil acts.

To these doubts about what constitutes "acts" and how they are envisioned in the abovementioned definition of intrinsically evil acts, one could also add similar doubts surrounding other terms the definition employs; namely "object", "circumstances", "intention", and "evil/bad/wrong". Some recent scholarship has drawn attention to these doubts and inconsistencies that led to the over-production of meanings associated with the concept of intrinsic evil, thereby sketching the contours of the theologically problematic character of the concept in greater detail.

For instance, while commenting on the teaching office's modern use of the concept in twentieth century documents, Brian Johnstone notes: "Thus, in these documents, there are reflected two theories of morality, one an object-based theory, linked with the words 'against nature', or 'disordered', and a subject-based or perhaps better a subject-inclusive theory, expressed by the word '*inhonestum*'."¹² On the other hand, taking a broader view of the meaning and usage of the concept throughout the tradition, James Bretzke developed a four-fold taxonomy of various ways in which the concept of intrinsic evil can be understood: (1) High (intrinsic evil as a separate "species" of moral act), (2) medium high (intrinsic evil as tutelary prohibitions), (3) medium low (intrinsic evil as a pedagogical guide to moral discernment), and (4) low (intrinsic evil as an artificial construction with a less positive value and/or application).¹³ Finally, Werner Wolbert engages in a similar exercise as Bretzke and lists some possible meanings of the concept of intrinsic evil throughout the tradition. Although he does not pretend to be exhaustive on that point in his studies, the fact that he managed to isolate the following twelve different meanings of intrinsic evil is quite telling. Acts can be: (1) Intrinsically evil on the basis of the act's object and not its circumstances or end, (2) intrinsically evil as an evaluative term (for instance, adultery, theft or murder), (3) intrinsically evil as admitting no excess or deficiency, (4) intrinsically evil as the opposite of positively forbidden, (5) intrinsically evil by virtue of the act's action-describing consequences (for instance, torture or poisoning), (6) intrinsically evil in the sense of *secundum se* evil (either directly against God [such as hatred of God] or the act done *ex libidine* or *ex improba voluntate*), (7) intrinsically evil as forbidden by deontological criteria (either *contra naturam* or *ex defectu iuris in agente*), (8) intrinsically evil as applicable only to acts that are *contra naturam*, but not those that are done *ex defectu iuris in agente*, (9) intrinsically evil as referring to acts that gravely violate human dignity, neighbourly love, or the honour due to the Creator, (10) intrinsically evil as forbidden without exception, (11) intrinsically evil as referring to moral absolutes, sometimes interpreted as categorically forbidden, and

¹² Brian V. JOHNSTONE, Intrinsically Evil Acts, in: *Studia Moralia* 43/2 (2005), 379–406, 382.

¹³ See James T. BRETZKE, Debating "Intrinsic Evil", in: *Horizons* 41/1 (2014), 116–129, 128–129. Each of the four categories developed by Bretzke contains further subcategories and, therefore, distinguishes additional ways in which the concept of intrinsic evil can be understood.

(12) intrinsically evil as referring to more than just results of acts for the acting person.¹⁴

To these meanings of the concept of intrinsic evil detected by the abovementioned scholars, we will add still a number of other meanings throughout this study. However, at this stage, it is important to remain focused on the issue of exploring the theologically problematic character of the concept of intrinsic evil as such and in relation to the ever-expanding list of intrinsically evil acts. In that regard, these studies, *as presented above* in the form of simple listing of various meanings of the concept of intrinsic evil, do not necessarily entail a judgement on the validity, coherency, or mutual (in)compatibility of those meanings. Nevertheless, such studies do suggest a crucial insight that, given the sheer number of meanings associated with the concept of intrinsic evil, it is often unclear what is being meant by it when it is used either by the magisterium, or in contemporary theological ethics and in other discourses. Furthermore, the issue of meanings associated with the concept of intrinsic evil necessitates a study of the origins of those meanings within the Christian tradition to which those who use the concept in contemporary theological and other discourses often appeal, either implicitly or explicitly. These two issues of the meanings and origins of the concept of intrinsic evil will be explored subsequently in the two parts of this study, while the extensive conclusion will address the relevance of the results of this study for the usage of the concept in contemporary theological ethics and in other discourses.

While it might seem counter-intuitive to begin this study with an exploration of the meanings associated with the concept of intrinsic evil, as opposed to an inquiry into the origins of the concept, such a structure is necessary given the difficulties of pinpointing the object of inquiry. At the most fundamental methodological level, those difficulties reveal themselves as one attempts to settle the issue of whether the exploration of the origins of the object of our study ought to focus on (instances of the explicit usage of) the term or on the concept of intrinsic evil itself. The first possibility is, of course, methodologically more limited and therefore attractive, but opting for it identifies the term with the concept and implicitly suggests that the tradition preceding the explicit usage of the term “intrinsic evil” has nothing to do with the concept. The second possibility, on the other hand, is methodologically more demanding. It

¹⁴ See Werner WOLBERT, *Tendencies in Catholic Moral Theology as Reflected in Veritatis Splendor*, in: *Freiburger Zeitschrift für Philosophie und Theologie* 47/1–2 (2000), 220–245, 241–245. See also Werner WOLBERT, *Proportionalismus und die in sich schlechten Handlungen*, in: *Studia Moralia* 45/2 (2007), 377–399.

entails looking at the whole Christian tradition as potentially relevant for a study into the origins of the concept of intrinsic evil and, therefore, it faces an additional difficulty of settling first what we are looking for as we inquire into the origins of the concept of intrinsic evil. Since those who use the concept of intrinsic evil in contemporary discourse appeal to the tradition in the broader sense than what would be involved in our inquiry if we chose the first possibility explained above, it became clear to us that our study needs to take into account that broader tradition by opting methodologically for the second possibility. However, in order to be able to do so, we first need to engage with the issue of the meanings associated with the concept of intrinsic evil in contemporary theological discourse, which will then provide us with a clue as to what might be relevant within the tradition as we pursue the origins of the concept of intrinsic evil.

The inquiry into meanings associated with the concept of intrinsic evil in Part One of this study will be carried out via a critical-hermeneutical analysis of those magisterial documents that employ the concept by either invoking the term “intrinsic evil” or an equivalent term (Chapter One), of a theological account of the concept in the works of proponents of the Basic Goods Theory (Chapter Two), and of a theological account of the concept in the works of proponents of Revisionism (Chapter Three). While the recourse to magisterial documents within this study is obvious, insofar as the magisterium initiated the theological trend of ever-expanding lists of intrinsically evil acts, the inclusion of the works of proponents of the Basic Goods Theory and of Revisionism as objects of our study within this part demands an explanation. The main reason why these two “schools” or “theories”, in the loose sense of these terms, were chosen as conversation partners within this section is because, in conjunction with the aforementioned magisterial documents, they bring into discussion not a full, but a fairly representative, spectrum of meanings of the concept of intrinsic evil present in contemporary theological discourse. Additionally, their proponents are at the opposite ends of the debate on not only the concept of intrinsic evil, but almost any other debate on issues in fundamental theological ethics. Thus, an engagement with their works has a crucial role to play in this part of our study that has several interrelated goals in view. These goals are: (1) to identify, critically analyse, and evaluate the various meanings that the concept of intrinsic evil assumes in contemporary theological discourse; (2) to remove the host of misconceptions and misunderstandings that surround the concept in contemporary theological discourse; (3) to situate the concept of intrinsic evil within the two opposing ethical theories (Basic Goods Theory and

Revisionism) so as to be able to determine what role it plays within them and how it relates to other facets of these theories; and (4) to detect the points of contention between the two theories in relation to the concept of intrinsic evil.

While Part One of this study engages critically with the contemporary theological debate on the concept of intrinsic evil, it also prepares the way for and directs a further investigation into the concept throughout the tradition in Part Two. That investigation is motivated by several factors. First, many participants in the contemporary discussion on the concept of intrinsic evil appeal to the tradition in order to either affirm or deny the doctrinal status of the concept of intrinsic evil. Second, they also appeal to the tradition to establish or show continuity between their own understanding of the concept and what the tradition teaches on this point. Third, the fact that the concept of intrinsic evil has assumed such a wide variety of meanings in the contemporary theological debate cannot be entirely explained by studying that debate in its context alone, but instead points, again, towards the tradition as a likely source of the problem. Fourth, the points of contention between the two theories (BGT and Revisionism), which we reach at the end of Part One, also demand a more thorough engagement with the tradition, one that might be able to offer valuable insights and, thus, move the contemporary debate on the concept of intrinsic evil forward towards a resolution.

In order to address these reasons, the five chapters of Part Two will engage in a historical-critical way with the origins of the concept of intrinsic evil in the thought of a number of major voices within the tradition whose authority is most often invoked within the contemporary theological debate on the concept of intrinsic evil and whose works will be studied via primary texts and secondary literature. Thus, Chapter Four will scrutinise Augustine, who is often considered a forerunner of the concept of intrinsic evil and a convincing early witness to how indispensable the concept is for Christian moral reasoning. The focus of that chapter will be on Augustine's understanding of lying as the clearest example in his thought of what might be considered intrinsically evil. Chapter Five revisits Aquinas whose systematisation of the structure of human acts is unparalleled by any other Scholastic writer and within which one might expect to find a clear reference to the concept of intrinsic evil. Chapter Six engages with a "forgotten" yet, in subsequent centuries, highly influential thought of Duns Scotus. In the contemporary debate on the concept of intrinsic evil, Scotus is sporadically referenced as generally agreeing with Aquinas on not only the existence of intrinsically evil acts, but also on which acts fit the

description. Given his uniquely original theology, this is a surprising claim to make that merits further investigation, which will reveal a level of complexity of Scotus's thought that such claims cannot even begin to address. In Chapter Seven our attention will first shortly turn to Tommaso de Vio Cajetan and then engage with the work of Francisco Suárez. In the opinion of many contemporary scholars, the theologies of these two writers were largely responsible for bringing the concept of intrinsic evil to the central stage and portraying it as foundational for Catholic theological ethics. Thus, it is their theologies that a lot of subsequent thought has in mind when it refers to "the traditional notion of intrinsic evil" and this demands investigation not only in terms of theoretical shifts that these two writers introduced in relation to previous theological thought, but also in terms of why exactly the concept of intrinsic evil finds its most comfortable *Sitz im Leben* within their ethical theories. Finally, Chapter Eight follows and analyses the further refinement and implementation of the concept of intrinsic evil in manuals of moral theology and focuses most extensively on their last period. Within that period, the development of the concept of intrinsic evil reached its culmination, one that is marked by two fundamental characteristics. On the one hand, the Manualists simply assume and do not even find it necessary to argue that the concept of intrinsic evil is an essential part of the Church's moral doctrine, while, on the other, their explanations of what the concept means and to which acts it applies are often on the verge of, if not fully immersed in, incoherence.

The results of the investigation within Part Two of this study lead to the conclusion that there are at least two partially merged but distinct traditions of the concept of intrinsic evil, and that each of these traditions is associated with a number of meanings of this concept. In order to relate that insight of Part Two to Part One, its implications for the use of the concept of intrinsic evil in contemporary theological and other discourses are drawn out in the Conclusion of this study in terms of three scenarios of undifferentiated usage of the concept, differentiated usage of the concept, and of discarding the concept altogether. These scenarios are evaluated by applying the criterion of continuity with the Tradition and by inquiring whether the scenarios themselves, the approaches associated with them, and the precise meanings of the concept of intrinsic evil within each of these approaches can be maintained within contemporary theological and other discourses and, if so, under which conditions.

Since this study is also a habilitation thesis written in the area of theological ethics, it is worth pointing out, at the end of this Introduction, the original contribution of the study to the discipline. At the moment, there

are no extensive studies that would take into account both the historical aspect of and contemporary discussions on the concept of intrinsic evil.¹⁵ Most theological ethicists would agree that the contemporary debate on the concept of intrinsic evil (and related issues) are more often exercises in misunderstanding than in genuine advancements of the *status quaestionis* of this issue. On the other hand, when a sufficient level of coherent discussion and understanding is achieved, the debate on the concept of intrinsic evil often falters on the point of disagreement among theologians on whether the concept should be understood as a methodological tool in moral analysis or in terms of (binding?) outcomes of such an analysis in theological ethics, i.e., whether it contributes anything distinctive on either of these two levels. Finally, the concept of intrinsic evil and the existence (and precise list) of intrinsically evil acts are further complicated by the issue of their doctrinal status within the teaching of the Church.

Against that background, this study aimed at bridging the gap between the two aspects (both historical and contemporary) of the issue, which led to, arguably, a clearer understanding of the status of the concept of intrinsic evil within both, the tradition and contemporary theological ethics.

¹⁵ Most of the recent studies on the topic focus on the contemporary discussions on the concept of intrinsic evil. See, for instance, BRETZKE, Debating "Intrinsic Evil"; WOLBERT, Proportionalismus und die in sich schlechten Handlungen; JOHNSTONE, Intrinsically Evil Acts; Cathleen M. KAVENY, Intrinsic Evil and Political Responsibility. Is the Concept of Intrinsic Evil Helpful to the Catholic Voter?, in: Nicholas P. CAFARDI (ed.), Voting and Holiness. Catholic Perspectives on Political Participation, New York, NY/Mahwah, NJ 2012, 126–134 Other studies engaged with a historical aspect of the topic. See, for instance, John F. DEDEK, Intrinsically Evil Acts. An Historical Study of the Mind of St. Thomas, in: The Thomist: A Speculative Quarterly Review 43/3 (1979), 385–413; Matthew R. McWHORTER, Intrinsic Moral Evils in the Middle Ages. Augustine as a Source of the Theological Doctrine, in: Studies in Christian Ethics 29/4 (2016), 409–423 Those studies that combine the two aspects – historical and contemporary – are generally quite limited in their scope. See, for instance, John FINNIS, Moral Absolutes. Tradition, Revision, and Truth, Washington, D.C. 1991; James MURTAGH, Intrinsic Evil. An Examination of This Concept and Its Place in Current Discussions on Absolute Moral Norms, Rome 1973 The studies that come closest to what we are attempting to do in this study are the following: See Stephen BROCK, Action and Conduct. Thomas Aquinas and the Theory of Action, Edinburgh 1998; Steven J. JENSEN, Good & Evil Actions. A Journey through Saint Thomas Aquinas, Washington, D.C. 2010; Steven A. LONG, The Teleological Grammar of the Moral Act, Naples, FL 2015; Thomas M. OSBORNE, Human Action in Thomas Aquinas, John Duns Scotus, and William of Ockham, Washington, D.C. 2014; Johannes GRÜNDEL, Die Lehre von den Umständen der menschlichen Handlung im Mittelalter, Münster 1963. It is, however, evident from the titles of these studies that they predominantly focus on Thomas Aquinas and that the focus of their investigation is broader than ours; namely, the theory of action.

Depending on the reception of this study, its outcome could also make a significant contribution towards reversing a methodological trend (of subsuming ever more “acts” under a problematic concept) in magisterial teaching in recent times, as well as reigniting the debate on a number of related topics (authority in the Church, the role of norms in theological ethics, the inadequacy of our current theological anthropology and theory of action, issues in applied ethics, and so on) in theological ethics. Apart from the distinctive contribution that this study has for the discipline of theological ethics, it also has a wider relevance, insofar as it examines the implications of its results for the usage of the concept of intrinsic evil in the larger public (political) arena.

Part A – The Meaning of the Concept of Intrinsic Evil

A significant part of the controversy surrounding the issue of intrinsically evil acts within theological ethics is due to misunderstandings about this concept. What do we mean when we use the term intrinsic evil and are there intrinsically evil acts? When we use these notions and invoke *the* tradition to substantiate such usage, are we referring to a term or a concept? Would this distinction correspond with another one of using the notion either as a foundational methodological tool of act-analysis or as a manner of expressing conclusions of that analysis? And if it is a methodological tool, how does it function within ethical analysis? Finally, if there are acts that are intrinsically evil, are they such regardless of intention and circumstances, or precisely because of their intention and circumstances?

The main problem with all these questions is that the answer to most of them should be “it depends”. This is due to the prominence of this notion in theological ethics, which prompts the magisterium to use it in expressing its position on different issues and proponents of various theological-ethical theories to take a stance on it. The result is a whole spectrum of meanings attached to this notion that seemingly allow one simultaneously to affirm and deny the relevance of the notion and perhaps not even realise how absurd that is and how unhelpful the whole exercise has become.

Therefore, in order to increase the visibility in that forest of confusion and make sense of the controversy, one needs to first cut down those trees whose sole purpose seems to be to make one walk around that forest in circles. This will be done in the three chapters of Part One of this study by analysing the magisterial documents’ usage of the notion of intrinsic evil (Chapter One), the Basic Goods Theory’s adoption of the notion (Chapter Two), and Revisionism’s deconstruction of the notion (Chapter Three). The attempt to clear up misunderstandings surrounding the notion necessitates taking into account various documents of the magisterium, as well as distinct elements of the two ethical theories. This analysis is, however, not only focused on clearing up misunderstandings, but also aims at eventually bringing out the real points of contention between the three “sides” and evaluating the various positions on these contentious issues taken by the magisterium and proponents of the two theories.

While establishing and evaluating these points of contention will not allow us to resolve the controversy surrounding the notion of intrinsically evil acts towards the end of Part One, it will move us a significant distance away from answering every question within that controversy with “it depends”. Furthermore, detecting and evaluating the points of contention will allow us to pursue a further exploration of the notion of intrinsic evil deeper into the tradition to which all “sides” in this controversy appeal, and finally to return to the contemporary discussion with a proposal on what ought to be done with the notion of intrinsic evil.

1 The Concept of Intrinsic Evil in Contemporary Magisterial Documents

Our exploration of the concept of intrinsic evil begins with a critical survey of magisterial pronouncements issued during the 20th century. It was during that period that the concept rose to its current prominence within the official doctrine and, consequently, provoked various reactions from theologians as to its usage. Thus, in order to be able to understand what the issues surrounding this concept are, one needs to investigate first the meaning and relevance that is given to it in the magisterial documents.

Apart from a few sporadic and minor previous magisterial references¹, the term did not seem to play a major role in the official doctrine before the promulgation of Pius XI's encyclical letter *Casti connubii*. One should not jump to the conclusion that this already demonstrates its shallow roots in the tradition, especially since the magisterium claims exactly the opposite, but it raises the question of why there was a sudden need to refer to it, one might say even excessively, as the 20th century marched onwards.

After *Casti connubii* the concept of intrinsic evil and its entourage of a whole spectrum of terms associated with it made significant appearances in *Humanae vitae*, *Persona humana*, *Reconciliatio et paenitentia*, *The Letter to the Bishops of the Catholic Church*, *The Catechism of the Catholic Church*, and *Veritatis splendor*, which immediately suggests the focal points of our critical survey in this chapter.² Since the meaning and relevance that is given to the concept and its associated terms is the purpose of our investigation in this chapter, much of what goes on in these documents, as well as various theological interpretations of them, is ignored in order to

- ¹ Before the period covered in this chapter, there were only three minor instances where the term intrinsic evil was used by the magisterium. In 1842, French bishop Bouvier referred to it in his question to the Sacred Penitentiary on whether it was intrinsically evil to avoid conception within marriage. In 1853, the Holy Office of the Inquisition used it in its dealing with the question of whether a wife can passively offer herself in intercourse where condom is used. The Holy Office's response was negative, since "it would be participation in what is intrinsically unlawful". Finally, in 1916, the Sacred Penitentiary ventured to elaborate on the Holy Office's decision mentioned above and equated the husband who uses contraception with a rapist who needs to be resisted as such, because "such an act is intrinsically evil from the beginning". Batzill HARTMANN (ed.), *Decisiones Sanctae Sedis de Usu et Abusu Matrimonii*, Taurini 1937, 14–17; quoted in MURTAGH, *Intrinsic Evil*, 29–30.
- ² Apart from these, the concept is referred to in a significant number of other, often minor, documents. These references are regularly pointed out in footnotes within this chapter, but were not explored directly since they do not offer anything substantial to a survey of how the concept is used in the magisterial documents.

make the task manageable. Instead, the focus is kept on whether the magisterium is consistent in its usage and development of the concept of intrinsic evil and the associated terms, which would allow one to isolate a specific and coherent meaning of it as *the* magisterial meaning of the concept. Additionally, a close track is kept in the chapter on how the usage of the concept fits into the overall ethical argumentation employed in the documents in order to discern, at least initially, what the theological relevance of the concept might be and whether it has a role to play in ethical analysis.

1.1 *Casti Connubii* – Intrinsically against Nature & Intrinsically Vicious

The first time the concept of intrinsic evil act appeared in a major document of the teaching office was in 1930 in the encyclical letter *Casti connubii* (henceforth, CC), promulgated by Pope Pius XI.³ The immediate context of this encyclical was the Lambeth Conference of the Anglican Church to which the Pope was reacting, since it loosened the condemnation of contraception within the Anglican Church.⁴ This was perceived as a threat to the Catholic teaching on marital morality and there was a definite risk that the Catholic faithful would start to expect a similar pronouncement from their own Church.

The Pope defines the topic of the encyclical as being “on the nature and dignity of Christian marriage”, or, more specifically, “on the advantages and benefits which accrue from it to the family and to human society itself, on the errors contrary to this most important point of the Gospel teaching, on the vices opposed to conjugal union, and lastly on the principal remedies to be applied”⁵. Although one wonders how and why the dignity of the Christian marriage became the most important point of Gospel teaching, as at least the official English translation suggests,⁶ one can perhaps discount this claim as a prerogative of pontifical documents to use hyperboles in

³ PIUS XI, *Casti connubii* (31.12.1930), URL: http://www.vatican.va/content/pius-xi/en/encyclicals/documents/hf_p-xi_enc_19301231_casti-connubii.html (accessed 18.07.2025).

⁴ For an excellent overview of the events that led to the promulgation of CC, see John T. NOONAN, *Contraception. A History of Its Treatment by the Catholic Theologians and Canonists*, Cambridge, MA/London 1986, 414–432.

⁵ PIUS XI, *Casti connubii* (31.12.1930), no. 4.

⁶ The Latin phrase used at this place in CC, no. 4 could also be translated by omitting the abovementioned hyperbole: “[...] de erroribus gravissimo huic evangelicae doctrinae capiti contrariis [...]”.

order to get their points across. Nevertheless, the usage of the hyperbole in this place is also indicative and even prophetic in terms of the teaching office's increasing engagement with marital and sexual ethics throughout the second half of the twentieth century. Seen in the light of that development, one could legitimately claim or at least suspect that the dignity of Christian marriage has indeed become the most important point of the teaching of the Gospel.

Be that as it may, the encyclical has followed the developing trend, started by a few minor pontifical documents (but already well-established in the manuals of moral theology)⁷, of denouncing certain behaviours as intrinsically evil. To be more exact, in No. 54 the encyclical uses the term "intrinsically against nature" and "intrinsically vicious" or "dishonest":

"But no reason, however grave, may be put forward by which anything intrinsically against nature may become conformable to nature and morally good. Since, therefore, the conjugal act is destined primarily by nature for the begetting of children, those who in exercising it deliberately frustrate its natural power and purpose sin against nature and commit a deed which is shameful and intrinsically vicious."⁸

To this, one may add No. 61, where a version of the term appears again: "No difficulty can arise that justifies the putting aside of the law of God which forbids all acts intrinsically evil."⁹

⁷ This development will be the topic of Chapter Eight of this study.

⁸ Ibid., no. 54: "At nulla profecto ratio, ne gravissima quidem, efficere potest, ut quod intrinsece est contra naturam, id cum natura congruens et honestum fiat. Cum autem actus coniugii suapte natura proli generandae sit destinatus, qui, in eo exercendo, naturali hac eum vi atque virtute de industria destituunt, contra naturam agunt et turpe quid atque intrinsece inhonestum operantur." The distinctively Augustinian ring of the whole document that John Mahoney detects already in its title ("On Chaste Marriage") is confirmed in this quotation and echoes throughout the document's structure, logic, sentiment, and tone. See John MAHONEY, *The Making of Moral Theology. A Study of the Roman Catholic Tradition*, Oxford 1990, 59–60.

⁹ Pius XI, *Casti connubii* (31.12.1930), no. 61: "Nullae enim exsurgere possunt difficultates quae mandatorum Dei, actus, ex interiore natura sua malos, vetantium, obligationi derogare queant." As one can see, the official English translation does not correspond entirely to the Latin original. In the original, the employed term would be something like "evil from (or in) its intrinsic nature". This quotation is extremely interesting in its own right insofar as it refers to a well-known principle. Mahoney explains: "The principle that God asks of no one what is impossible [...] thus was confirmed as a central moral and pastoral principle [...]. And eventually in that teaching the wheel came full circle, when what had begun with the Augustine of the *Confessions* as an appeal for the interior grace of chastity and then been expanded by him into a general anti-Pelagian attack, [...] was finally applied in 1930

Neither of these two texts provide any further references that might explain in which sense exactly the encyclical is using the term intrinsically evil acts or its variations.¹⁰ This is, of course, not very surprising for a document of the teaching office and we must rely, therefore, on the immediate context in which these two texts are set and on other documents that might explain the matter further. In the first text, as the above quotation shows, there were two variations of the term used: intrinsically against nature and intrinsically vicious. One has to presume that “*anything* intrinsically against nature” in this text refers to acts and that, most likely, the Pope has in mind sexual acts, since they are most often associated with natural-unnatural distinction in the Catholic tradition. Another way in which “anything intrinsically against nature” could be interpreted is as referring to what is contrary to nature, which Manualists often employed as a synonym of “contrary to right reason”, i.e., morally bad/wrong.¹¹ However, the immediate context in which the phrase appears and the categorical way in which it is expressed favours the first possibility that sees such acts as not “simply” morally bad/wrong, but somehow structurally or intrinsically disordered due to their incongruence with the natural (=moral) order of the world, established by the Creator.

This is further confirmed as one reads the second sentence of the first quotation in which the term “nature” is clarified as the nature of the conjugal act that is primarily ordered towards the begetting of children. In this sense, any sexual act that is not primarily ordered towards the begetting of children would be “not conformable to nature” or, one could simply say, unnatural. Thus, what is natural or, better yet, what is the perceived *telos* of the conjugal act, is also normative for the domain of sexuality as such and dictates the moral norm that regulates this whole domain. Furthermore, one can also deduce from the text that the perceived *telos* of this normative act constitutes the object of the sexual act that can then be abstractly considered. One is tempted here to add to the end of the

by Pope Pius XI, in his encyclical on marriage, as a theological and pastoral comment on his condemnation of the practice of contraception.” MAHONEY, *The Making of Moral Theology*, 53.

¹⁰ CC, no. 55, however, invokes the authority of the Scriptures and St. Augustine (*De adulterinis coniugiis*) to argue that committing that which is intrinsically against nature is a horrible crime that has at times been punished by death.

¹¹ Although contemporary theological ethics would draw a sharper distinction between “contrary to nature” and “contrary to right reason”, Manualists mostly used these two phrases as synonymous, since for them the order of nature *is* at the same time the order of reason. This topic will be further explored in Chapter Eight of this study.

previous sentence “apart from any intention or circumstances”, but as we will demonstrate in Part Two of this study, little or nothing is left of an act if one understands such a phrase literally. However, there is still a distinct way in which one can conceptualise objects “apart from any intention or circumstances” or “abstractly”, but this seems to be applicable and limited only to certain sexual acts and lying. Similarly to lying, where the natural *telos* or the inner structure of the act of speech is spelled out as uttering truth (as one understands it) and this *telos* or structure sets the condition that must be met in any act of speech, lest it ends up being an act of lying, so it is with sexual acts. These acts are also here understood against the background of the normative condition of being primarily ordered towards the begetting of children and whenever they fail to meet this condition, they become disordered or unnatural. Understood in this way, the phrase “apart from any intention or circumstances” could be added to the first quotation above, but its meaning, deceptively, would have little to do with how an act is structured (object, intention, circumstances), but with whether a particular sexual act or a kind of sexual act satisfies the decisive condition of being ordered towards the begetting of children.

These conditions (being ordered towards the begetting of children for sexual acts and being ordered towards uttering truth for acts of speech) are seen as constituting the substance of the normative objects of these acts and, therefore, all other acts in their domains, the argument goes, can be evaluated abstractly on the basis of their objects, insofar as they meet these normative conditions or not. Furthermore, one can appreciate that within such an understanding the object needs to be specified only to the extent that allows one to come to the syllogistic judgement as to whether the normative condition is satisfied or not and the normative object is thus present or absent. Against the background of this understanding, it is easy to see why there cannot be any grave reasons, or difficulties (as the second quotation above claims), or circumstances that might change the disordered nature of such acts that do not meet the normative condition; since, simply put, these reasons, difficulties, or circumstances have nothing to do with the normative condition.¹² In this sense, CC is expressing a simple truism akin to saying that, say, a chair has four legs and, therefore, anything that does not meet this criterion cannot be called a chair, no matter the

¹² As we will see in some other documents that will be analysed later on in this chapter (especially *Reconciliatio et paenitentia*), this kind of reasoning leads to blatant simplification of morality and portrays it as an area in which careful discernment is rarely necessary or welcome, since such discernment threatens the clarity and certainty of black-and-white authoritative judgements.

context or other circumstances or purpose for which the thing discussed is used. Nevertheless, the truth of this judgement and, by analogy, the applicability of the notion of intrinsically against nature depend entirely on the previous acceptance of the definition of a chair, in the latter case, or a sexual act, in the former case.

Prescinding from a fuller analysis of the definition of a sexual act in CC, the most important problem that appears here and seems to be symptomatically linked with the notion of intrinsic evil is the high level of abstraction employed in defining acts or their objects. Such abstraction often tends towards a physicalist definition of acts that aims at the specification of the most general and universal act-descriptions as the basis of moral norms whose objectivity is confused with its abstractness. Apart from the fact that this leaves one wondering in which sense the result of this process of abstraction can still be considered a description of a human act, it is undeniable that the moral norm which is produced is simply identified with certain natural processes considered to be normative.¹³ Hence, the sense in which the encyclical employs the term intrinsically against nature is to express that certain physical processes in the area of sexuality are normative and, therefore, ought to constitute the object of each sexual act as the primary and most important condition of its moral rightness.

The second part of the quotation from No. 54 shifts the attention from an act itself to an act chosen by a human agent. This is marked by the change in the employed terms from “intrinsically against nature” to “intrinsically vicious”. In this sense, the encyclical argues, to choose an act that is intrinsically against nature, because it fails to meet the condition of the normative object of such an act, is intrinsically vicious. Since this packed statement in No. 54 of the encyclical managed to capture both the object of the act itself, prior to any consideration of the intention of the agent, and the act as chosen by the agent, which presupposes an intention, Brian Johnstone concludes that the encyclical uses the term “intrinsic” in both “an object-based and a subject-based sense”¹⁴.

Insofar as Johnstone’s observation refers to the application of the term “intrinsic” to both the object *in itself* and the object *as perceived to be chosen* by the agent, one could agree with him, since these two designations amount to the same thing. However, the issue remains whether this is

¹³ When it comes to such arguments, one always wonders why we never talk about the normative natural *tele* of ears, or noses, or eyes (or listening, smelling, and watching), but only of normative natural *tele* of sexual organs and mouths (sexual acts and acts of speech). For a similar point, see Bernard HOOSE, Proportionalism. The American Debate and its European Roots, Washington, D.C. 1987, 109.

¹⁴ JOHNSTONE, Intrinsically Evil Acts, 382.

enough to claim that the term “intrinsic” is, therefore, also “subject-based”. This would, of course, depend on what one means by using the designation “subject-based”, but in this context it ought to refer to an act conceived in such a way that all its concrete but morally relevant elements (including the agent’s intention) are taken sufficiently into consideration in the identification of the act, that might then be morally evaluated. Furthermore, this back and forth between the subject-based and object-based sense of act specification necessarily raises the question of what the relation between the two might be. Has the encyclical managed to answer this question so that one could refer to its usage of the term “intrinsic” as not only object-based, but also subject-based?

By taking a closer look at the quoted passage from No. 54, one sees that the encyclical is interested in the intention of a couple engaging in a conjugal act only insofar as it matches or fails to match the normatively identified end of the physical processes involved in an act of sexual intercourse. In other words, it postulates that engaging in a conjugal act is by nature directed to the end of begetting children. This is then simply another way of specifying the object in itself or *finis operis* by identifying the physical process and its end with the moral norm. If in the execution of the act, the passage continues, the couple is doing something that frustrates this physical process from reaching its natural end, then the couple is engaging in something that is intrinsically vicious. Another way of saying the same thing is to state that CC is only interested in the abstract notion of an act in both its specification and its execution. In unpacking this further, it has to be pointed out that the execution of an act necessarily presupposes intention. However, the *content* of this intention is interesting to the encyclical only insofar as it matches or fails to match what is already conceived as the end of this act abstractly considered.

It is clear from this that the intention of the agent(s) has no influence on the specification of an act of (conjugal) intercourse, but only on its evaluation. Hence, the encyclical’s image of an intrinsically vicious act matches what James Bretzke calls a free-floating “moral” act, i.e., acts “that exist independently of a given moral agent’s own intention and his or her particular circumstances.”¹⁵ To draw an analogy with our previous example of chairs and not-chairs, one could say that the way CC attaches the

¹⁵ James T. BRETZKE, *Veritatis Splendor and Moral Objects*, URL: <https://www2.bc.edu/james-bretzke/VeritatisSplendorAndMoral%20ObjectsTextAndCommentaryByBretzke.pdf> (accessed 18.07.2025), 2. See also James T. BRETZKE, *A Morally Complex World. Engaging Contemporary Moral Theology*, Collegeville, MN 2004, 69–77.

designation “intrinsically vicious” to certain sexual acts resembles calling something a non-chair (evaluation) because it does not have four legs (condition), while not taking into account that the thing that is evaluated is, like chairs, used for sitting (execution) although it might have only three legs (specification). This being so, Johnstone’s “subject-based” designation of the term “intrinsic” cannot be justified. Instead, the encyclical uses the term “intrinsically vicious” as a *terminus technicus* in order to designate a broad range of executed sexual acts whose objects frustrate the natural and normative finality that ought to characterize all sexual acts. It is, therefore, this distinction between an act abstractly conceived and an act executed that is reflected in the difference between “intrinsically against nature” and “intrinsically vicious”. In other words, the encyclical is simply saying that it is intrinsically vicious to engage in an act that is intrinsically against nature, and this latter designation ought to be applied to all (sexual) acts executed in such a way that they frustrate the natural finality of sexual acts.¹⁶

1.2 *Humanae Vitae* – Intrinsically Vicious

Bearing in mind the steadily increasing usage of the concept of intrinsically evil acts in relation to sexual acts in the documents of the teaching office throughout the 20th century, one realises that Paul VI already had a well-rounded teaching at his disposal for the purposes of his encyclical *Humanae vitae* (henceforth, HV) promulgated in 1968.¹⁷ This, of course, fails to explain the controversy that developed around the “*Humanae vitae* event”

¹⁶ This emphasis on natural finality in defining what is intrinsically evil and can, therefore, not be justified in any circumstances also reappears in Pius XII two addresses. In the *Address to Midwives on the Nature of Their Profession* it is applied to artificial contraception, where it is repeated what has been said in CC, and in the *Address to Participants of the Second World Congress on Fertility and Sterility*, where it is applied to masturbation for the purposes of procuring semen for medical analysis. See PIUS XII, Address to Midwives on the Nature of Their Profession (29.10.1951), URL: <https://www.papalencyclicals.net/pius12/p12midwives.htm> (accessed 18.07.2025); PIUS XII, Address to the Participants of the Second World Congress of Fertility and Infertility in Naples (19.05.1956), URL: <http://feamc.eu/fertility-and-sterility/> (accessed 18.07.2025).

¹⁷ PAUL VI, *Humanae vitae* (25.07.1968), URL: http://www.vatican.va/content/paul-vi/en/encyclicals/documents/hf_p-vi_enc_25071968_humanae-vitae.html (accessed 18.07.2025).

for both internal and external reasons, but there is no need to enter into this discussion directly here.¹⁸

After identifying the theme of the encyclical as the difficulties and hardships related to the transmission of human life, Paul VI specifies the purpose of the document more precisely in its introduction:

“The fulfilment of this duty has always posed problems to the conscience of married people, but the recent course of human society and the concomitant changes have provoked new questions. The Church cannot ignore these questions, for they concern matters intimately connected with the life and happiness of human being.”¹⁹

After specifying these “changes” and “new questions”, the Pope admits that they prompt the Church to reflect in a new and deeper way on the principles of the moral teaching on marriage, which is based, the document asserts, “on natural law as illuminated and enriched by divine Revelation.”²⁰ Both natural law and the Church, the Pope continues, teach “that each and every marital act must of necessity retain its intrinsic relationship to the procreation of human life”, because the unitive significance and procreative significance are both inherent to the marital act, and “written into the actual nature of man and of woman”²¹.

Finally, the encyclical arrives in this context at its own usage of the notion of intrinsic evil:

¹⁸ For good overviews see Paulinus I. ODOZOR, *Moral Theology in an Age of Renewal. A Study of the Catholic Tradition since Vatican II*, Notre Dame, IN 2003, 44–77; Konrad HILPERT/Sigrid MÜLLER (eds.), *Humanae vitae – die anstößige Enzyklika. Eine kritische Würdigung*, Freiburg i. Br./Basel/Wien 2018. For a critical view, see Richard A. McCORMICK, *Notes on Moral Theology 1965 through 1980*, Washington, D.C. 1981, 208–242; Joseph A. SELLING, *The Reaction to Humanae Vitae*, URL: <http://www.catholicsandcontraception.com/reaction-to-humanae-vitae-joseph-selling-1977/> (accessed 18.07.2025) For more favourable views see John C. FORD et al. (eds.), *The Teaching of Humanae Vitae. A Defense*, San Francisco, CA 1988; Janet E. SMITH, *Humanae Vitae. A Generation Later*, Washington, D.C. 1991.

¹⁹ PAUL VI, *Humanae vitae* (25.07.1968), Introduction.

²⁰ *Ibid.*, no. 4.

²¹ *Ibid.*, no. 12. Apart from grounding the teaching office’s judgement on intrinsically evil nature of contraception, the inseparability of unitive and procreative meanings of the marital act is used in some later documents to argue for intrinsically illicit nature of various techniques of *in vitro* fertilization and human cloning. See, for instance, CONGREGATION FOR THE DOCTRINE OF THE FAITH, *Instruction Dignitas Personae on Certain Bioethical Questions* (20.06.2008), URL: https://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_20081208_dignitas-personae_en.html (accessed 18.07.2025), no. 17–28.

“Though it is true that sometimes it is lawful to tolerate a lesser moral evil in order to avoid a greater evil or in order to promote a greater good, it is never lawful, even for the gravest reasons, to do evil that good may come of it – in other words, to intend directly something which of its very nature contradicts the moral order, and which must therefore be judged unworthy of man, even though the intention is to protect or promote the welfare of an individual, of a family or of society in general. Consequently, it is a serious error to think that a whole married life of otherwise normal relations can justify sexual intercourse which is deliberately contraceptive and so intrinsically wrong.”²²

As one can see, the official Vatican translation uses the term “intrinsically wrong”, although the original Latin term here is *intrinsece inhonestum*. The consideration of the Latin term thus immediately points towards the encyclical *Casti connubii*, where the same term was used for the first time by the teaching office of the Church. On the other hand, some later documents, such as *Vademecum for Confessors*, simply called contraception an intrinsic evil while making a reference to this paragraph of *Humanae vitae*, which suggests that the teaching office treats all or most of these terms as synonyms.²³ It is also interesting to note that this latter document refers to the intrinsic evil of contraception as something that the Church has always taught. Concerning this claim, John Noonan states the following:

“It would be possible to read the teaching of the theologians and canonists, popes and bishops, for over seventeen hundred years, as embodying this position. To do so would require isolating a single strand of the teaching from other reasons and treating it, abstracted from all contexts, as dispositive of the

²² PAUL VI, *Humanae vitae* (25.07.1968), no. 14: “Verum enimvero, si malum morale tolerare, quod minus grave sit, interdum licet, ut aliquod maius vitetur malum vel aliquod praestantius bonum promoveatur, numquam tamen licet, ne ob gravissimas quidem causas, facere mala ut eveniant bona: videlicet in id voluntatem conferre, quod ex propria natura moralem ordinem transgrediatur, atque idcirco homine indignum sit iudicandum, quamvis eo consilio fiat, ut singulorum hominum, domesticorum convictuum, aut humanae societatis bona defendantur vel provehantur. Quapropter erret omnino, qui arbitretur coniugalem actum, sua fecunditate ex industria destitutum, ideoque intrinsece inhonestum, fecundis totius coniugum vitae congressionibus comprobari posse.”

²³ See PONTIFICAL COUNCIL FOR THE FAMILY, *Vademecum for Confessors Concerning Some Aspects of the Morality of Conjugal Life* (12.02.1997), URL: http://www.vatican.va/roman_curia/pontifical_councils/family/documents/rc_pc_family_doc_12021997_vademecum_en.html (accessed 18.07.2025), no. 4: “The Church has always taught the intrinsic evil of contraception, that is, of every marital act intentionally rendered unfruitful.”

morality of any act which, in the exercise of coitus ‘intentionally deprives it of its natural power and strength’.”²⁴

One can see, then, why such a judgement fits well with or is even necessary in relation to the concept of intrinsic evil, insofar as it strengthens the presupposition that a fairly broad description of an act or a kind of act can be and, in fact, was specified by the Church and taught as always immoral in any circumstances. However, these kinds of statements ignore large segments of ethical discourse (reasons, contexts), without whose consideration such judgements could not have been made in the first place.²⁵ Furthermore, they expose the teaching on intrinsically evil acts to a possible embarrassment if it can be proved that the Church was ignorant of the intrinsic evil of some acts or even condoned them for a larger part of its history.²⁶

Disregarding this issue of translation of the relevant term and the text-proofing usage of Rom 3:8, it seems, at first glance, that “a new and deeper reflection” led the Pope back to the teaching of the encyclical *Casti connubii*. In other words, here we see the same reference to the procreative finality of human sexual acts, grounded in human nature and, therefore, expounded in and demanded of each marital sexual act, regardless of their actual procreative potential. Furthermore, since the procreative finality is constitutive of or identified with the intrinsic structure of marital sexual acts, there seem to be no circumstances or intentions that might justify depriving a marital sexual act of its procreative finality, because this would oppose the moral order. The encyclical defines such acts as those including “any action which either before, at the moment of, or after sexual intercourse is specifically intended to prevent procreation – whether as an end or as a means.”²⁷

On the basis of this, one could conclude that there is no difference in the way Pius XI and Paul VI understand the term “intrinsically vicious”. In both cases, intrinsically vicious refers to an abstractly considered inappropriate object of a marital act that has been chosen as such and executed. There is no denying that this object stands here for what has been done (a contraceptive marital sexual act) that includes some rudimentary notion of

²⁴ NOONAN, *Contraception*, 531.

²⁵ Taking these difficulties into consideration, it is surprising to read Joseph Selling’s comment that “the designation *intrinsece inhonestum* did not attract very much attention in the reactions to HV.” SELLING, *The Reaction to Humanae Vitae*.

²⁶ As we will see later on in relation to *Veritatis splendor*, this possible embarrassment becomes actual embarrassment when the encyclical expands the list of intrinsically evil acts.

²⁷ PAUL VI, *Humanae vitae* (25.07.1968), no. 14.

intention (i.e., not directed or open to procreation). However, since the sexual act is defined as an act already imbued in its (biological) nature with procreative finality, one might claim that this is a physicalist definition of the object to which the intention is important only insofar as it makes it a human voluntary act and insofar as it is (not) directed or open to the intrinsic finality of the sexual act. In other words, the intention is important only when it comes to the determination of whether an intrinsically evil act has been committed, but not when it comes to the specification of the act as such; the specification only needs to take into account the object (including the object-specifying circumstances) and the *finis operis* (i.e., the end of the act itself)²⁸ that substitutes the intention when it comes to the specification of sexual acts. To this extent, Pius XI and Paul VI seem to be in complete agreement in identifying intrinsically vicious acts as those particular sexual acts that do not respect the natural finality of the sexual act. Consequently, once this has been established, any further intentions or circumstances of the act do not matter for its objective moral evaluation.

However, the agreement between the two popes is not as complete as it might appear. Although there was probably a conscious effort by Paul VI to leave an appearance of being in complete agreement with Pius XI in order to try to maintain and reassert “the traditional doctrine” in an unchanged form, that effort was complicated, if not made impossible, by the new circumstances. In order to demonstrate this, one needs to take into account two new cases Paul VI had to deal with – the therapeutic usage of artificial contraception and the natural family planning method – that made it impossible for him to maintain the simplistic view of intention, still present in the encyclical *Casti connubii*. When it comes to the former, he acknowledges: “The Church does not consider at all illicit the use of those therapeutic means necessary to cure bodily diseases, even if a foreseeable impediment to procreation should result there from – provided such impediment is not directly intended for any motive whatsoever.”²⁹ He employs here the principle of double effect and seems to state that intention makes all the difference, making contraceptives in one case a medicine and in another a directly intended impediment to procreation. On the other hand, when it comes to the distinction between natural family planning and using artificial contraception in a marital sexual act, the Pope argues: “It cannot be denied that in each case the married couple, for acceptable

²⁸ The term *finis operis* is often used by Manualists as a synonym for the (whole) object of an act. In the reference above, we used it in the literal sense of the term, i.e., as referring to “the end of the deed”.

²⁹ *Ibid.*, no. 15.

reasons, are both perfectly clear in their intention to avoid children and wish to make sure that none will result.”³⁰ In other words, here the intention, as the Pope himself recognises, is the same, but the moral evaluation is different, favouring the natural family planning method and condemning contraceptive use in marital sexual intercourse.

Before we take a closer look at these two cases, we need to consider for a moment the terminology the Pope has employed in the quotations mentioned so far. In particular, it seems that the Pope is operating with two or more different understandings of intention, as is already evident in the terms he employs. Hence, in HV, No. 14 he first uses the expression “*to intend directly* something which of its very nature contradicts the moral order”, followed by “even though *the intention* is to protect or promote the welfare”, continued by the reference to “sexual intercourse which is *deliberately* contraceptive”, and finally using the expression “*specifically intended* to prevent procreation – whether as an end or as a means”. At this point, one might start scratching one’s head over Paul VI’s notion of intention and its role in the specification of acts, but he is still not finished with presenting his terminology. In the two cases mentioned above, he introduces still “directly intended for any *motive* whatsoever” (in relation to the therapeutic use of contraception) and “*intention* to avoid children” (referring to both artificial contraception and natural family planning).

There are a number of insights one can gather by analysing these different expressions. First, for Paul VI, there seems to be a difference between terms “to intend directly”, or “specifically”, or “deliberately”, on the one hand, and “intention” and “motive” on the other hand. Although this usage of the terms “to intend” and “intention” is confusing, without recognising this distinction one would have to read HV, No. 14 as claiming that “the intention [...] to protect or promote the welfare” is by its very nature in contradiction with the moral order, which is absurd. Furthermore, the term “to intend directly” is deceptive, insofar as the content of *what* is intended directly is not formed in any way by the will of the agent but is instead pre-given by the natural moral order when it comes to contraception and intrinsically vicious/evil acts in general. This, as demonstrated later on, creates a rather naïve notion of objects of acts being completely external and fully formed, while reducing the role of the will (intention) to either choosing or not choosing them. Second, there seems to be a conscious effort to use the term “intention” and “motive” to refer only to the end the agent is striving for, or what traditional moral theology called *finis operantis*. Thus, intention can be “to protect or promote the welfare of

³⁰ Ibid., no. 16.

[...], “to avoid children”, or “to cure bodily diseases”, but as the phrase “directly intended for any motive whatsoever” (HV, No. 15) shows, the intention or motive should not have any role in specifying what is actually done in the moral sense when it comes to intrinsically vicious acts. In other words, for the Pope, in such acts, it is one thing to establish what is “directly intended” and another thing to establish the motive/intention behind what is directly intended, which adds to the confusion insofar as one would expect that it is precisely the content of the intention that is “directly intended”. Third, the terms “to intend directly”, or “specifically” or “deliberately” can, it seems, refer to both end and means (HV, No. 14). Although this is again potentially confusing, insofar as it threatens to undo the distinction mentioned in the first point above by introducing an overlap between “the intention as an *end*” and “to intend directly *end* or means”, the Pope is simply referring to what traditional moral theology called *finis operis*. Part of the confusion, thus, consists of the inadequacy of this traditional terminology. Due to this inadequacy, it seems that just about anything in an act can be intended and this opens up the possibility of smuggling in judgements into an analysis of acts, i.e., claiming that something in an act is intended because one has already decided previously on other grounds that it is wrong. On top of that, the confusion is further aggravated by the Pope’s aim to reassert the traditional teaching that prevented him from exploring the relation between “intention” and what is “specifically intended”, i.e., whether the former has any bearing on how the latter is constituted and if not, how can one avoid the charge of physicalism. Although this problem already surfaced in our analysis of CC, it is brought into a sharper focus in HV, insofar as the latter is less categorical and attempts to introduce finer distinctions that, inadvertently, cast serious doubt over its concept of “intrinsically vicious”.

Bearing this in mind, we can now return to two statements on cases of therapeutic use of contraceptives (HV, No. 15) and the distinction between natural family planning and the contraceptive sexual act (HV, No. 16). There seem to be two ways in which one could interpret these two statements; either (1) the Pope has worked himself into a contradiction by first claiming that it is the intention that opens the possibility of the legitimate use of contraceptives in the first case and then denying this claim when it comes to the second case, or (2) he successfully reasserted and possibly updated Pius XI’s teaching on intrinsically vicious acts through these new cases. Both of these interpretations are possible if one does not take into account our terminological clarifications above and insist that the term “intrinsically vicious” presupposes the intention (as such and not in the sense of “directly

intended”), without differentiating between the specifying and concrete-act-evaluative role of intention.³¹ Here, when these two roles of intention are not differentiated, then the evaluation of the therapeutic usage of contraceptives seems to differ from and is in contradiction with the evaluation of the usage of contraceptives in the context of marital sexual acts. In other words, the concrete-act-evaluative role of intention is recognised in both cases (signified by the term “directly intended”), but the specifying role of intention seems to have impact only in the former case of therapeutic use of contraceptives and not in the latter case of differentiating between natural family planning and contraceptive marital sexual intercourse. Nevertheless, the conclusion that this is a contradiction or some other kind of logical fallacy can be avoided if one insists that there is a reason why intention has an impact in the former case, but not in the latter case. That reason is revealed in the discussion on the distinction between natural family planning and engaging in a contraceptive sexual act. There the Pope argues that what counts exclusively is *what* one does or, as the Pope would say, what one “intends specifically/directly” (abstaining from a sexual act in a fertile period as opposed to engaging in a contraceptive sexual act).

In other words, the credibility of the contradiction interpretation is possible only if one presupposes that the object (what is done) is the same in both cases and that in both cases intrinsically evil acts are discussed. This, however, is not the case. In the first case the object is “taking contraceptives” or, better yet, “taking medicine that has a contraceptive (side-)effect”. In the second case the object is “contraceptive marital sexual intercourse”. Since the first object is not specified enough and it is not an intrinsically evil act, it needs to take into consideration the intention, while the second does not (since it is an intrinsically evil act), which makes the contradiction explanation invalid.

One could, however, press this point further by asking how does one know in a concrete act that the object is “taking contraceptives” and not “contraceptive marital sexual intercourse”, since any person who is using contraceptives therapeutically could engage in marital sexual intercourse

³¹ As argued earlier in relation to *Casti connubii*, this is how Brian Johnstone understands the term. See JOHNSTONE, *Intrinsically Evil Acts*, 381–382. James Bretzke and Michael Jaycox apply this understanding on the term intrinsically evil in general. See BRETZKE, *Debating “Intrinsic Evil”*, 119–121; Michael P. JAYCOX, *Debating “Intrinsic Evil”*, in: *Horizons* 41/1 (2014), 142–165, 162.

without committing an intrinsically evil act.³² Is the difference between the two objects not established on the basis of intention and, therefore, it makes the contradiction interpretation plausible? One would have to answer “it depends” to this claim. As such, it is indeed intention that differentiates between the two object-descriptions *in concrete acts*, but it is not the intention that differentiates the *abstract* specification of these two object descriptions, since the evaluation of concrete acts, so the Pope teaches, presupposes the specification of objects or kinds of acts generally. Nevertheless, pushing this line of inquiry even further by disagreeing with the Pope on this last point, one could claim that describing objects or kinds of acts generally depends on knowing the kinds of acts people undertake and there is no other way of starting an inquiry into that but asking them what where they trying to achieve, i.e., what their intention was and what the context was. Leaving these kinds of considerations out of an ethical analysis makes the distinction between “taking contraceptives” and “contraceptive marital intercourse” seem arbitrary and the contradiction interpretation more credible. Thus, the rejection or affirmation of the contradiction interpretation depends on (dis)agreeing with the Pope when he claims that intention has nothing to do with the specification of acts.

This brings us to the second possible interpretation that reconciles the two cases of therapeutic usage of contraceptives and of the distinction between natural family planning and contraceptive marital sexual intercourse by insisting that the Pope successfully reasserted and possibly updated Pius XI’s teaching on intrinsically vicious acts through his analysis of these cases. Our analysis of the first interpretation seems to confirm that the reassertion of Pius XI’s teaching was indeed Paul VI’s aim, albeit one that could not be achieved without also updating the teaching. Thus, while Pius XI could issue a blank condemnation of any and all sexual acts that do not conform to their natural finality and brand them as intrinsically vicious, Paul VI did not have that luxury, insofar as he had to consider the therapeutic use of contraceptives and the distinction between natural family planning and contraceptive marital acts. So, how does one maintain the credibility of an absolute category of intrinsically vicious acts in a

³² In other words, one could be factually engaging in a contraceptive marital sexual intercourse, while, at the same time, the moral object of his/her act would have to be morally specified as simply “marital sexual intercourse”. The difference between factual and moral specification of these two descriptions would be the result of the person using contraceptives therapeutically, while also engaging in a sexual act in the course of the therapy without specifically intending to frustrate the procreative meaning of the sexual act. Of course, the difference here depends on the intention, but only in the execution of the act and not its specification.

particular instance of using contraceptives, while knowing that not all acts associated with them can be condemned in such an absolute manner? The obvious answer is to introduce finer distinctions, but with each additional distinction introduced in the effort to strengthen the absolute character of the notion of intrinsically vicious acts that notion is, by logical necessity, undermined still further.

In the end, the Pope's solution was to insist on the inviolability of the physical structure of marital acts that is preserved in both natural family planning and therapeutic use of contraceptives, since in the former there is no sexual act to speak of and in the latter contraceptives are used for a different purpose. In return, this solution provoked the charge of physicalism from theologians, but the irony of the situation is that the charge is not completely justified, if by "physicalism" one has in mind the sole normativity of physical structures of certain acts. Thus, in order to differentiate between at least some cases of a therapeutic use of contraceptives and contraceptive marital intercourse, and this is what the Pope's update of the concept of intrinsically vicious acts consists of, one has to consult the wider context of the act or the intention of the agent(s) as a prerequisite of determining what is directly intended and not simply what is done physically.³³ This, however, was not enough to provoke in him the deeper question of the role of intention in the specification of objects of acts that might have ended the history of the concept of intrinsically vicious acts there and then.

³³ In other words, the kind of physicalism involved is of slightly different kind than what is presupposed in CC.

1.3 *Persona Humana* – Intrinsically Disordered

The next major document where the teaching office utilises the notion of intrinsically evil acts has been promulgated in 1975 by the Congregation for the Doctrine of the Faith and entitled *Persona humana – Declaration on Certain Questions Concerning Sexual Ethics* (henceforth, PH).³⁴ By simply reading the title of this document, one can already notice that there is a certain pattern of applying the notion of intrinsically evil acts to various sexual acts developing in the 20th century documents of the teaching office.

Similarly to the encyclical *Humanae vitae*, the document provoked a lot of reaction after its promulgation. The attention of theological community and, to some extent, wider public, focused on just about every aspect of the document, ranging from its sources, how it was composed, and what level of authority ought to be attached to it and its claims, as well as to the argumentative structure on which they rest.³⁵ It is interesting to note in this context the fact that the document was a declaration of one of the Roman congregations, which means that it carried less weight than papal documents such as apostolic constitutions or encyclical letters and that the purpose of such documents is simply to interpret existing legislation, to call to mind the traditional teaching, or to reply to a contested point of law, while having no authority to constitute a new teaching (that is, develop it) or law.³⁶ This explanation is, then, in stark contrast with the attention that the document received after its promulgation. On this note, Charles Curran has remarked that in the same year the *Apostolic Exhortation on Evangelisation*, a document of much higher formal importance and authority, was promulgated, but compared to PH it received almost no attention.³⁷ This shows that the impact a certain document exerts is not always directly related to its formal authority. Furthermore, since

³⁴ CONGREGATION FOR THE DOCTRINE OF THE FAITH, *Persona humana* (29.12.1975), URL: http://m.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_19751229_persona-humana_en.html (accessed 18.07.2025).

³⁵ For merely a sample of reactions see James McMANUS/Sean O'RIORDIAN/Henry STRATTON, *The Declaration on Certain Questions Concerning Sexual Ethics. A Discussion*, in: *The Clergy Review* 61 (1976), 231–237; Charles E. CURRAN, *Sexual Ethics. Reaction and Critique*, in: *Linacre Quarterly* 43/3 (1976), 147–164, 153–155; Daniel C. MAGUIRE, *The Vatican on Sex*, in: *Commonweal* 103/5 (1976), 137–140; Raimondo SPIAZZI/Jan VISSER, *I Declaration on Certain Questions and Concerning Sexual Ethics II Commentaries*, Washington, D.C. 1977.

³⁶ See George DYER, *A Pastoral Guide to Canon Law*, Dublin 1977, 20–21.

³⁷ See CURRAN, *Sexual Ethics*, 153–154.

documents of various congregations always refer to more authoritative documents, even determining their formal authority is a complex matter.³⁸

In the introduction, PH takes issue with certain developments in contemporary culture, especially as these relate to sexuality. The document puts this across quite strongly by arguing that “the corruption of morals has increased, and one of the most serious indications of this corruption is the unbridled exaltation of sex.”³⁹ Furthermore, although the document somewhat grudgingly admits the significant role of sexuality in the formation of personality as discovered by contemporary scientific research, it ultimately sees both of these trends as working together to undermine what is presented as the traditional teaching of the Church. This is happening, the document argues, because what is accidental, provisional, changeable, and historical about sexuality is mixed up and confused with what is essential, immutable, and that which transcends the contingency of history. Since only the former is within the domain of science and culture, whatever is happening in these domains ought not to have any influence on the Church’s teaching in the area of sexuality that is based on the latter.

Having sorted out its area of expertise and forbade anyone else to interfere in that area, PH engages with premarital sexual relations, masturbation, and homosexuality as “certain questions concerning sexual ethics”⁴⁰ and uses the notion of intrinsically evil in relation to the second and the third. When it comes to homosexual acts, the documents states:

“For according to the objective moral order, homosexual relations are acts which lack an essential and indispensable finality. In Sacred Scripture they are condemned as serious depravity and even presented as the sad consequence of rejecting God. This judgement of Scripture does not of course permit us to conclude that all those who suffer from this anomaly are personally responsible for it, but it does attest to the fact that homosexual acts are intrinsically disordered and can in no case be approved of.”⁴¹

³⁸ See McMANUS/O’RIORDIAN/STRATTON, *The Declaration on Certain Questions Concerning Sexual Ethics*, 232.

³⁹ CONGREGATION FOR THE DOCTRINE OF THE FAITH, *Persona humana* (29.12.1975), no. 1.

⁴⁰ Apart from these, PH also engages with a number of other issues such as the fundamental option, virtue of chastity, the distinction between mortal, grave, and venial sin, etc. These issues do not concern us here.

⁴¹ *Ibid.*, no. 8: “Etenim, secundum obiectivum rerum ordinem morale iunctiones homosexuales sunt actus, qui sua necessaria et essentiali ordinatione privantur. In Sacris Scripturis reprobantur uti graves depravationes, immo exhibentur tamquam funesta repudiationis Dei consecutio. Haec quidem Divinarum Scripturarum sententia non sinit, ut concludatur eos omnes, qui ista deformitate laborent, hac de

In a similar way, when it comes to masturbation, the document claims:

“In fact, both the Magisterium of the Church – in the course of a constant tradition – and the moral sense of the faithful have declared without hesitation that masturbation is an intrinsically and seriously disordered act. The main reason is that, whatever the motive for acting this way, the deliberate use of the sexual faculty outside normal conjugal relations essentially contradicts the finality of the faculty.”⁴²

One major difference that appears in these two texts, as opposed to earlier documents of the teaching office, is the usage of the term “intrinsically disordered” (*intrinsece inordinatum*). There is no clear or explicit indication of why the document used this term as opposed to the term “intrinsically against nature” (*Casti connubii*) or the term “intrinsically vicious” (*Casti connubii* and *Humanae vitae*). To be more precise, PH discusses homosexual acts and masturbation “in themselves”, i.e., not as acts chosen by the agent’s will, which might explain why the term intrinsically vicious has not been used, but there does not seem to be any discernible reason for opting for the term intrinsically disordered as opposed to the term intrinsically against nature.

Apart from that the two texts quoted above demonstrate that the reason why the document designates homosexual acts and masturbatory acts as intrinsically disordered is the same – they lack an essential and indispensable finality (homosexual acts) or essentially contradict the finality of the (sexual) faculty (masturbation). This clearly identifies the notion of intrinsically disordered with the notion of intrinsically against nature, as used in *Casti connubii*, insofar as both terms are defined in relation to what is contrary to the natural *telos* of the sexual faculty. Furthermore, the natural faculty argument explains why the second quotation on masturbation can dismiss any “motive for acting this way”, which would include anything that the scientific study of developmental stages of sexuality might show, since these have no direct relation to the main issue – whether the natural *telos* of the sexual faculty respected in a given act. Since this criterion is never questioned and taken as the “principal

causa iam in personali culpa esse; nihilominus testatur actus homosexualitatis suapte intrinseca natura esse inordinatos, neque unquam ullo modo approbari posse.”

⁴² Ibid., no. 9: “Revera tum Ecclesiae Magisterium – per decursum constantis traditionis – tum moralis christifidelium sensus sine dubitatione firmiter tenent masturbationem esse actum intrinsece graviterque inordinatum. Potissima huius veritatis ratio in eo posita est, quod, quaecumque est ipsa agenda causa, deliberatus usus facultatis sexualis extra rectum coniugale commercium essentialiter eius fini contradicit.”

criterion of [sexual] morality”⁴³, any scientific fact about sexual behaviour that might be discovered is not understood as a further insight into the nature of sexual behaviour and acts, but “linked with man’s innate weakness [...]; loss of a sense of God, with the corruption of morals [...] unrestrained licentiousness [...], as well as with the neglect of modesty.”⁴⁴ Consequently, these facts can only have a bearing on the determination of the subjective guilt of the agent.

Although the text of the document gives plenty of evidence that it understands the finality of the sexual faculty and, consequently, intrinsically disordered acts along the axis of natural-unnatural use of this faculty, toward the end of the above quotation on masturbatory acts it states: “The deliberate use of the sexual faculty outside normal conjugal relations essentially contradicts the finality of the faculty.”⁴⁵ This seems to contradict our interpretation so far, since one ought to understand the phrase “normal *conjugal* relations” as referring to sexual relations within marriage that are, in accordance with the encyclical *Humanae vitae*, open to procreation. According to this, any other use of the sexual faculty “essentially contradicts” it. In other words, if the document’s understanding of intrinsically disordered acts is based on the notion of the finality of the sexual act and if what essentially contradicts the sexual faculty is not only the disregard for its finality (procreation) but also the disregard for the proper place where such acts ought to take place (marriage), then the document seems to have expanded the notion of the finality of the sexual act. If this is the case, then the term intrinsically disordered has also been expanded so that it now refers not only to those sexual acts that frustrate its procreative potential, but to all sexual acts outside marriage that frustrate its procreative potential.

This interpretation is, however, not confirmed in the document’s treatment of premarital relations, since these are not called intrinsically disordered, although a similar understanding linking finality and marriage is, again, repeated there: “Experience teaches us that love must find its safeguard in the stability of marriage, if sexual intercourse is truly to respond to the requirements of its own finality and to those of human dignity.”⁴⁶ Bearing this in mind, it seems that the implications of what has been written in the document on what essentially contradicts the finality of the sexual act were not considered carefully and this led to the discrepancy

⁴³ Ibid., no. 5.

⁴⁴ Ibid., no. 9.

⁴⁵ Ibid.

⁴⁶ Ibid., no. 7.

between the notion of finality and the notion of intrinsically disordered, although the latter is otherwise presented as being based on the former.

Probing a step further into PH's understanding of the term intrinsically disordered and the notion of finality on which it is based, leads to its understanding of natural law. On this issue the document argues:

"Divine Revelation and, in its own proper order, philosophical wisdom, emphasize the authentic exigencies of human nature. They thereby necessarily manifest the existence of immutable laws inscribed in the constitutive elements of human nature and which are revealed to be identical in all beings endowed with reason."⁴⁷

Further on, the document continues: "Now in fact the Church throughout her history has always considered a certain number of precepts of natural law as having an absolute and immutable value, and in their transgression, she has seen a contradiction of the teaching and spirit of the Gospel".⁴⁸

Insofar as the Church bases its moral teaching on natural law, which is certainly not the only way the Church has approached moral issues throughout its history, one could agree with the document's statement that there are some precepts that have an absolute and immutable value. However, already Aquinas distinguished between various levels of these precepts, while pointing out that the more one descends to particulars the less sure one can be of conclusions.⁴⁹ As opposed to this, PH seems to have in mind the current judgements of the magisterium on particular issues of premarital relations, homosexual acts, and masturbation when talking about the absolute and immutable precepts of natural law. In this, it is demonstrating a Suarezian, static understanding of natural law, whose certainty (and, therefore, immutability and absoluteness) applies equally to both the first precepts of natural law and the most specific conclusions or applications of natural law to particular issues.⁵⁰

This is why the document cannot go further than to nominally acknowledge contemporary scientific probing into the issue of human sexuality. Although it recognises that "it is from sex that the human person

⁴⁷ Ibid., no. 4.

⁴⁸ Ibid.

⁴⁹ THOMAS AQUINAS, *Summa theologiae*, URL: <https://aquinas.cc/> (accessed 18.07.2025), I-II, q. 94, a. 4: "The practical reason, on the other hand, is busied with contingent matters, about which human actions are concerned: and consequently, although there is necessity in the general principles, the more we descend to matters of detail, the more frequently we encounter defects."

⁵⁰ Suárez's understanding of natural law will be discussed further in Chapter Seven of this study.

receives the characteristics which, on the biological, psychological and spiritual levels, make that person a man or a woman, and thereby largely condition his or her progress towards maturity and insertion into society”⁵¹, the obvious conclusion – that the findings of sciences are extremely important, even for the ethical discourse – is never drawn. Instead, all these insights are seen as pertaining only to the “accidental” dimension of sexuality, while its “essential” dimension is a matter of the previously mentioned absolute and immutable principles of natural law. Through this, the theory of natural law is portrayed as a philosophical (theological?) construct that has no direct or indirect relation to reality as we know it (among other things, through science), which raises the question of how it can then presume to regulate that same reality that it refuses to acknowledge.

1.4 *Reconciliatio et Paenitentia* – Intrinsically Grave and Mortal & Intrinsically Illicit

The post-synodal apostolic exhortation *Reconciliatio et paenitentia* (henceforth, RP) was issued in 1984 in order to present and doctrinally confirm the outcomes of the Synod of Bishops that took place the year before.⁵² In this fairly long document, consisting of three parts and thirty-five paragraphs, John Paul II situates the sacrament of reconciliation in the broader context that incorporates both personal and social sin and aims at emphasising the former amidst certain negative social trends and what was perceived as theological excesses that included wrong interpretations of the category of social sin.⁵³

Within that context of expounding on the *Mystery of Sin* (Part two, Chapter one), the Pope also resorts to the usage of the concept of intrinsically evil acts. In No. 17 entitled *Mortal and Venial* he argues:

⁵¹ CONGREGATION FOR THE DOCTRINE OF THE FAITH, *Persona humana* (29.12.1975), no. 1.

⁵² JOHN PAUL II, *Reconciliatio et paenitentia* (02.12.1984), URL: https://w2.vatican.va/content/john-paul-ii/en/apost_exhortations/documents/hf_jp-ii_exh_02121984_reconciliatio-et-paenitentia.html (accessed 21.07.2025).

⁵³ For an overview of the whole document see Margaret R. PFEIL, *Toward an Understanding of the Language of Social Sin in Magisterial Teaching*, URL: <https://www.proquest.com/openview/52c83a2a25525cb2a4eb7a521de799c7/1> (accessed 21.07.2025), 104–137; James CROSS, *Post-Conciliar Models of Sin and Reconciliation. Towards a Contemporary Paradigm*, URL: <https://dsc.duq.edu/cgi/viewcontent.cgi?article=1457&context=etd> (accessed 21.07.2025), 16–98; Norbert RIGALI, *Human Solidarity and Sin in the Apostolic Exhortation, ‘Reconciliation and Penance’*, in: *The Living Light* 21 (1985), 337–344.