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7
"ETHICS"

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7 Ethics

I. INTRODUCTION

Whether it be philosophical or theological in character, moral theory for Thomas Aquinas derives from reflection on actions performed by human agents. This truism calls attention to the priority of moral action over moral theory. Since human persons engaged in acting are aware of what they are doing and why, the distinction between theory and action is not one between knowledge and non-knowledge – between knowing and willing, say – but rather a distinction between two kinds of practical knowledge. In what follows I present a summary statement of Aquinas's moral philosophy, stressing the centrality of the analysis of human action to that theory and the way in which his doctrines of virtue and of natural law arise out of his theory of action. I end with a discussion of one topic central to the distinction between, and complementarity of, moral philosophy and moral theology: Have human persons two ultimate ends?

II. HUMAN ACTS

Aquinas maintains that the acts human agents perform are moral acts, which is why the theory of them is moral theory. To be at all plausible, this requires the distinction Aquinas makes between human acts (*actus humani*) and acts of a human being (*actus hominis*). The latter are any and all activities or operations that can truly be attributed to human beings, *but not insofar as they are human*, not *qua* human. Human acts constitute the moral order. "Thus the proper task of moral philosophy, which it is our present intention to

treat, is to consider human operations insofar as they are ordered to one another and to the end."[1] This description of moral philosophy grounds its subdivision into ethics, economics, and politics. The subject of moral philosophy is also given as "human operation ordered to an end" and "human beings insofar as they are voluntarily acting for an end."[2] All human action properly so-called falls to moral philosophy.

But surely Aquinas has thrown too wide a net. If human acts are what humans do, and if humans beings fall when dropped, hunger and thirst, age and wear out, it seems necessary to speak of all these activities or operations as moral acts. But surely to do so would be madly Pickwickian. It makes sense to speak of growing old gracefully, perhaps, but the ineluctable aging of the human organism does not seem blameworthy or praiseworthy in itself, precisely because it is not an object of choice.

It was just such considerations that led Aquinas to make his well-known distinction between human acts and acts of a human being,[3] between activities attributed or not attributed to human agents *just insofar as they are human*, *qua* human. How can we tell whether a given activity falls to the one category or the other?

Human acts are those that are attributed *per se* or as such to human agents, that is, attributed to a kind of thing and of each and every instance of that kind, and of nothing that is not an instance of that kind. Aristotle calls this a commensurately universal property.[4] Thus, those activities that, while truly attributed to humans, are not attributed to humans alone – that is, are not attributed to them *qua* human, are not commensurately universal properties, are not *per se* attributes – are denied the status of *human* acts. Only those activities that are willingly and knowingly performed or engaged in will count as human. Human acts have their source in reason and will, faculties peculiar to humans. "Human beings differ from irrational creatures in this, that they have dominion over their actions. That is why only those actions over which a human being has dominion are called human. But it is thanks to reason and will that human beings have dominion over their acts: free will (*liberum arbitrium*) is said to be the *faculty of reason and will*."[5]

In this way the initially surprising suggestion that whatever humans do, all their acts, are moral acts is made more precise and more plausible. But difficulties remain.

Would we want to say that all the acts that only humans perform are just as such morally significant? The list we began above contains actions that none but a human could do, yet their proper appraisal does not seem to be a moral one. To be accounted a good golfer or poet or flautist or salesman is not just as such to be accounted morally good. The discussion of this more interesting difficulty is better postponed until we have said something of the role of the good, particularly as end.

III. ACTION IS FOR THE SAKE OF AN END

Human action is ordered to an end; we act for the sake of an end insofar as we have a reason for action. As characteristically human, action proceeds from intellect and will; that is, the agent consciously directs himself to a certain goal and does so freely. Moral responsibility is established by the relevance of the question "Why?" addressed to such actions. "Why are you doing that?" "Why did I do that?" Unlike "acts of a human being," human acts are those over which we have dominion, and dominion is had thanks to reason and will. If I ask someone why she is gaining weight, the answer may very well be an account of the effect of foods of a certain sort on the human body. If I ask, "But why do you eat so much?" Or "Why do you eat foods of that kind?" the answer will be of another sort. A man's beard grows willy nilly, yet some men grow beards and others do not. Not all "acts of a human being" can become elements of a human action in this way, but that some can shows the sweep of the moral. It is insofar as we are taken to bring something about freely or freely to let it occur that we are responsible for it and our doing is accounted a human act. Aquinas takes such a use of our freedom to be unintelligible apart from some end for the sake of which it is exercised.

Aristotle did not want to settle for the claim that all actions aim at some end or other; he holds that there is some end or good for the sake of which all actions are performed.[6] That is, there is an overarching, comprehensive, ultimate end of all that human beings do. Aquinas moves toward the same position by a series of steps.

The first step, of course, is the claim that each and every human act aims at some goood as its end. This is taken to be a property of human action as emanating from reason and will. The action is the action it is because of the objective the agent has in mind in performing it. What

Aquinas sometimes calls the object of an action – cutting cheese, chopping wood, binding wounds, running in place – is the proximate end of the action, what individuates it.[7] We could of course individuate acts by appealing to the individual agents who perform them – Ralph-acts, Thelma-acts, Caesarian acts, Elizabethan acts – but we would use the end the individual has in view to distinguish the different acts performed by the same individual. (When the same end characterizes several acts of the same individual – shaving one's beard – we would of course individuate by time.) This indicates that any individual act is an act of a given type and its type is taken from its end or objective.

The second step is to note that we can speak of a further end for the sake of which an objective is pursued. Granted that you are chopping wood, you can still be asked why you are doing it. The further objective could be winter fuel, needed for a warm hearth, which in turn is conducive to the well-being of the house's inhabitants. Many different kinds of acts can be ordered to the same remote end of physical well-being – sweeping the chimney, wearing a sweater, jogging, eating properly, having the house insulated, and so on. We call a variety of things healthy because of this orientation to the same remote end. This gives rise to the notion of an ultimate end, the goal to which the goals of other actions are subordinated.

Distinguishing between the order of intention and the order of execution, Aquinas argues that in each case there must be something first or ultimate. Intending a given end – getting to the top of Mount Everest – I clarify in my mind the steps that must be taken to get there. The ultimate objective I intend orders my thinking as to what I must do. So too from the point of view of the order of execution, the actual doing of the steps, I do things whose rationale is drawn from the end in view.[8]

Can a person have a plurality of ultimate ends? If health counts as an ultimate end, our answer of course will be in the affirmative. We can have lots of ultimate ends insofar as various acts of ours can be clustered under and subordinated to an objective beyond their particular objectives. Aristotle gave the goals of the building contractor and the general as examples of ultimate end.[9] The contractor orders the ends of the bricklayer, the carpenter, the glazier, the electrician, to the ultimate superordinate but subordinating end of the house; the general directs the ends of the infantry, cavalry, ordnance, quar-

termaster, and artillery to the end of victory. But talk of ultimate end leads to a far more interesting question: Is there some end to which the ends of all human acts should be subordinate? That there is an ultimate end of human life in this unqualified sense Aristotle took to be clear from two considerations.[10] First, legislators regulate all overt human actions in a community with an eye to the common good of the members of that community. Because that common good is the good of all citizens, it can be the ultimate end of each of them. Second, we have a word for it: happiness. Whatever we do, we do in order to be happy. Happiness is the ultimate end of human life.

It is of course platitudinous, and true, to say that everyone acts for the sake of happiness, but what does it tell us? We must, as Aristotle does, go on to consider the various accounts that have been given of human happiness and ask what the criteria of their truth and falsity, adequacy and inadequacy, might be. Could there perhaps be a plurality of mutually compatible accounts of human happiness? And what then of the claim that there is a single ultimate end for all?

Aquinas has Aristotle very much in mind when he discusses these questions, but his approach differs somewhat. "Whatever a human being seeks, it seeks under the aspect of the good (*sub ratione boni*), and if it does not seek it as its perfect good, which is its ultimate end, it must seek it as tending to that perfect good, since any beginning is ordered to its culmination."[11] Something is seen as good and attracts the will insofar as it is a constituent of the complete and perfect good of the agent. Aquinas relies on two obvious presuppositions. We cannot want what is evil or bad: evil or bad *means* the opposite of desirable. We can only want something insofar as we see it as good for us, see the having or the doing of it as preferable to the not having or not doing of it. Further, there is a distinction between the thing sought and the reason for seeking it, the aspect under which it is sought. The things we seek are innumerable, but each of them is sought because it is good, because it is seen under the aspect of goodness. Our good is what fulfills and completes us. Thus any object of action must be seen as at least a part of our comprehensive good. I do not want food simply as the good of my taste buds, but for my physical well-being, which is a part of my comprehensive good. (It will become clear that my comprehensive good cannot be simply *my* good.)

When Aquinas speaks of every human agent necessarily seeking

the same ultimate end, he means that each and every human agent does whatever he does under the assumption that the doing of it is good, that is, fulfilling of the kind of agent he is, viz., a human agent. The notion of the human good is implicit in any human action. It would be absurd to say that all human agents do or ought to do the same kind or even kinds of act, like chopping wood, writing odes, reading Greek, climbing mountains. But it is not absurd to say, indeed it is inescapably true, that insofar as a human agent performs a human act, that action is undertaken on the implicit assumption that to act in that way is perfective of the agent. (Here "perfective" is tied to the act's reaching its term, that is, being a perfected act. Holiness or extraordinary goodness is not meant.) That is Aquinas's basis for saying that all human agents actually pursue the same ultimate end.

But humans live their lives differently; they organize their days and activities in a variety of ways. Indeed, their societies differ in organization: some are members of crude and primitive societies; some live in South Bend, Indiana. And when the mind's eye considers the race's diachronic existence, vertigo threatens. Not only does it then seem inexpressibly banal to say that all humans seek the same end insofar as they all seek what is fulfilling or perfective of them; it seems to be a mistake consequent on what we might dub the fallacy of abstraction. Has Aristotle, and Aquinas with him, gone awry?

People can, of course, be mistaken about what is good for them in individual actions, and they can be mistaken as to the superordinate and subordinating ends they set for themselves. Happiness will consist in the attainment of that which *truly* realizes the *ratio boni*.

The modern reader is likely to wonder whether Aquinas is here talking about what is the case or what ought to be the case. It is important to see that he is talking about both. There is a sense of ultimate end such that no human agent can fail to seek it, since it comes down to the self-evidently true assertion that none of us can act except for the sake of what we take to be good. But just as we can be mistaken about the good in a particular instance of action, so we can be mistaken about what is a worthy superordinate and subordinating objective of our deeds. If we come to see that not-*A* rather than *A* contributes to our happiness, we have the same reason for doing not-*A* that we thought we had for doing *A*. We did *A* in the

mistaken belief that it was good for us; when we learn that our judgment was mistaken, we do not need any further *reason* for not seeking *A*. We already and necessarily want what we think is good for us, and we now see that *A* is not. So too, however many quite different things might be taken to be the ultimate objective of life, what is common to them all is the (often unarticulated) supposition that so to organize one's life is good for the kind of agent one is. When we disagree, we do not disagree that humans ought to do what is fulfilling or perfective of them: we disagree about where that fulfillment or perfection is to be found. Disagreements can be profound, even radical, but they can never be total.

IV. VIRTUE

The human agent is precisely one who performs human actions with a view to the good. If we want to know whether something or someone is good, we ask what its function is. This is one of Aristotle's great contributions to moral analysis. I can say that an eye is good if it performs its function of seeing well. The organ is called good from the fact that its operations are good, are performed well. The "well" of an action, its adverbial mode, is the ground of talk of virtue. The "virtue" of any thing is to perform its natural function or proper task well.

Since Aquinas is employing here a variation on the function argument of the *Nicomachean Ethics*,[12] it is not surprising that he encounters many of the same difficulties that have been recognized in Aristotle's argument. Bernard Williams, who acknowledges the force of the function argument as reintroduced by Peter Geach,[13] is typical in objecting that we cannot make the transition from particular functions to *the* human function. Aristotle is right to say that, if man has a function, he will be good insofar as he performs that function well; but there is no such function.

The human act is one that only the human agent performs. But, as we have seen, we can begin a seemingly endless list of such exclusively human actions.

Aquinas's response to this is the same as Aristotle's. What characterizes the human agent is rational activity – having dominion over his acts thanks to reason and will – and the virtue of *that* activity makes the human agent good. But "rational activity" is a phrase

common to many acts, and it is common not univocally, but analogously. In a primary sense, rational activity is the activity of the faculty of reason itself. This in turn is subdivided into the theoretical (or speculative) and the practical uses of reason. Second, an activity is called rational not because it is the act of reason as such, but because it comes under the sway of reason even though it is an act of another human faculty. Thus our emotions can become humanized, rationalized, insofar as they are brought under the sway of reason.[14]

If rational activity is an analogous term such that there is an ordered set of kinds of rational activity, and if performing each of these kinds of rational activity well will be a distinct kind of virtue, it follows that the human good consists in the acts of a plurality of virtues. But, just as the activity of which they are the virtues is analogously common, so too is "virtue" an analogous term. Aquinas employs Aristotle's definition to the effect that virtue is that which makes the one having it good and renders his activity good. Good being the object of appetite, it follows, somewhat paradoxically, that the virtues perfective of rational activity in a participated sense of that term (for example, our feelings as they come under the sway of reason) are most properly called virtues, whereas the virtues perfective of speculative intellect, the characteristic human activity par excellence, are virtues only in an extended and diminished sense of the term. Geometry may perfect our thinking about extended quantity, but to call someone a good geometer is not an appraisal of him as a person. If geometry is a virtue, it is not a moral virtue.[15]

> A human virtue is any habit perfecting a human being so that it acts well. There are two principles of human action, namely intellect or reason and appetite. . . . Hence any human virtue must be perfective of one or the other of these principles. If it is perfective of speculative or practical intellect so that a person acts well, it is an intellectual virtue; if it is perfective of the appetitive part, it is a moral virtue.[16]

We are now in a position to consider a difficulty we encountered at the outset. Aquinas's identification of human acts with moral acts seems to overlook the fact that we sometimes appraise human acts in ways that are not moral appraisals. An analysis of your golf swing or the way you bid in bridge will doubtless speak of good and bad, well and ill, ought and ought not, right and wrong, but these uses we should perhaps want to call technical rather than moral uses of such

terms of appraisal. And Aquinas would agree. The speculative virtues, having geometry and quantum mechanics, say, enable us to perform well certain kinds of mental activity, and to say of someone that she is a good geometer or physicist is not just as such a moral commendation. But if we can appraise some human acts in a nonmoral way, it seems wrong to identify human action and moral action.

Aquinas, however, rightly sticks to this identification. His reason is that any human action that can be appraised technically can also be appraised morally. It makes sense to ask whether it is good for one to do geometry well in such and such circumstances. The fact that one is gaining knowledge of human psychology does not justify every procedure that might be employed. Intellectual virtues, whether those of theoretical intellect or the virtue of practical intellect that Aristotle and Aquinas call art (which has a wide and analogous range, from shoemaking to logic), are said to give us the capacity (*facultas*) to do something, but our employment (*usus*) of that capacity is another thing.[17]

Virtue in the strict and proper sense ensures a steady love of the good and thus involves will essentially, good being the object and love being the act of the will. Virtue in a secondary sense of the term provides only a capacity, but one we may use well or badly depending on the disposition of our will: it is the use, not the capacity, that depends on the will. But Aquinas exempts two intellectual virtues from this limitation, namely, prudence and divine faith.

If I have learned logic, I can reason well, but logic does not dispose me to use the capacity it gives. Intellectual virtues, since they can be used well or badly, are not virtues in the full sense of the term according to which a virtue makes the one having it and his operation good. Only habits that dispose appetite give both capacity and the bent to use the capacity well; indeed, the capacity is the tendency to act well in a certain way.

Practical wisdom or prudence is a virtue of the practical intellect that depends in a special way on the moral virtues, on appetite, and is more properly a virtue than are the other intellectual virtues. "Prudence gives not only the capacity for a good work but also use, for it looks to appetite, indeed presupposes the rectification of appetite."[18]

The good for a human being thus consists of a plurality of moral and intellectual virtues. No single virtue could make the human agent

good, because the human function is not something univocally one. In order to be morally good, one needs the moral virtues, and these in turn are dependent on that virtue of the practical intellect Aquinas calls prudence. The moral virtues enable one to order the goods of the sensory appetite to the comprehensive good of the agent: they have, we remember, a greater claim to the designation "virtue" because they have their seat in appetite – they provide not merely a capacity but a disposition or inclination to the good. Justice has will or rational appetite for its subject and enables us so to act that we pursue our private ends with an eye to what is due others, whether because of special business we have undertaken with them or because of the comprehensive good we share as members of the same city, nation and, eventually, species.[19] We are so close to members of our own family that there is not sufficient distance for justice. Justice is concern for the "good of the other," but our parents and children – even our spouse – are insufficiently other for justice strictly speaking to obtain between us and them.[20]

V. ANALYSIS OF ACTION

Aquinas, like Aristotle, seeks to find an interpretation of Plato's thesis "knowledge is virtue" that is true. To do so he makes use of a conception of practical discourse or syllogism, suggesting that a principle or rule of action can be thought of as a first premise. I know what I ought to do. Such knowledge can be expressed in such judgments as "One ought not harm the innocent," "One ought to come to the defense of one's country," and "One ought to protect those put in one's charge." Lord Jim knew the last, but his action negated the knowledge. How could he have done what he knew he ought not to do? The very problem makes the identification of knowledge and virtue seem insane. What if we said that one can know yet not know his particular circumstances in the light of that knowledge? Then one could know and not know at the same time. One just doesn't see the particular circumstances in the light of the common judgment. More interesting for our purposes, one might culpably fail to apply what one knows (generally) ought to be done to these circumstances here and now. This is possible because the circumstances create an oppostion between the principle or rule and what I *really* want, that which is the object of my appetite because of previous behavior. My

habits and character are such that my immediate particular good as I see it is opposed to the good expressed in the principle of action to which I give my assent only as long as it is kept general.

This analysis provides a negative approach to the role of moral virtue in the judgment of prudence. Moral virtue disposes to the end and enables prudence to judge efficaciously about means to be chosen. The judgment of prudence is knowledge of a different sort than that expressed in principles. Sometimes Aquinas contrasts general knowledge and the kind of knowledge prudence is by describing the former as rational knowledge (*per modum rationis*) and the latter as connatural knowledge (*per modum inclinationis* or *per modum connaturalitatis*).[21] This connatural knowledge of prudence is tantamount to virtue.[22]

The discourse of practical reason is sometimes described as a movement from a major premise, expressive of the general rule or principle, through the minor premise that is the appraisal of one's particular circumstances in the light of the principle, with the conclusion being the command of prudence as to what one ought to do. But the major premise can only function in such discourse if there is an appetitive disposition to the good action it expresses.[23] When there is a failure of application on the part of someone who knows and accepts the general principle, this can be due to the fact that he is not appetitively disposed to it. Then, Aristotle suggests, there is a suppressed general principle that, if articulated, would perhaps embarrass the agent, a principle such as "No pleasure ought to be foregone." In any case, a practical syllogism that issues in a choice must involve a major premise that is more than just a cognitive stance.

This analysis of human action in terms of end/means is even more prominent in the treatise Aquinas devotes to the constituents of a complete human act.[24] What has sometimes been regarded as a fantastic multiplying of entities has recently been appreciated as a discernment of moments of the complete act revealed when an action is interrupted at various points.[25] The analysis depends on a number of distinctions: first, that between the internal and external act. When I pick up my cudgel, thump my chest, and charge the foe bellowing ferociously, this external act is expressive of an internal command. Second, Aquinas distinguishes between the order of intention and the order of execution. Practical reasoning begins with the end and seeks the means of achieving it, moving from remote means

to proximate and arriving ultimately at what I can do here and now. That is what Aquinas means by the order of intention. The order of execution, beginning with the act I can do here and now and proceeding to the achievement of the end, is the reverse of the order of intention.

The analysis of the interior act draws attention to the interplay of acts of intellect and will first in the order of intention and then in the order of execution. Those in the order of intention bear on the end. A first act of will bears on what the mind sees as good, as an end to be pursued. An object is seen as good when I regard it in such a way that I am moved by it as fulfilling my needs. Continued thinking about it produces enjoyment and pleasure, as I imagine having it. As mind continues to explore the attractions of the good, the will, drawn to what is presented to it as attractive, enjoys the prospect of having it and then may come to intend it, that is, to desire it as something to be reached by as yet unspecified steps. The good willed and taken pleasure in must be attained and thus intended. These three acts of will – volition, enjoyment, intention – pertain of course to the order of intention. The intenal act now moves toward the choice of means, and here too Aquinas distinguishes different acts of will. It may be that there are many ways to achieve the good intended, and we find ourselves approving several among which we are going to have to choose. What Aquinas calls consent (*consensus*) precedes the choice of means when there is a plurality of attractive means. Reason commands the pursuit of the means chosen, and this involves will's use of powers other than will, perhaps most notably those of the body. While this could mean the choice to pursue a certain line of argument, in which case the command bears on the use of our mind, the command is most obviously grasped as bearing on the use of our motor powers, our limbs, various tools and instruments. The three acts of will in the order of execution are thus consent, choice, and use.

We are seldom aware of such complexity in our actions, but then we seldom think of how complicated walking is. The moments of the complete act come to our attention only when the act is aborted. We are constantly aware of goods that stir our will in a preliminary way, but that's the end of it. But we may dwell on and take pleasure in the contemplation of the course of action or state of affairs, yet not make the good an object of intention, an objective to be achieved through intermediate steps. Only if we do intend it will our mind go in search

of ways and means of attaining it. If there is only one way across the river and our intention is to cross the river, to consent and to choose would be the same. Since there is usually a plurality of attractive means, consent usually precedes choice. The command then leads will to use another faculty, although sometimes the commanded act can be internal and sometimes it is an external deed. An example is the picking up of the cudgel, and so on, mentioned earlier.

This analysis of the complete human act into its components is another look at practical discourse as issuing in the command of prudence. In both cases, the starting points are said to be ends. Yet, in the case of practical discourse or syllogism, the ends were taken to be embodied in judgments or precepts as to what is the good for us. This is the view of them that leads on to another distinctive feature of Aquinas's moral doctrine, natural law.

VI. NATURAL LAW

It is a feature of the Aristotelian philosophy Aquinas adopted that there are starting points of human thinking that are accessible to all. Conversation presupposes shared assumptions about the way things are and the kind of agents we are, truths so basic that the articulation of them as common or basic seems almost an affectation. Aristotelian principles lie embedded in the practices of our life and thinking and come to mind as implicit in other thoughts and judgments. If your search for your tennis racket in the attic continued to the point where you said, "Well, either the damned thing is here or it isn't," this would seem facetious rather than the enunciation of a principle.

When Aquinas talks about the principles or starting points of thoughts, he means such embedded rockbottom truths, not a set of axioms we would regularly lay out before making another move. They are made explicit under pressure. That it is impossible for something to be and not to be, the most fundamental truth about things, is articulated when it is sophistically called into question. Basic principles of morality, those not tied down to our town or people, come to be expressed when we encounter others who seem to think otherwise and we need to get clear on what it is we ourselves think. "Natural law" is the label Aquinas applies to the underlying principles of moral practice and discourse that are teased out of reflection on less general talk.

By the term "law" we mean, if he is right, a rational ordinance for the common good promulgated by one who has governance of the community.[26] Such an account puts us in mind at once of what issues from legislatures, from regulators, from judges and – once upon a time at least – from monarchs more constrained than these in their power: a rule for action proposed, discussed, then voted on, which effectively governs our behavior. The presumed aim of such restraints on our freedom is to preserve the common good of the citizens. Hunting laws; traffic laws; laws governing buying and selling, building and remodeling, the operation of vehicles, the preparation of food – the range of our laws is breathtaking, but theoretically the ultimate end in view is the common good. The use of the term "law" to talk about the rockbottom principles embedded in the moral discourse of human beings involves a meaning of the term that both leans on and is distinct from the term's first and obvious sense. This use does not begin with Aquinas, of course, but he spends some time justifying it.[27]

Civil law provides guides for action like those that function as major premises of practical syllogisms. Of course, not every such precept or guide is a matter of civil law; rather, civil law borrows from such moral judgments for its force. At the least, civil laws ought not be in conflict with fundamental moral truths. Some things are right or wrong because a law has been passed; sometimes a law is passed that expresses what is already recognized as wrong. Driving on the wrong side of the road carries punitive sanctions not because there is something about the right or left side of the road that requires this legal determination, but because traffic has to be regulated in order to avoid chaos. Laws against killing innocents do not establish the wrongness of such action. To engage in such behavior is wrong independent of its sanction in civil law.[28]

It is because civil law is not through and through an arbitrary affair, but sometimes expresses and should always avoid conflicting with moral judgments, that moral judgments came to be spoken of as an unwritten law, a law prior to the written law. To some degree the two have a common source. If a society passed a law making it obligatory to slaughter Irishmen, members of that society could not escape our censure by appealing to the law. Some civil laws, we should say, do not oblige and, while they have the look of law, actually are a perversion of it.

Our actions within society are constrained by laws, but the assumption is that this is a guidance of our freedom to the true shared good of the community of which we are a part. Whence comes the constraining power of the moral law? Why are we obliged by moral judgments? The notion of *ought* depends on the relation of means to an end. If there is but one means to an end, or but one available means, we are obliged to choose that end. "Ought" thus attaches to means rather than ends in the controlling sense of the term. Some means are obligatory, given our ends. This restriction of our freedom is thus hypothetical. He who wills the end must will the means, in the old adage. But what of the ends themselves? What of those ends to which we are disposed by the possession of the moral virtues?

The will as intellective appetite bears on things the mind sees as good, and there are certain things that are seen to be necessary components of the complete human good. Indeed, the mind grasps them as goods to which we are already naturally inclined. Virtue, as second nature, is the perfection of a natural inclination toward the good.[29] Judgments about goods to which we are naturally inclined form the starting points or principles of moral discourse. If particular choices are analyzed in terms of a kind of syllogism that applies a moral rule to particular circumstances, the principles are the non-gainsayable precepts that we articulate when less general guides for action are questioned. The set of the principles of moral discourse is what Aquinas means by natural law.[30] These judgments as to what one ought to do cannot be coherently denied. In this they are likened to the first principles of reasoning in general, and Aquinas has in mind the way in which the principle of non-contradiction is defended. It cannot be proved if it is the first principle, but that does not mean it can be coherently denied. One denying this principle must invoke it, at least on the level of language, as Aristotle argued. In order for "It is possible for something to be and not to be at the same time and in the same respect" to be true, its opposite of course must be false. Even more basically, the terms in which it is expressed cannot simultaneously be taken to mean *X* and non-*X*.

The equivalent of the principle of non-contradiction in the moral order is "Good should be pursued and done and evil avoided." It makes no sense to commend evil because one must commend it as a good, as desirable and worthy of pursuit. Is this the only non-gainsayable moral principle? Yes and no. There are others, but they

are articulations or specifications of this one. "This is the foundation of all the other precepts of nature's law, such that whatever things practical reason naturally grasps to be human goods pertain to natural law's precepts as to what is to be done or avoided."[31] On what basis will practical reason judge something to be a human good, a constitutent of the comprehensive human good? "Since good has the character of an end and evil the contrary character, all those things to which a man has a natural inclination reason naturally grasps as goods, and consequently as things to be pursued, and it grasps their contraries as evils to be avoided."[32] Human beings have, in common with everything, an inclination to preserve themselves in existence; in common with other animals, they have an inclination to mate, have young, and care for them; and they have a peculiar inclination following on their defining trait, reason – to know and to converse and to live together in society.

Natural inclinations are those we have but do not choose to have: it is not a matter of decision that existence is good or that sexual congress attracts or that we think. We are inclined to do these, so to speak, willy nilly. Of course Aquinas is not offering as the first principles of the moral order precepts that tell us to do what we cannot help doing. If we acted naturally, willy nilly, this would be the negation of, rather than the beginning of, the moral order. It is because we can pursue such goods well or badly as human beings that moral precepts are formed about them. The moral order consists of putting our minds to the pursuit of the objects of natural inclinations, such that we pursue them well. We ought not look after our continued well-being in a way that is detrimental to our comprehensive good. Cowardly action runs afoul of that judgment. We ought to follow the inclination of our nature to mate and procreate in a way appropriate to agents who, like their offspring, have a good that is not exhausted by such activity. If I should take eleven wives and mate morning, noon, and night to see how many children I could produce, my actions would not be justified by the fact that sex and children are undeniable goods. It would be to pursue a good at the expense of the comprehensive good, as would my engaging in sexual activity in such a way that I thwarted the good to which I have a natural inclination.

The way in which natural law precepts are described may lead us to think of moral discourse as an axiomatic system: first set down

the most general principles, then articulate less general ones, then proceed systematically toward the concrete and particular. This is not the procedure in the speculative sciences, save for geometry. Principles are starting points in the sense that they express (when formulated) the rockbottom goods embedded and implicit in ongoing human actions. Natural law is a theory about moral reasoning, and we should not assign to what is being discussed what belongs as such to the theoretical account. Natural law is the theory that there are certain non-gainsayable truths about what we ought and ought not do. These truths are described as principles known *per se*. It would be absurd to say that everyone knows what self-evident propositions are or any of the other trappings of the theory. Nor does the theory require that every human agent begin the day, let alone his moral life, by reminding himself that good ought to be done and evil avoided. That truth will be embedded in precepts he may very well formulate: "It's not fair to others to spend so long in the bathroom." "You need a good breakfast." "Wear a hat." The moral life is expressed in such discourse. More general principles, the most general principles, will be uncovered and in that sense discovered under the pressure of temptation or conflict or travel. But they will provide a shock of recognition rather than seem wholly novel. Indeed, when the most general principle is expressed, we are likely to take it as a kind of joke. "Do good and avoid evil" sounds a bit like "The sky is above us." Yet there are times when enunciating it enables us to get our bearings.

VII. MORAL THEOLOGY

Not everyone has a theory of natural law, but every human agent has access to its main tenets. Indeed, at least with respect to the very first principle of moral discourse, "Do good and avoid evil," every human agent already implicitly holds it. Unless one is very corrupt, other precepts of natural law will also be recognized by any human agent. This is not to say that they are a set of formulated rules imprinted on the mind that require only our reflexive attention to make themselves known. Rather, they are judgments we make after only slight consideration.[33] In this way the immorality of lying and stealing and seducing the spouses of others is recognized as inimical to a reasonable, human ordering of our lives. Aquinas maintains that

prohibitions of lying and theft and adultery are exceptionless and that anyone is capable of recognizing this. A society that permits such practices will contain the seeds of its own dissolution.

This conviction that there are moral principles in the common domain that are the assumption of intercourse among humans has a long and noble history among pagans as well as among Jews and Christians. Questioning the existence of a natural law also has a long history. From a Christian point of view, the assertion of a natural law has an almost Pelagian insouciance about it, as if humanity had not suffered the aboriginal catastrophe that is original sin. Our wills have been weakened and our minds darkened and, it has seemed to some, only with grace can we know the most elementary moral precepts and abide by them. Thomas Aquinas was a Christian, he held to the doctrine of Original Sin, and he had few illusions about the behavior of most of us, Christian or not. His doctrine of natural law allows for its almost total loss through sin and perversity.[34] But nature is not wholly destroyed by sin; if it were, grace would have nothing to address. "Grace," he observes, "is more efficacious than nature, but nature is more basic to and thus more lasting in man."[35]

This is a large subject, but one facet of it seems necessary to round off this presentation of Aquinas's moral doctrine. It is sometimes suggested, even by students of Aquinas, that there can be no adequate moral philosophy. All moral doctrine, if it is to address human agents as they actually are (that is, fallen, redeemed, and called to a heavenly bliss) must come under the guidance of Christian revelation. Apart from this, it must give false advice as to what we should do and what is good for human persons. A version of this claim is as follows. Such a pagan philosopher as Aristotle, in laying out the ultimate end of human action, laid out an ideal of human conduct that would suffice to fulfill us and make us happy. Christian revelation offers another and conflicting view of the nature of human happiness or fulfillment. They both cannot be right. The Christian will know which is. He must then reject the pagan account.

The fact that Aquinas did not reject Aristotle's account of human happiness, of the ultimate end for human beings, must either convict him of a radical lapse in coherent thought or lead us to another look at the supposed opposition between the Aristotelian and Christian accounts of ultimate end.

We have seen the distinction Aquinas makes between the notion of ultimate end, on the one hand, and that in which that notion is thought to be realized, on the other. This enabled him to maintain that men who set their hearts on quite different objectives and have different ultimate ends nonetheless share the same notion of ultimate end. On the basis of this distinction, we could make short shrift of the difficulty and simply say that Aristotle located the ultimate end differently than Christians do, but that both Aristotle and Christians mean the same by "ultimate end," viz., that which is fulfilling and perfective of human beings.

Aquinas takes a quite different tack. He observes that Aristotle did not think that the notion of ultimate end could be realized by human agents. In laying out the notion, he spoke of a state that would be sufficient, that would be permanent and could not be lost, that would be continuous and not episodic. And then he contrasted the happiness humans can attain in this life with that ideal.

> Why then should we not say that he is happy who is active in conformity with complete excellence and is sufficiently equipped with external goods, not for some chance period but through a complete life? Or must we add "and who is destined to live thus and die as befits his life"? Certainly the future is obscure to us, while happiness, we claim, is an end and something in every way final. If so, we shall call blessed those among the living in whom these conditions are, and are to be, fulfilled – but blessed *human beings*.[36]

Human happiness is an imperfect realization of the notion of ultimate end. It is on this basis that Aquinas distinguishes between an imperfect and a perfect realization of ultimate end. The philosophical ideal does not conflict with the Christian as if both were doctrines of what perfectly realizes the ideal of human happiness. The pagan philosopher's realization that our conceptual reach exceeds our practical grasp provides the basis for Aquinas to speak of the complementarity, rather than the opposition, of the philosophical and theological. Moral theology is not a total alternative to what men can naturally know about the human good. Rather, it presupposes that knowledge and would indeed, at least in the form in which we find it in the *Summa theologiae*, be inconceivable without reliance on the achievements of moral philosophy.