

## St. Thomas, Rhonheimer, and the Object of the Human Act

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ARISTOTLE tells us that Socrates was the first to focus on definition. We read: “Socrates, however, was busying himself about ethical matters and neglecting the world of nature as a whole but seeking the universal in these *ethical* matters, and fixed thought for the first time on *definitions*.”<sup>1</sup> We might ask ourselves why it was in the realm of morals that interest in definition first arose among the ancient Greek philosophers. Perhaps the answer has to do with Plato’s point, in the *Republic*,<sup>2</sup> that interest in *ousia*, that is, in questions about the being of things, arises from situations in which something appears both as one and as two. We typically find, in morals, that actions that are one, according to natural being, are more than one in the order of morals, and vice versa: Capital punishment and murder may be physically identical in species; and the diverse physical realities of strangling someone and merely failing to help, that is, “doing nothing,” can both be murder.<sup>3</sup>

Having taken an interest in the development of the notion and vocabulary of the object,<sup>4</sup> and in particular as used by St. Thomas in the discussion of morals, I was not surprised to see the importance of the object of the moral act stressed in Pope John Paul II’s encyclical letter *Veritatis*

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<sup>1</sup> Aristotle, *Metaphysics*, 1.6 (987b1–4), Oxford trans. Sir David Ross, emphasis added.

<sup>2</sup> *Republic*, VII (523a–525a).

<sup>3</sup> This paragraph is an adaptation of the opening of my “St. Thomas and Moral Taxonomy,” *Maritain Studies/Études Maritainniennes* 15 (1999): 134–56.

<sup>4</sup> Cf. my “OBIECTUM: Notes on the Invention of a Word,” *Archives d’histoire doctrinale et littéraire du moyen âge* 48 (1981): 37–96.

*Splendor*.<sup>5</sup> More recently a reading of the essay by Martin Rhonheimer on this subject (in these pages)<sup>6</sup> has shown me the extent to which this is a subject concerning which disciples of St. Thomas Aquinas, recommended in that same encyclical as regards the doctrine of the moral object,<sup>7</sup> do not always agree. Rhonheimer's study is most thoughtful and well-informed, and so it has seemed to me worth reflecting on, so as to try to situate myself in the discussion.

### The Perspective of the Acting Person

A primary point of reference is the insistence on placing oneself in "the perspective of the acting person." This is an instruction coming directly from *Veritatis Splendor*.<sup>8</sup> What precisely is meant by "the perspective of the acting person"? Is it a new approach in moral philosophy and the moral part of theology? It seems to mean exactly what St. Thomas does in the first question of the *Summa theologiae* I–II, and even in its first three articles.

Let us recall the prologue Thomas provides for his *Commentary on Aristotle's Nicomachean Ethics*, in which the subject of the science of moral philosophy is said to be "human operation as ordered to an end, or the human being inasmuch as he is voluntarily acting for an end."<sup>9</sup> So also, then, in beginning the moral part<sup>10</sup> of *sacra doctrina*, Thomas provides a prologue presenting the human being as made in the image of God, inasmuch as, like God, he is principle of his own operations, by virtue of free judgment.<sup>11</sup> Indeed, to some extent the expression "the acting person" is

<sup>5</sup> Pope John Paul II, *Veritatis Splendor* (1993): cf. especially §§78–80. I have used the versions published on the Vatican website, [www.vatican.va/holy\\_father/john\\_paul\\_ii/encyclicals/index.htm](http://www.vatican.va/holy_father/john_paul_ii/encyclicals/index.htm). No Latin presentation is given there. I have also used the edition published in 1993 by Éditions Paulines, Sherbrooke, QC, Canada.

<sup>6</sup> Martin Rhonheimer, "The Perspective of the Acting Person and the Nature of Practical Reason: The 'Object of the Human Act' in Thomistic Anthropology of Action," *Nova et Vetera* 2 (2004): 461–516.

<sup>7</sup> *Veritatis Splendor*, §78, note 126.

<sup>8</sup> *Ibid.*, §78.

<sup>9</sup> St. Thomas, *In decem libros Ethicorum Aristotelis ad Nicomachum expositio*, ed. A. M. Pirotta (Turin: Marietti, 1934), 1.3: "Sicut igitur subiectum philosophiae naturalis est motus, vel res mobilis, ita etiam subiectum moralis philosophiae est operatio humana ordinata in finem, vel etiam homo prout est voluntarie agens propter finem."

<sup>10</sup> For the characterization of the entire second part of the *Summa theologiae* as "moralis consideratio," cf. *ST* I–II, q. 6, prol.; and I, q. 84, prol. In what follows, in reference to the *ST*, I will sometimes indicate the pagination of the Piana edition, viz., published by the Collège Dominicain d'Ottawa, 1941.

<sup>11</sup> *ST* I–II, prol.

redundant, for, as Thomas teaches in expressing his approval of Boethius's definition of the person, namely an individual substance of a rational nature, a special word, namely "person," has appropriately been invented to signify the individual substance as found in rational natures because individuals constitute the theatre of action, and action is most of all to be attributed to rational substances: "which have mastery of their own acts, and are not merely receptive of action like other things, but act by virtue of themselves."<sup>12</sup> The person just is what is primary in the order of individuality, the domain of action.

The same insistence on what is proper to the rational creature is seen in I-II, q. 1, a. 1. We read:

Among the actions which are performed by a human being, those alone are properly called "human" which are proper to man as man. Now, man differs from the other animals, which lack reason, in precisely this respect, that he is master of his own actions. Hence, those actions alone are properly called "human" of which man is master. Now, man is master of his own acts through reason and will: hence, free judgment is said to be "the ability of will and reason." Hence, those actions are properly called "human" which proceed from deliberate will. If other actions belong to a man, they can be called "actions of the human being," but not properly "human," because they do not belong to the man precisely as a human being.

Now, it is evident that all actions that proceed from some particular power are caused by it in function of the intelligible note of its [the power's] object [*secundum rationem sui obiecti*]. And the object of the will is the end and the good.

Hence, it is necessary that all human actions be for the sake of an end.

We see here how crucial the notion of object is for the understanding of the doctrine. Without the approach to the will as a power with a natural object, the universal good, we will not be properly situated in the domain of morals.<sup>13</sup>

The second article distinguishes between the human being's "acting for the sake of an end" and the "acting for an end," which is common to

<sup>12</sup> *ST* I, q. 29, a. 1: "Sed adhuc quodam specialiori et perfectiori modo invenitur particulare et individuum in substantiis rationalibus, quae habent dominium sui actus, et non solum aguntur, sicut alia, sed per se agunt, actiones autem in singularibus sunt. Et ideo etiam inter ceteras substantias quoddam speciale nomen habent singularia rationalis naturae. Et hoc nomen est persona."

<sup>13</sup> We recall the many key texts on will in *ST* I, viz., I, q. 19, a. 1; I, q. 59, a. 1 (and the whole of q. 60); I, qq. 80, 82–3; and the general doctrine of the object, at I, q. 77, a. 3.

the whole of nature. We might note the distinction briefly put in its ad 3: "the object of the will is the end and the good *in its universality*. Hence, there cannot be will in those things which lack reason and intellect, since they cannot apprehend the *universal*. Rather, there is in them natural or sensitive appetite, ordered to some particular good."<sup>14</sup>

In line with this, I was happy to see, in reading Rhonheimer's reflections, his insistence on the primacy of reason in the situation. In this respect I think of the teaching of the *Summa theologiae* I on the proper object of the will and its distinction from the objects of the sense appetites. Consider I, q. 80, a. 2, ad 1. The objector is contending that being apprehended by sense or being apprehended by intellect are mere accidental differences touching the object of appetite, and hence do not indicate a specific diversity of appetitive powers. Thomas replies:

[I]t does not merely happen to the object of appetite that it be apprehended by sense or intellect; rather, it pertains to it essentially: for the object of appetite does not move the appetite save inasmuch as it is apprehended; hence, differences pertaining to the item apprehended are essential differences for the object of appetite. Hence, the appetitive powers are distinguished in function of the difference in the apprehended items, as in function of proper objects.<sup>15</sup>

The third article of I–II, question 1, is surely also rich in points pertaining to our interest. Human acts receive their species from the end. We might almost hope to find here everything we need consider. The approach of St. Thomas in the article reminds us of his teaching (and practice) that everything we understand in our present state we understand through comparison with natural, sensible things.<sup>16</sup> Notice how we begin:

Each thing obtains its species in function of an actuality, and not in function of a potentiality: hence, those *things* which are composed out

<sup>14</sup> ST I–II, q. 1, a. 2, ad 3, emphasis added: "obiectum voluntatis est finis et bonum in universali. Unde non potest esse voluntas in his quae carent ratione et intellectu, cum non possint apprehendere universale, sed est in eis appetitus naturalis vel sensitivus, determinatus ad aliquod bonum particulare."

<sup>15</sup> ST I, q. 80, a. 2, ad 1: "Ad primum ergo dicendum quod appetibili non accidit esse apprehensum per sensum vel intellectum, sed per se ei convenit, nam appetibile non movet appetitum nisi in quantum est apprehensum. Unde differentiae apprehensi sunt per se differentiae appetibilis. Unde potentiae appetitivae distinguuntur secundum differentiam apprehensorum, sicut secundum propria obiecta." Notice that this is rather different from the approach of *De veritate*, q. 22, a. 4, ad 1.

<sup>16</sup> Cf., e.g., ST I, q. 84, a. 8 (ed. Ottawa 523a2–5): "Omnia autem quae in praesenti statu intelligimus, cognoscuntur a nobis per comparisonem ad res sensibiles naturales."

of matter and form are established in their species by virtue of their own forms. And this is also to be seen in the *changes* proper [to things]: for since change is somehow divided into action and passion, each of these obtains its species from an actuality: action from the actuality which is the principle of acting, passion from the actuality which is the terminus of the change: hence, heating (the action) is nothing else but the changing [*motio*] proceeding from heat, while heating (the passion) is nothing else but the change [*motus*] towards heat: now, the definition presents the specific intelligibility.<sup>17</sup>

Next, Thomas make the application of all this to the case of the human act, that act introduced to us in article 1 (that act that can be called the very subject-matter of moral philosophy). In a first step he tells us: “And in both of these ways human acts, whether considered as actions or as passions, obtain their species from the end: for human acts can be considered in both these ways, in that a man moves himself and is moved by himself.”<sup>18</sup> The application proceeds further by recalling that, as we saw, acts are called “human” inasmuch as they proceed from deliberate will. We read:

Now, it was said above that acts are called “human” inasmuch as they proceed from deliberate will; and the *object* of the will is the good and the end. And therefore it is evident that the principle of human acts, inasmuch as they are human, is the end. And similarly it is the terminus of those same acts: for that at which the human act is terminated is that which the will intends as an end: just as in natural agents the form of the generated thing is in conformity with the form of the generating thing.<sup>19</sup>

<sup>17</sup> ST I–II, q. 1, a. 3 (713a10–26): “unumquodque sortitur speciem secundum actum, et non secundum potentiam, unde ea quae sunt composita ex materia et forma, constituuntur in suis speciebus per proprias formas. Et hoc etiam considerandum est in motibus propriis. Cum enim motus quodammodo distinguatur per actionem et passionem, utrumque horum ab actu speciem sortitur, actio quidem ab actu qui est principium agendi; passio vero ab actu qui est terminus motus. Unde calefactio actio nihil aliud est quam motio quaedam a calore procedens, calefactio vero passio nihil aliud est quam motus ad calorem: definitio autem manifestat rationem speciei.”

<sup>18</sup> Ibid. (713a26–32): “Et utroque modo actus humani, sive considerentur per modum actionum, sive per modum passionum, a fine speciem sortiuntur. Utroque enim modo possunt considerari actus humani, eo quod homo movet seipsum, et movetur a seipso.”

<sup>19</sup> Ibid. (713a32–43): “Dictum est autem supra quod actus dicuntur humani, inquantum procedunt a voluntate deliberata. Obiectum autem voluntatis est bonum et finis. Et ideo manifestum est quod principium humanorum actuum, inquantum sunt humani, est finis. Et similiter est terminus eorundem, nam id ad quod terminatur actus humanus, est id quod voluntas intendit tanquam finem; sicut in agentibus naturalibus forma generati est conformis formae generantis.”

Thomas has now made his point, having conducted us through natural things and their species, to proper changes or movements and their species, and ultimately to the actuality that gives the species to the human acts or self-motions: the end sought by the deliberate will. The importance of the point that the end is the *object* of the will is seen when one looks back at I, q. 77, a. 3: The object specifies the act of the power. Thomas concludes the body of the article with a reference to a text of St. Ambrose: "And because, as Ambrose says . . . : "“morals,” properly speaking, relate to the human,’ *moral* acts obtain their species from the end, for ‘moral acts’ and ‘human acts’ are identical.”<sup>20</sup> Here we are, then, with the very species of the moral act, a species obtained from the end of the act, the end being the *object* of the deliberate will that is the source of the act, as a power of the man. The end is *the object of the moral act*, giving that act its species.

Whatever else we wish to say about the object of the moral act must be governed by what we have here in question 1, article 3.

This article is also very helpful in its replies to objections, as regards placing oneself in “the perspective of the acting person.” I will limit myself to the third, the most involved and fruitful. The objector argues: The same act can be ordered to diverse ends, and an item can have no more than one species; thus, the end cannot determine the species of the act. In reply, Thomas begins with the point that if we consider numerically one act as it is performed by the agent, it can have but *one proximate* end, from which it gets its species; still it is indeed true that it can be ordered to several *remote* ends, one the end of the other.<sup>21</sup>

This is already very important. The individually performed act has its species from its proximate end, which is, of course, *the object of this moral act*.

However, Thomas does not stop there. There is another way in which “the same act” can have many species. We read:

Nevertheless, it is possible that an act which is one as to natural species be ordered towards diverse ends of the will: i.e., the precise item “to kill a human being,” which is identical as to natural species, can be ordered, as to an end, towards the preservation of justice, and towards the satisfaction of anger. As a result there will be diverse acts as regards the moral species, since taken one way it will be an act of virtue, and taken

<sup>20</sup> Ibid. (713a43–47), emphasis added: “Et quia, ut Ambrosius dicit, super Lucam, mores proprie dicuntur humani, actus morales proprie speciem sortiuntur ex fine, nam idem sunt actus morales et actus humani.”

<sup>21</sup> Ibid., ad 3 (713b5–10): “idem actus numero, secundum quod semel egreditur ab agente, non ordinatur nisi ad unum finem proximum, a quo habet speciem, sed potest ordinari ad plures fines remotos, quorum unus est finis alterius.”

in the other way an act of vice: for a movement does not obtain its species from what is a merely attached terminus, but solely from what is the intrinsic terminus: now, moral ends merely attach to the natural thing, and, conversely, the character of the natural end merely attaches to the moral. Therefore, nothing prevents acts which are identical as to natural species to be diverse as to moral species, and vice versa.<sup>22</sup>

This is obviously of great importance for the discussions about the relation between an action considered as to natural principles alone and the same action as taken in “the perspective of the acting person.” The natural species, as such, is in a *per accidens* relation to the moral species, and vice versa. Much of Rhonheimer’s concerns about a possible “physicalism” in Thomistic morals relates to this point.

There can be no doubt that the object of the moral act is a deliberately willed end.

### **Rhonheimer and the Object of the Human Act**

Rhonheimer is speaking of the focus on the object of the moral act one finds in *Veritatis Splendor*. He says:

By the term “object,” the encyclical does not designate “a process or an event of the merely physical order, to be assessed on the basis of its ability to bring about a given state of affairs in the outside world.” According to *Veritatis Splendor*, “objects” of human acts are not mere “givens,” i.e. “things,” realities, or physical, biological, technical, or juridical structures; nor are they bodily movements and the effects caused by such movements; nor is the object of a human act a simple “physical good” or “non-moral good,” as is, for example, a human life or a possession. Rather, the “object” of a human act is always the object of an act of the will and, as such, the encyclical affirms, a “freely chosen behavior”: it is a type of action, as, for example, “to kill an innocent person” or “to steal.”<sup>23</sup>

In order to understand this, I think of Thomas’s example of “killing a

<sup>22</sup> Ibid. (713b10–28): “Possibile tamen est quod unus actus secundum speciem naturae, ordinetur ad diversos fines voluntatis, sicut hoc ipsum quod est occidere hominem, quod est idem secundum speciem naturae, potest ordinari sicut in finem ad conservationem iustitiae, et ad satisfaciendum irae. Et ex hoc erunt diversi actus secundum speciem moris, quia uno modo erit actus virtutis, alio modo erit actus vitii. Non enim motus recipit speciem ab eo quod est terminus per accidens, sed solum ab eo quod est terminus per se. Fines autem morales accidunt rei naturali; et e converso ratio naturalis finis accidit morali. Et ideo nihil prohibet actus qui sunt iidem secundum speciem naturae, esse diversos secundum speciem moris, et e converso.”

<sup>23</sup> Rhonheimer, “The Perspective of the Acting Person,” 461–2.

human being.” It can be “capital punishment,” a virtuous act in the domain of justice, and it can be “murder,” an act of injustice perpetrated to satisfy anger or greed, and so on. To take it in the “merely physical order” is to abstract from its being the act of a human agent acting for an end. The physical description of the act is identical in the two cases. Or again, one could say that physically there is no difference between the landing of a stone on someone’s head as a result of a natural rockslide and the landing of a stone on someone’s head in the course of a stoning to death such as the martyrdom of St. Stephen. Inversely, a variety of physical events—throatcutting, stabbing, and stoning—can all pertain to the same moral species, murder.<sup>24</sup> Clearly, the human agent must be taken as an essential part of the picture in order to make the distinction between the physical act and the moral act.

I was, nevertheless, rather taken aback to see “a human life” and “a possession” presented as “non-moral” goods. The same words are used to signify the thing as a physical object and as a moral object. Still, if I were asked to give an example of a moral good, a properly human good, I might very well think *first of all* of “the life of the human being.” Thus, for example, speaking of human goods, Thomas says:

Now, since the good of man is threefold, viz. the good of the soul and the good of the body and the good of external things, the good of the soul, which is maximal [among them], cannot be taken from someone by another, save as providing the occasion, for example, by evil persuasion which does not impose necessity; however, the other two goods, i.e. of the body and of external things, can be violently taken by another. But because the good of the body has preeminence over the good of external things, those sins are graver which impose harm on the body than those which impose harm on external things. Hence, among the various sins which are against the neighbor, homicide, through which the *life* of the actually existing neighbor is taken, is more grave.<sup>25</sup>

Thomas in the above is presenting these goods as the principles that reason

<sup>24</sup> Cf. *ST* I–II, q. 72, a. 6. In fact, so can *doing nothing* when something is called for.

<sup>25</sup> *ST* II–II, q. 73, a. 3: “Cum autem sit triplex bonum hominis, scilicet bonum animae et bonum corporis et bonum exteriorum rerum, bonum animae, quod est maximum, non potest alicui ab alio tolli nisi occasionaliter, puta per malam persuasionem, quae necessitatem non infert, sed alia duo bona, scilicet corporis et exteriorum rerum, possunt ab alio violenter auferri. Sed quia bonum corporis praeeminet bono exteriorum rerum, graviora sunt peccata quibus infertur nocumentum corpori quam ea quibus infertur nocumentum exterioribus rebus. Unde inter cetera peccata quae sunt in proximum, homicidium gravius est, per quod tollitur vita proximi iam actu existens etc.”

uses to order actions; they are the ends, and so the *objects*, of the will.<sup>26</sup>

In the same way I was surprised by the example “a possession,” as naming a “non-moral” good. The very word takes us into the perspective of the acting person. We see this in such a teaching as the II–II, q. 57 presentation of “*ius*,” the object of justice. The third article asks about “*ius gentium*”: Is it the same as the naturally just?

This article 3 offers some fine examples of the natural moral situations and the objects involved. We read, in the body of the article:

I answer that it must be said, as has been said, that the naturally right or just [*ius aut iustum*] is that which by its own nature is adequate or commensurate for the other person. Now, this can obtain in two ways.

In one way, as regards the absolute consideration of it: as the male by its nature [*ratione*] has commensurateness relative to the female, that from it [the female] it [the male] generate [something], and [similarly] the parent [is so related] to the child, that it nourish it.

In another way, something in naturally commensurate to the other person not as regards its absolute nature [*rationem*], but in accordance with something which follows from it: for example, the ownership of possessions [*proprietas possessionum*]: for, if this field is considered absolutely, it has nothing whereby it should belong more to this person than to that one; but if it is considered as regards the convenience for cultivating and as regards the peaceful exploitation of the field, so taken it has some rightness towards belonging to this one person and not to this other: as is clear from Aristotle, in *Politics* 2 [ch. 5, 1263a21].

Now, to apprehend something absolutely belongs not merely to man, but

<sup>26</sup> Thomas, adhering to his own teaching that everything we understand in this life we know through comparison with natural, sensible things (*ST* I, q. 84, a. 8 [523a2–5]), first considers how the gravity of physical illnesses is judged in function of the disorders relating to a more primary principle of life, such as the *heart*. In accordance with this, he explains the judgment as to the gravity of sins, pertaining to the rule and ordering by *reason*. He says (*ST* I–II, q. 73, a. 3 [1107b28–39], emphasis added): “Hence, also, it is necessary that a sin be graver just to the extent that the disorder occurs relative to some principle which is prior in the order of reason. Now, reason orders all matters of action in function of the *end*. And, therefore, to the extent that a sin occurs in human actions in function of a *higher* end, to that extent it is graver. Now, it is their ends that are the *objects* of the actions, as is clear from things said earlier. And therefore it is according to the diversity of objects that the diversity of gravity among sins is discerned.” (“Unde oportet etiam quod peccatum sit tanto gravius, quanto deordinatio contingit circa aliquod principium quod est prius in ordine rationis. Ratio autem ordinat omnia in agibilibus ex fine. Et ideo quanto peccatum contingit in actibus humanis ex altiori fine, tanto peccatum est gravius. Obiecta autem actuum sunt fines eorum, ut ex supradictis patet. Et ideo secundum diversitatem obiectorum attenditur diversitas gravitatis in peccatis.”)

also to the other animals, and therefore the “right” which is called “natural” in the first way is common to us and to the other animals.

But from the “naturally right,” so said, “that which is right among the peoples” is separated, as the Jurisconsul says, because the former is common to all animals, while the latter is common solely to human beings among themselves. [This is because] to consider something by comparing it to what follows from it is proper to reason, and therefore this is *natural for the human being, in accordance with natural reason which decrees it*. Thus, Gaius, the jurisconsul, says that what natural reason establishes among all human beings, this all peoples obey, and it is called “what is right among the peoples.”<sup>27</sup>

We thus see that Thomas makes personal ownership of property something pertaining to the object of natural law.<sup>28</sup>

Thus, it seems to me that the very word “a possession” appeals to the situation we are calling “the perspective of the acting person.” It is a good that engages the *will* of the human being in a natural way. As a child, if I took a sip from my brother’s glass of chocolate milk (most certainly against his will), he would protest: “That’s mine!” The word could name a “non-moral” good only *per accidens*, I would say; for example, “among his possessions were dogs.”

Even the expression “mere givens” bothers me as possibly deceptive. It

<sup>27</sup> *ST II–II*, q. 57, a. 3: “Respondeo dicendum quod, sicut dictum est, ius sive iustum naturale est quod ex sui natura est adaequatum vel commensuratum alteri. Hoc autem potest contingere dupliciter. Uno modo, secundum absolutam sui considerationem, sicut masculus ex sui ratione habet commensurationem ad feminam ut ex ea generet, et parens ad filium ut eum nutriet. Alio modo aliquid est naturaliter alteri commensuratum non secundum absolutam sui rationem, sed secundum aliquid quod ex ipso consequitur, puta proprietas possessionum. Si enim consideretur iste ager absolute, non habet unde magis sit huius quam illius, sed si consideretur quantum ad opportunitatem colendi et ad pacificum usum agri, secundum hoc habet quandam commensurationem ad hoc quod sit unius et non alterius, ut patet per Philosophum, in *II Polit.* Absolute autem apprehendere aliquid non solum convenit homini, sed etiam aliis animalibus. Et ideo ius quod dicitur naturale secundum primum modum, commune est nobis et aliis animalibus. A iure autem naturali sic dicto recedit ius gentium, ut Iurisconsultus dicit, quia illud omnibus animalibus, hoc solum hominibus inter se commune est. Considerare autem aliquid comparando ad id quod ex ipso sequitur, est proprium rationis. Et ideo hoc quidem est naturale homini secundum rationem naturalem, quae hoc dicat. Et ideo dicit Gaius iurisconsultus, quod naturalis ratio inter omnes homines constituit, id apud omnes gentes custoditur, vocaturque ‘ius gentium.’” Cf. *II–II*, q. 85, a. 1, for the vocabulary of natural reason “dictat.” Offering sacrifices is part of “natural law [lex]” and “natural right [ius].”

<sup>28</sup> Cf. also *ST II–II*, q. 66, a. 2: ownership as necessary for human life.

is meant to isolate for consideration the thing taken physically. Nevertheless, when I read in St. Thomas such a sentence as the following: “*Fines autem recti humanae vitae sunt determinati.*”<sup>29</sup> I am inclined to translate: “Now, the correct ends of human life are *given*.” Such ends surely include such objects of the human act as human life itself.<sup>30</sup>

### The Object as a Thing

Of course, the main point Rhonheimer is making in the above paragraph is that the object of the human act is not a “thing,” rather, it is “a type of action.” The example he gives of the object of a human act is “to kill an innocent person.” We see the primacy of this focus by Rhonheimer when he goes on to point to a diversity of interpretation among Thomists concerning the moral object, and himself raises the issue explicitly: “the [moral] object, a thing or an action?”<sup>31</sup>

This, again, I find surprising. When one thinks of the approach of St. Thomas in many key texts, the idea of a moral object as a thing is difficult to avoid. Let us take I–II, question 72, on the distinction of sins one from another. We are taught in the first article that in distinguishing the species of sin our focus must be on the voluntary act rather than on its disorder, and thus on the object of that act, since voluntary acts are distinguished specifically by their distinct objects. Especially of interest as regards the

<sup>29</sup> ST II–II, q. 47, a. 15 (1677a11–12), emphasis added. This is the discussion of whether prudence is naturally present within us. In the course of the article it is said: “Now, the correct ends of human life are given. And therefore there can be a natural inclination with respect to these ends: as it was said above that some people have, on the basis of their natural disposition, some virtues by which they are inclined to the correct ends, and consequently also have naturally right judgment concerning such ends.” (“*Fines autem recti humanae vitae sunt determinati. Et ideo potest esse naturalis inclinatio respectu horum finium, sicut supra dictum est quod quidam habent ex naturali dispositione quasdam virtutes quibus inclinantur ad rectos fines, et per consequens etiam habent naturaliter rectum iudicium de huiusmodi finibus.*”)

<sup>30</sup> ST I–II, q. 10, a. 1: “*naturaliter homo vult non solum obiectum voluntatis, sed etiam alia quae conveniunt aliis potentiis, ut cognitionem veri, quae convenit intellectui; et esse et vivere et alia huiusmodi, quae respiciunt consistentiam naturalem; quae omnia comprehenduntur sub obiecto voluntatis, sicut quadam particularia bona.*” (“[T]he human being naturally wills not only the object of the will but also other items which pertain to other powers, such as knowledge of the true, which pertains to intellect; and being and living and other such items which pertain to natural maintenance; all of which are embraced by the object of the will, as so many particular goods.”).

<sup>31</sup> This is the heading for section 2 of Rhonheimer’s “The Perspective of the Acting Person,” 464.

“thing vs act” issue is the reply to the third objection here. The objector argues that if the objects make the difference, one will not be able to find the same sinful act relative to different objects; yet we do find this: Thus, pride is found relative to both spiritual things and corporeal things, and avarice is found relative to a variety of things. The objector is clearly treating “the object” as “the thing.” In reply, Thomas says:

[N]othing prevents finding *in things* differing [from one another] as to species or even as to genus *one formal intelligible aspect constituting the object*, from which [aspect] the sin receives its species. It is in this way that pride seeks *excellence* regarding diverse things, and avarice [seeks] *abundance of those things which are suited to human use*.<sup>32</sup>

Thus, we have a doctrine that the object is the thing as having a certain proportion to human life (the “perspective of the acting person”). Of course, as we read elsewhere, every such thing is used in function of some operation; the end is twofold, as, for example, money and the possession of money, but the possession is good because the money is good:

For since the end is sometimes said to be the thing, and sometimes the attainment or possession of it, as, for example, for the miser the end is either the money or the possession of money, it is evident that, speaking unqualifiedly, the ultimate end is the very thing [*ipsa res*]: for the possession of money is not good save because of the good of money.<sup>33</sup>

Continuing to look at I–II, question 72, the second article inquires concerning the distinction made between carnal sins and spiritual sins. We read:

[A]s was said, sins receive their species from their objects. Now, every sin consists in the *appetite for some changeable good* which is inordinately sought, and consequently once it is had someone takes inordinate

<sup>32</sup> ST I–II, q. 72, a. 1, ad 3: “Ad tertium dicendum quod nihil prohibet in diversis rebus specie vel genere differentibus, invenire unam formalem rationem obiecti, a qua peccatum speciem recipit. Et hoc modo superbia circa diversas res excellentiam quaerit, avaritia vero abundantiam eorum quae usui humano accommodantur.”

<sup>33</sup> ST I–II, q. 16, a. 3, emphasis added: “Cum enim finis, ut supra dictum est, dicatur quandoque quidem res, quandoque autem adeptio rei vel possessio eius, sicut avaro finis est vel pecunia vel possessio pecuniae; manifestum est quod, simpliciter loquendo, ultimus finis est ipsa res, *non enim possessio pecuniae est bona, nisi propter bonum pecuniae*.” The passage continues with the point that the ultimate end, for this person, is the possession of the money: for the miser would not seek the money save to have it.

*delight in it.* Now, as is clear from things seen earlier, *delight* is twofold: one is mental, which is accomplished in the mere apprehension of some thing possessed at will; and this can also be called “spiritual delight”: as for example when someone *delights in human praise*, or in something like that. But the other delight is corporeal or natural, which is *brought to perfection in mere corporeal contact*; and it can also be called “carnal delight.” Thus, therefore, those sins which are *brought to perfection* in spiritual delight are called “spiritual sins” whereas those which are *brought to perfection* in carnal delight are called “carnal sins”: for example, gluttony, which finds perfection in *the enjoyment of food*, and lust, which finds perfection in *the enjoyment of sexual pleasures*. Hence [Paul] the Apostle says, in 2 Corinthians 7:1: “Let us cleanse ourselves of every defilement of body and spirit.”<sup>34</sup>

Here, the object is such a thing as “human praise” or “food” or “the pleasantly contacted body.” These are what diversify these types of delight. These are the changeable goods inordinately sought. When the thing is had, one has the delight.<sup>35</sup>

Looking further at I–II, question 72, the third article asks whether the

<sup>34</sup> ST I–II, q. 72, a. 2, emphasis added.

<sup>35</sup> One might do well to consider, in this regard, the well-ordered or virtuous situation; cf. ST I–II, q. 2, a. 6, where St. Thomas is showing that the beatitude of man cannot consist in “pleasure [*voluptas*],” whether this word is being used in an extended sense to mean delight in intelligible goods or in its primary (bodily) sense. The very first objection is as follows: “It seems that the beatitude of man might consist in pleasure: for beatitude, since it is the ultimate goal, is not sought after because of something else, but other things because of it. This, however, belongs most of all to delight: ‘for it is ridiculous to ask someone because of what he wanted to be delighted,’ as is said in *Ethics*, Book X. Thus, beatitude consists, most of all, in pleasure and delight.” To this St. Thomas replies: “it belongs to the same intelligibility that the good be sought after and that delight be sought after, [delight] being nothing else than the appetite’s repose in the good: just as it is from the same natural power that the heavy thing is borne towards the lower place, and that it remains at rest there. Thus, just as the good is sought after by virtue of itself, so also delight is sought after because of itself, and not because of something else, if the ‘because of’ expresses the final cause. But if it expresses the formal cause, or, better, the moving cause, in that way delight is an object of appetite [*appetibile*] ‘because of’ something else, i.e., because of the good, which is the object of delight, and consequently is its origin and gives it form: for it is by virtue of this that delight has [the role of] being sought after, viz., that it is rest in the desired good.” The point here is that the good, and delight in the good, are diverse intelligible features of one intelligible goal. There is only one act of seeking by which they are sought. Hence, the delight is not sought “for the sake of something else,” as though it were a step on the way to a further goal. It is sought “for its own sake,” inasmuch as it is an aspect of the goal that, necessarily, is sought for its own sake. Since, however, the goal is not simple but composite, including as it does the good and delight in the

causes diversify the moral act as to species. Here, one sees Thomas's constant approach associating the treatment of operations with that of *movements*. Among the causes, the matter and the form pertain to the substances of things and their diversity. Movements and operations relate to motive and final causes. However, because with the rational agent the one same motive cause can result in a variety of acts, the rational operations must get their species from the final cause. We read:

[T]he active principles in voluntary acts, which sort [of act] are the acts of sins, are not necessarily related to one [outcome], and so from the one active or motive principle diverse species of act can proceed: for example, from badly humiliating fear there can proceed that a man steal, and that he kill, and that he abandon the flock committed to his care; and all these same [sins] can proceed from love. Hence, it is evident that sins do not differ specifically in function of diverse active or motive causes, but solely in function of diversity of the *final* cause. Now, the end is the *object* of the will, for it has been shown above that human acts have their species from the end.<sup>36</sup>

Here we should note especially the second objection and reply. The objection runs:

[A]mong other causes, the material cause appears to pertain least to the species. Now, the object in the domain of sin is akin to the material cause. Since, therefore, sins are distinguished as to species in function of the objects, all the more does it seem that they are distinguished specifically in function of the other causes.<sup>37</sup>

That is, the objector is using the minimally influential role of matter as

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good, it is the good that gives to the delight the quality of "belonging to the goal" and so the quality of being "something sought after for its own sake."

<sup>36</sup> ST I–II, q. 72, a. 3, emphasis added: "principia activa in actibus voluntariis, cuiusmodi sunt actus peccatorum, non se habent ex necessitate ad unum, et ideo ex uno principio activo vel motivo possunt diversae species peccatorum procedere; sicut ex timore male humiliante potest procedere quod homo furetur, et quod occidat, et quod deserat gregem sibi commissum; et haec eadem possunt procedere ex amore. Unde manifestum est quod peccata non differant specie secundum diversas causas activas vel motivas; sed solum secundum diversitatem causae finalis. Finis autem est obiectum voluntatis, ostensum est enim supra quod actus humani habent speciem ex fine."

<sup>37</sup> Ibid., obj. 2, emphasis added: "Praeterea, inter alias causas minus videtur pertinere ad speciem causa materialis. Sed obiectum in peccato est sicut causa materialis. Cum ergo secundum obiecta peccata specie distinguantur, videtur quod peccata multo magis secundum alias causas distinguantur specie."

to specification, together with the assimilation of the object of the moral act to the matter, to argue for the relevance of all the kinds of cause for specification of sins. Thomas answers:

*[O]bjects, inasmuch as they are compared to the exterior acts, have the note of “matter concerning which,” but inasmuch as they are compared to the interior act of the will they have the note of end; and it is on this basis that they give the act its species. Still, even inasmuch as they are the “matter concerning which,” they have the role of termini, from which movements are specified. . . . However, even the termini of movement give the species to the acts inasmuch as they have the role of end.*<sup>38</sup>

This seems to be a move to distinguish between the merely physical act and the external act as willed. The role of “matter about which” is a more physical conception. Nevertheless, even in the physical order there is the terminus as end. In any case, we see primarily the extent to which our doctrine of moral object is a doctrine of final cause and human good.

In I–II, question 72, article 4, the discussion is about the diversity of sins against God, against the neighbor, and against oneself. An objector to this sort of distinction says “those items which are extrinsic do not confer the species. But God and the neighbor are outside us. Therefore, through them sins are not distinguished as to species. Therefore, sin is unsuitably divided in function of these three items.” The reply is: “*God and the neighbor*, though they are external with respect to the sinner himself, nevertheless are not extraneous with respect to the act of sin, but rather are compared to it as *its proper objects*.”<sup>39</sup> So also, in the body of the article, we read:

Now, those [acts] are diverse by which a man is ordered to *God*, and to the *neighbor*, and to *himself*. Hence, this distinction of sins is in function of *objects*, in function of which the species of sin are diversified. Therefore, this distinction of sins is properly according to diverse species of sin: for,

<sup>38</sup> Ibid., ad 2, emphasis added: “Ad secundum dicendum quod obiecta, secundum quod comparantur ad actus exteriores, habent rationem materiae circa quam, sed secundum quod comparantur ad actum interiorem voluntatis, habent rationem finium; et ex hoc habent quod dent speciem actui. Quamvis etiam secundum quod sunt materia circa quam, habeant rationem terminorum; a quibus motus specificantur, ut dicitur in V *Physic.* et in X *Ethic.* Sed tamen etiam termini motus dant speciem motibus, inquantum habent rationem finis.”

<sup>39</sup> The objection, ST I–II, q. 72, a. 4, obj. 3, emphasis added: “Praeterea, ea quae sunt extrinsecus, non conferunt speciem. Sed deus et proximus sunt extra nos. Ergo per haec non distinguuntur peccata secundum speciem. Inconvenienter igitur secundum haec tria peccatum dividitur.” And the reply, ad 3, emphasis added: “deus et proximus, quamvis sint exteriora respectu ipsius peccantis, non tamen sunt extranea respectu actus peccati; sed comparantur ad ipsum sicut *propria obiecta ipsius*.”

also, the virtues to which the sins are opposed are distinguished specifically in accord with this difference: for it is evident from things already said that by the theological virtues man is ordered to *God*, by temperance and courage to *himself*, and by justice to his *neighbor*.<sup>40</sup>

Of course, these are generic distinctions, in that groups of types of sin are meant (thus, sins regarding oneself will include gluttony and lust and prodigality; sins regarding God will include heresy, sacrilege, and blasphemy; sins regarding the neighbor will include theft and murder); still the distinction regards specific differences from one group to another. It is clear that by the “object” of these moral acts is meant the *thing* that is the principle of the various natural orders. God, the agent himself, and the neighbor are presented as the *proper objects* of these sins and the mentioned virtuous acts.

Obviously, the very word “neighbor” indicates the thing spoken of as pertaining to “the perspective of the acting person,” that is, to human life. Thus, in the same article 4, in the lead-up to the just quoted conclusion, it was explained:

[A] sin is an act lacking order. In the human being there ought to be threefold order: one in function of relation to the rule of reason, inasmuch as all our actions and passions ought to be commensurate with the rule of reason; but another is through comparison to the rule of divine law, through which man ought to be directed in all matters. And if man were naturally a solitary animal, this twofold order would suffice. However, *because man is naturally a political and social animal*, as is proved in [Aristotle’s] *Politics*, book 1, *therefore it is necessary that there be a third order, by which man is ordered to other men with whom he ought to live*.<sup>41</sup>

<sup>40</sup> ST I–II, q. 72, a. 4 (ed. Ottawa, 1099a3–16), emphasis added: “Sunt autem diversa quibus homo ordinatur ad deum, et ad proximum, et ad seipsum. Unde haec distinctio peccatorum est secundum *objecta*, secundum quae diversificantur species peccatorum. Unde haec distinctio peccatorum proprie est secundum diversas peccatorum *species*. Nam et virtutes, quibus peccata opponuntur, secundum hanc differentiam specie distinguuntur, manifestum est enim ex dictis quod virtutibus theologicis homo ordinatur ad *deum*, temperantia vero et fortitudine ad *seipsum*, iustitia autem ad *proximum*.”

<sup>41</sup> ST I–II, q. 72, a. 4, emphasis added: “peccatum est actus inordinatus. Triplex autem ordo in homine debet esse. Unus quidem secundum comparisonem ad regulam rationis, prout scilicet omnes actiones et passiones nostrae debent secundum regulam rationis commensurari. Alius autem ordo est per comparisonem ad regulam divinae legis, per quam homo in omnibus dirigi debet. Et si quidem homo naturaliter esset animal solitarium, hic duplex ordo sufficeret, sed quia homo est naturaliter animal politicum et sociale, ut probatur in I Polit., ideo necesse est quod sit tertius ordo, quo homo ordinetur ad alios homines, quibus convivere debet.”

### Object and Action

Still, there is no doubt that Thomas provides grounds for describing the object of the moral action as “a freely chosen behavior” (*Veritatis Splendor* §78). For example, concerning the virtue of justice Thomas says: “[T]he matter of justice is the exterior operation inasmuch as it, or the thing of which it is the use, has the due proportion to another person. And therefore the mean of justice consists in some equality of proportion of the exterior thing to the exterior person.”<sup>42</sup> The “matter” here is surely the “matter about which,” elsewhere identified with the object.<sup>43</sup>

However, if we look in more detail at the presentation of the object of the virtue of justice, we cannot but be struck by the focus on *the thing as object*. Beginning with the specific question on “ius,” the object of justice, we have this:

[I]t is proper to justice, among the other virtues, that it order the human being as regards those matters which are relative to another: for it involves a certain equality, as the very word reveals: for commonly those things which are equalized are said to be “ad-justed.” Now, equality is relative to another. However, the other virtues perfect the human being solely in those matters which belong to him just in himself. Thus, *that which is right [rectum]* in the operations of the other virtues, towards which the intention of the virtue tends, as towards *its proper object*, is taken solely in comparison to the agent. However, that which is right in the work of justice, even leaving aside comparison to the agent, is constituted through comparison to the other: for that in our work [*opere*] is said to be just which corresponds in function of some equality with the other person, for example, the paying of *the due reward for service rendered*. Thus, therefore, something is called “just,” as having the rightness of justice, as *that at which the action of justice is terminated*, even aside from consideration of the mode of the agent in performing it. And for that reason for justice especially, as contrasted with the other virtues, there is determined an absolute object [*secundum se obiectum*], which is called “the just.” And this is “ius.”<sup>44</sup>

Nevertheless, in the very same context we have this: “[T]he just is some work rendered adequate for another in keeping with some measure of

<sup>42</sup> ST II–II, q. 58, a. 10 (ed. Ottawa, 1727a35–38), emphasis added: “materia iustitiae est exterior operatio secundum quod ipsa, vel res cuius est usus, debitam proportionem habet ad aliam personam. Et ideo medium iustitiae consistit in quadam proportionis aequalitate rei exterioris ad personam exteriorem.”

<sup>43</sup> ST I–II, q. 18, a. 2, ad 2. However, cf. the previously quoted ST I–II, q. 72, a. 3, ad 2.

<sup>44</sup> ST II–II, q. 57, a. 1, emphasis added. So also, the ad 1 speaks of the primary meaning of “ius” as signifying “the just thing itself [*ipsam rem iustam*],” and subsequently being used to name the art by which what is just is known, etc.

equality.”<sup>45</sup> This certainly suggests that the “opus” could be an “operatio,” like “paying the fair wage.”

An objection and reply in II–II, question 58, article 3, on justice being a virtue, is relevant to our inquiry. The objection locates “moral virtue” as having to do with “objects of action [*agibilia*].” It argues that the things that are brought about outside us are not *agibilia*, but rather “objects of production [*factibilia*].” Since it pertains to justice to produce externally some intrinsically just *work* (*exterius facere aliquod opus secundum se iustum*), it does not seem to be a moral virtue. Thomas replies that “justice does not have to do with external things as regards making [them], which pertains to art, but as regards the *use* of them relative to the other person.”<sup>46</sup> This does focus on the *act* of use, but always considering how the *things used* stand relative to that other *person*.

Reading II–II, question 58, article 8, on whether particular justice has a special *matter*, we certainly find *both the action and the thing* mentioned. Notice the body of the article:

[A]ll those things whatsoever which can be rectified by reason are matter for moral virtue, which is defined by right reason, as is clear from the Philosopher in *Ethics* 2. Now, interior passions of the soul and external actions and external things which are subject to human use can be rectified by reason; however, the ordering of one human being to another is seen as through *external actions* and *external things* by which human beings can communicate with each other; whereas in function of the interior passions one considers the rectifying of the human being within himself. And therefore, since justice is ordered to the other [person], it is not about the entire matter of moral virtue, but only about *external actions and things*, in function of a special objectal intelligibility, viz. inasmuch as in function of them one human is coordinated with another.<sup>47</sup>

<sup>45</sup> ST II–II, q. 57, a. 2, emphasis added: “ius, sive iustum, est aliquod *opus* adaequatum alteri secundum aliquem aequalitatis modum.”

<sup>46</sup> ST II–II, q. 58, a. 3, ad 3, emphasis added: “Ad tertium dicendum quod iustitia non consistit circa exteriores res quantum ad facere, quod pertinet ad artem, sed quantum ad hoc quod utitur eis ad alterum.”

<sup>47</sup> ST II–II, q. 58, a. 8, emphasis added: “*omnia quaecumque rectificari possunt per rationem sunt materia virtutis moralis, quae definitur per rationem rectam, ut patet per Philosophum, in II Ethic. Possunt autem per rationem rectificari et interiores animae passionēs, et exteriores actiones, et res exteriores quae in usum hominis veniunt, sed tamen per exteriores actiones et per exteriores res, quibus sibi invicem homines communicare possunt, attenditur ordinatio unius hominis ad alium; secundum autem interiores passionēs consideratur rectificatio hominis in seipso. Et ideo, cum iustitia ordinetur ad alterum, non est circa totam materiam virtutis moralis, sed solum circa exteriores actiones et res secundum quandam rationem obiecti specialem, prout scilicet secundum eas unus homo alteri coordinatur.*”

Here the matter of particular justice includes the actions and the things, taken according to the intelligible note: *in function of them one human is ordered towards another*. Thus, the *ratio obiecti* includes both the actions and the things used, *as so orderable*.

Continuing in this same context, we find a very pertinent text at II–II, question 58, article 9, ad 2: “But because the exterior operations do not have their species from the interior passions, but rather *from the exterior things, as from objects*, therefore, speaking precisely, the exterior operations are more the matter of justice than of the other moral virtues.”<sup>48</sup> The operations have their species from the *things as objects*, and this is what *makes* the exterior operations the matter of the virtue of justice.

Then we come to II–II, question 58, article 10, on the “mean” pertaining to the virtue of justice, as the mean of the thing. Here we are dealing with the idea that the rightness of virtuous activity is in a mean between excess and defect. By the virtue of mildness or gentleness, for example, reason orders anger, so that one is *appropriately* angry, and neither too little nor too much.<sup>49</sup> What about in the acts of justice? Here in particular one sees the importance of *the thing* as object in matters of justice. But it is also explained that it is *reason* that determines this measure of things that pertains to justice. Thus, the first objection in article 10 is concerned lest justice be excluded from the group of the moral virtues. We read:

[I]t would seem that the mean proper to justice is not the mean of the thing: because the intelligible note of the genus remains present in all the species. Now, moral virtue is defined . . . as being an elective disposition found in a mean determined by reason relative to ourselves. Therefore, it is also the case with justice that the mean pertains to reason and [is] not the mean of the thing itself.<sup>50</sup>

And Thomas explains in reply: “To the first it is to be said that this mean of the thing is also the mean of reason, and thus in justice the intelligible

<sup>48</sup> ST II–II, q. 58, a. 9, ad 2, emphasis added: “Sed quia operationes exteriores non habent speciem ab interioribus passionibus, sed magis *a rebus exterioribus, sicut ex obiectis*; ideo, per se loquendo, operationes exteriores magis sunt materia iustitiae quam aliarum virtutum moralium.”

<sup>49</sup> Cf. ST II–II, q. 157, a. 2, ad 2, on the virtue of gentleness or mildness (*mansuetudo*).

<sup>50</sup> ST II–II, q. 58, a. 10, obj. 1: “videtur quod medium iustitiae non sit medium rei. Ratio enim generis salvatur in omnibus speciebus. Sed virtus moralis in II *Ethic.* definitur esse habitus electivus in medietate existens *determinata ratione quoad nos*. Ergo et in iustitia est medium *rationis*, et non rei” (emphasis added).

note of the moral virtue is preserved.”<sup>51</sup> That is, the “subjective” here must be quite “objective.” It is *rational* to base oneself on the *thing* in matters of justice.

And Thomas explains in the body of the article:

But the matter of justice is the *exterior operation inasmuch as it, or the thing of which it is the use*, has the due proportion to another person. And therefore the mean of justice consists in *some equality of proportion of the exterior thing to the exterior person*. Now, the equal is really the mean between the more and the less, as is said in *Metaphysics* 10. Hence, justice has [as its mean] the mean of the *thing*.<sup>52</sup>

We see the importance of the *thing* in the conception of the object of the virtue of justice. The operation has its species as the use of such a thing.

Still reading II–II, question 58, with article 11 we come to a most important text for our purposes, dealing as it does with “giving to a person what is his.” Thomas teaches:

[T]he matter of justice is the *exterior operation* according as it, *or the thing which we use* by means of it, is proportioned to the other person towards whom we are ordered in virtue of justice. Now, that is said to be each person’s “own” which is owed to him in function of equality of proportion. And therefore the proper act of justice is nothing other than rendering to someone what is his own.<sup>53</sup>

In this article, also, we have a very relevant objection. It notes precisely that justice has to do not only with exchange of *goods* but also with *actions*. We read:

[T]o justice pertains not only dispensing *things* in the due measure, but also hindering injurious *actions*, such as homicides, adulteries, and other

<sup>51</sup> Ibid., ad 1: “Ad primum ergo dicendum quod hoc medium *rei* est etiam *medium rationis*. Et ideo in iustitia salvatur ratio virtutis moralis” (emphasis added).

<sup>52</sup> ST II–II, q. 58, a. 10, emphasis added: “Sed materia iustitiae est exterior operatio *secundum* quod ipsa, vel res cuius est usus, debitam proportionem habet ad aliam personam. Et ideo medium iustitiae consistit in quadam proportionis aequalitate rei exterioris ad personam exteriorem. Aequale autem est realiter medium inter maius et minus, ut dicitur in X *Metaphys.* Unde iustitia habet medium rei.”

<sup>53</sup> ST II–II, q. 58, a. 11, emphasis added: “Respondeo dicendum quod, sicut dictum est, materia iustitiae est *operatio exterior secundum quod ipsa, vel res qua per eam utimur*, proportionatur alteri personae, ad quam per iustitiam ordinamur. Hoc autem dicitur esse suum uniuscuiusque personae quod ei secundum proportionis aequalitatem debetur. Et ideo proprius actus iustitiae nihil est aliud quam reddere unicuique quod suum est.”

like [actions]. However, to render what is a person's own seems merely to pertain to the dispensing of *things*. Therefore, one does not sufficiently make known the act of justice by saying that its act is to render to each what is his own.<sup>54</sup>

And the answer:

[A]s the Philosopher says in *Ethics* 5, all that is excess in those matters which pertain to justice is called "gain," by an stretching of the word, just as all that is less [than it ought to be] is called "loss." The reason for this is that justice is practiced by priority and more commonly practiced in the voluntary exchanges of things, e.g. in buying and selling, in which matter these words are properly said; and from there these words are derived to all those matters about which there can be justice. And the reason is the same for [the saying]: "to render to each what is his own."<sup>55</sup>

Notice that this suggests a primacy of focus on the *things* that are exchanged, because of the human mode of living with sensible *things*. The *operations* themselves, such as homicide and adultery, are more involved intellectually. Still, we speak of homicide as "taking a human life" and of adultery as "taking someone else's spouse."

It seems to me that everything turns on the consideration that the object of the human act is the end (which, of course, relative to the ultimate end of the agent is "towards the end;" only as such can it be an object of choice).<sup>56</sup> Now, the end, Thomas constantly teaches, is twofold, the thing and the possession or attainment of the thing. The regular example is the miser, whose end is money and the possession of money.<sup>57</sup> Of this situation, as already mentioned, Thomas teaches that the possession is good because the money is good. That is, the operation of possession gets its species as a good operation from the goodness of the thing that is its

<sup>54</sup> Ibid., obj. 3, emphasis added: "Praeterea, ad iustitiam pertinet non solum res dispensare debito modo, sed etiam iniurias actiones cohibere, puta homicidia, adulteria et alia huiusmodi. Sed reddere quod suum est videtur solum ad dispensationem rerum pertinere. Ergo non sufficienter per hoc notificatur actus iustitiae quod dicitur actus eius esse reddere unicuique quod suum est."

<sup>55</sup> Ibid., ad 3: "sicut Philosophus dicit, in V *Ethic.*, omne superfluum in his quae ad iustitiam pertinent lucrum, extenso nomine, vocatur, sicut et omne quod minus est vocatur damnum. Et hoc ideo, quia iustitia prius est exercita, et communius exercetur in voluntariis commutationibus rerum, puta emptione et venditione, in quibus proprie haec nomina dicuntur; et exinde derivantur haec nomina ad omnia circa quae potest esse iustitia. Et eadem ratio est de hoc quod est reddere unicuique quod suum est" (emphasis added).

<sup>56</sup> ST I-II, q. 13, a. 3.

<sup>57</sup> ST I-II, q. 2, a. 7; q. 3, a. 1; q. 34, a. 3.

object.<sup>58</sup> This situation also obtains as regards choice, which is toward that which is for the sake of the end.<sup>59</sup>

On the other hand, to make the object of the moral action or operation an operation takes us out of the intelligible situation to which the conception of object properly pertains. It is precisely because movement, process, and operation feed on things as such for their intelligibility that Thomas introduces us to the conception of the object.<sup>60</sup>

### Rhonheimer's Criticism of *Summa theologiae* I–II, Question 18, Article 2

Rhonheimer in his section on “thing or action” sees Thomas as failing to “clarify” in *Summa theologiae* I–II, question 18, article 2. He quotes as follows: “[T]he primary evil in moral actions is that which is from the object, for instance, *to take what belongs to another*.”<sup>61</sup> Though he presents this as a “typical phrase,” he should, I would say, have indicated that it is part of a longer sentence. In fact, if one looks at the article as a whole, the alleged lack of clarity proves to be non-existent.

Rhonheimer's complaint is as follows: “We find no effort here by St. Thomas to clarify whether the object, or the referred to *inappropriate matter*, is the ‘*res aliena*,’ or rather the action itself, *accipere/subtrahere rem alienam*.”<sup>62</sup>

If we wish to read I–II, question 18, article 2, in context, that is, in the perspective of the acting person, we should begin with article 1: Can the bad be found in human action? There we note the technique of presenting action on the model of the substantial thing. As Thomas instructs us: “[C]oncerning the good and the bad in actions, one must speak as in speaking about the good and the bad in things, because each thing produces a quality of action in keeping with the way it itself is.”<sup>63</sup> It is because of *composition* of being that a thing can have being yet not the fullness of being that is *appropriate* to it. Notice this note of the “debitum,” the “owing,” in the account of the thing: “Hence, in some things it does occur that as regards something they have being, and nevertheless there is something lacking to them pertaining to the fullness of being

<sup>58</sup> ST I–II, q. 16, a. 3.

<sup>59</sup> ST I–II, q. 13, a. 4.

<sup>60</sup> ST I, q. 77, a. 3; I–II, q. 1, a. 3, c. and ad 3; and I–II, q. 9, a. 1.

<sup>61</sup> Rhonheimer, “The Perspective of the Acting Person,” 464.

<sup>62</sup> Ibid., original emphasis. The word “subtrahere” is introduced because Rhonheimer had also quoted a “phrase” from the *De Malo*, q. 2, a. 4, ad 5.

<sup>63</sup> ST I–II, q. 18, a. 1 (810b33–37): “de bono et malo in actionibus oportet loqui sicut de bono et malo in rebus, eo quod unaquaeque res talem actionem producit, qualis est ipsa.”

owed to them.”<sup>64</sup> We see this elsewhere presented in terms of the appreciation of the complete natural wherewithal of the thing: “It is owed [*debitum*] also to some created thing that it have that which is ordered to it, for example, to man, that he have hands, and that the other animals serve him. And thus also God does justice, when he gives to each what is owing by reason of its nature and condition.”<sup>65</sup>

In I–II, question 18, article 1, in line with the goodness and badness of created things, outlined in full, we have the very brief application to the creature’s, and particularly to the human, action:

Thus, therefore, every action, to the extent that it has something of being, to that extent it has goodness; but inasmuch as there is absent from it something of the fullness of being that befits human action, to that extent it falls short of goodness, and thus is called “bad”: for example, if there is absent from it, say, a determinate quantity in keeping with reason, or a due place, or something of that sort.<sup>66</sup>

Coming now to article 2: Whether the action of the human being has it that it be good or bad from its object, we note the objections. The first is based on the idea of the object. The object is a *thing*, and, as Augustine says, the bad is not in things but in the use made of things by sinners. Another objector presents the object as the “matter” of the action, whereas goodness surely comes to an action from its form. A third objector notes that the object of an active power is the *effect* of its action, and surely it is the bad action that makes for the bad result and not the converse.

What scriptural authority does Thomas use in the *sed contra* argument? He cites a passage from the prophet Hosea, 9:10: “They . . . became detestable like *the things they loved*” (emphasis added). The argument is that one becomes detestable by the badness of one’s action. Thus, the badness of the operation is in function of the bad *object* that the human

<sup>64</sup> ST I–II, q. 18, a. 1 (810b44–47), emphasis added: “Unde in aliquibus contingit quod quantum ad aliquid habent esse, et tamen eis aliquid deficit ad plenitudinem essendi eis *debitum*.”

<sup>65</sup> ST I, q. 21, a. 1, ad 3: “*Debitum* etiam est alicui rei creatae, quod habeat id quod ad ipsam ordinatur, sicut *homini, quod habeat manus, et quod ei alia animalia serviant*. Et sic etiam Deus operatur iustitiam, quando dat unicuique quod ei debetur secundum rationem suae naturae et conditionis” (emphasis added).

<sup>66</sup> ST I–II, q. 18, a. 1 (811a18–26): “Sic igitur dicendum est quod omnis actio, inquantum habet aliquid de esse, intantum habet de bonitate, inquantum vero deficit ei aliquid de plenitudine essendi quae debetur actioni humanae, intantum deficit a bonitate, et sic dicitur mala, puta si deficiat ei vel determinata quantitas secundum rationem, vel debitum locus, vel aliquid huiusmodi.”

being loves.<sup>67</sup> This argument too would appear to understand the object to be a thing.<sup>68</sup>

Reading the body of the article what do we find? We proceed in terms of what we saw in article 1, in terms of *things* and their *fullness of being*. What pertains first of all to the fullness of being of a *natural thing* is what confers on the thing its species. This is its *form*. Analogous to this for an *action* is the *object*, which is to be compared to the *terminus* of a *movement*. This of course is the doctrine one finds in *Summa theologiae* I concerning the object and the specification of acts and powers.<sup>69</sup> We recall once more Thomas's teaching: "All that we understand in the present life are known by us through comparison with natural, sensible things."<sup>70</sup> Thus, we read:

And therefore just as the first goodness of *the natural thing* is discerned from its form, which gives to it its species, so also the first goodness of *the moral act* is discerned from the suitable object: hence, by some people it is called "good in kind [*ex genere*]:" for example, *to make use of what is one's own*. And just as in natural things the first badness is if the generated thing does not attain the specific form, e.g. if a human being were not generated, but something else in place of a human being, so also the first badness in moral actions is that which is from the object, for example, *to take someone else's*. And this is called "bad in kind [*ex genere*]," using the word "genus" for "species," in that way of speaking by which we refer to the entire human species as "genus homo."<sup>71</sup>

<sup>67</sup> ST I–II, q. 18, a. 2, s.c.: "Sed contra est quod dicitur Osee 9:10, 'facti sunt abominabiles, sicut ea quae dilexerunt.' Fit autem homo deo abominabilis propter malitiam suae operationis. Ergo malitia operationis est secundum obiecta mala quae homo diligit. Et eadem ratio est de bonitate actionis."

<sup>68</sup> I have used the translation of the Revised Standard Version, which uses the word "thing," but I introduced a plural to conform with Thomas's text; the Vulgate quoted by Thomas uses the somewhat less determinate "ea," "those;" the reference is to the Baals worshiped by the Israelites: cf. Num 25:1. The *Bible de Jérusalem* translates the Hosea passage as: "devinrent des horreurs, comme l'objet de leur amour."

<sup>69</sup> Cf. ST I, q. 77, a. 3.

<sup>70</sup> ST I, q. 84, a. 8 (523a2–5): "Omnia autem quae in praesenti statu intelligimus, cognoscuntur a nobis per comparationem ad *res sensibiles naturales*."

<sup>71</sup> ST I–II, q. 18, a. 2 (811b42–812a8), emphasis added: "Et ideo sicut prima bonitas *rei naturalis* attenditur ex sua forma, quae dat speciem ei, ita et prima bonitas *actus moralis* attenditur ex obiecto convenienti; unde et a quibusdam vocatur bonum ex genere; puta, *uti re sua*. Et sicut in *rebus naturalibus* primum malum est, si res generata non consequitur formam specificam, puta si non generetur homo, sed aliquid loco hominis; ita primum malum in *actionibus moralibus* est quod est ex obiecto, sicut *accipere aliena*. Et dicitur malum ex genere, genere pro specie accepto, eo modo loquendi quo dicimus humanum genus totam humanam speciem."

It would be hard to find a more carefully designed presentation. The natural thing is distinct from its form as from its primary part, perfecting the composite whole. In a similar way, the moral action is distinct from its object, the object having a formal role and making the action the kind of action it is.

It is significant that in this introduction of the doctrine of the object as giving the moral action its goodness or badness, the example is one of elementary justice. This accords with Thomas's teaching that moral obligation, "*debitum*," is better known to us humans in the domain of justice than elsewhere.<sup>72</sup> The contents of the Ten Commandments may thus be expected to be front and center in the introduction to moral science. Thomas tells us: "There are some [acts] which the natural reason of any human being at once judges are to be done or not to be done, such as: 'honor your father and your mother,' and 'you shall not kill,' 'you shall not practice theft.'"<sup>73</sup> Indeed, in the *Summa theologiae* II–II, Thomas seems to become, if anything, more insistent on this:

[T]he precepts of the Decalogue are the first precepts<sup>74</sup> of the law, and to which at once natural reason assents as to what are most evident. This is because the intelligible note "ought" [*debitum*], which is required for a precept, is apparent in [in the area of] justice, which is ordered towards another person; for in those matters which bear upon one's own self, it seems upon first consideration that the human being is his own master, and that it is permissible for him to do anything whatsoever; whereas in those matters which are relative to the other person it appears evidently that a man is obligated towards the other, that he render to him what is owing. And so the precepts of the Decalogue had to pertain to justice.<sup>75</sup>

<sup>72</sup> ST I–II, q. 100, a. 3, ad 3: "ratio debiti in aliis virtutibus est magis latens quam in iustitia. Et ideo praecepta de actibus aliarum virtutum non sunt ita nota populo sicut praecepta de actibus iustitiae. Et propter hoc actus iustitiae specialiter cadunt sub praeceptis Decalogi, quae sunt prima legis elementa." ("[T]he intelligible aspect of the 'owing' [or 'ought'] is more hidden in the other virtues than in justice. And therefore the precepts concerning acts of the other virtues are not known to the people in the way that the precepts of the acts of justice are. And for that reason it is especially the acts of justice that fall under the Ten Commandments, which are the first elements of the law.")

<sup>73</sup> ST I–II, q. 100, a. 1 (1259b13–18): "Quaedam enim sunt quae statim per se ratio naturalis cuiuslibet hominis diiudicat esse facienda vel non facienda, sicut honora patrem tuum et matrem tuam, et, non occides, non furtum facies."

<sup>74</sup> The Ottawa (Piana) edition has here "principia" where the Leonine has "praecepta."

<sup>75</sup> ST II–II, q. 122, a. 1: "praecepta Decalogi sunt prima praecepta legis, et quibus statim ratio naturalis assentit sicut manifestissimis. Manifestissime autem ratio debiti, quae requiritur ad praeceptum, apparet in iustitia, quae est ad alterum, quia in his quae spectant ad seipsum, videtur primo aspectui quod homo sit sui

Yet Rhonheimer says:

The lack of explicitness and clarity on St. Thomas's part regarding what is the object of an act can be illustrated by such typical phrases as "the primary evil in moral actions is that which is from the object, for instance, *to take what belongs to another*," or "the evil act *ex genere* is that which falls upon inappropriate matter, like *to take that which belongs to another*." We find no effort here by St. Thomas to clarify whether the object, or the referred-to *inappropriate matter*, is the "res aliena," or rather the action itself, "*accipere/subtrahere rem alienam*."<sup>76</sup>

Such an objection is difficult to accept when one considers the method of St. Thomas in the article as a whole.

Notice how methodically Thomas is conceiving the domain of moral action on the basis of comparison with natural things. Here in moral actions the comparison is most closely with movement and its terminus. The action is "to make use of what is one's own." The "what is one's own" is seen as a terminus of the movement, what one "lays one's hands on," so to speak. In contrast, the bad action is "taking what belongs to another." It seems to me that we have an opposition expressed here, in terms of the perfect and the imperfect, such that the theft can only be understood in the light of the good action, the use of what is one's own. We see the violation of the right of possession of the other person. "To each his own" would be a primary principle.<sup>77</sup> I think back again to taking a sip from my brother's glass of chocolate milk: "That's mine!" he rightly cried.

And the explanation presents *first* the good act: "*uti re sua*," "to make use of what is one's own," and then the bad act: "*accipere aliena*," "to take what belongs to another." The bad is only intelligible as such in comparison to the good.<sup>78</sup> Anyone who follows the argument of the article

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dominus, et quod liceat ei facere quodlibet; sed in his quae sunt ad alterum, manifeste apparet quod homo est alteri obligatus ad reddendum ei quod debet. Et ideo praecepta Decalogi oportuit ad iustitiam pertinere."

<sup>76</sup> Again, Rhonheimer is speaking about both *ST* I–II, q. 18, a. 2; and *De Malo* q. 2, a. 4, ad 5, together.

<sup>77</sup> Cf. Cicero, *The Nature of the Gods* (*De natura deorum*), bk. 3, sect. 38: "iustitia est unicuique suum tribuendi," obtained from Internet site: "Todd's Quotation Reference Archive," contribution by R. Wagner, concerning the expression: "to each his own," [lalaland.msu.edu/~vanhoose/quotes/0000.html](http://lalaland.msu.edu/~vanhoose/quotes/0000.html). Thomas, at *ST* II–II, q. 58, a. 11, s.c., asking whether the act of justice is to render to each what is his own, quotes Ambrose, *De Officiis Ministrorum Libri tres* 1 (PL 16, 62): "iustitia est quae unicuique quod suum est tribuit, alienum non vindicat, utilitatem propriam negligit ut communem aequitatem custodiat."

<sup>78</sup> Cf. *ST* I, q. 48, a. 1, c. and ad 2.

should realize that the acts are being named precisely as displaying their difference, as to the good and the bad, by virtue of the *terminus* of the act expressed by the verb, for example, “one’s own” and “someone else’s.”

How does St. Thomas reply to the objections? What about things being “good in themselves?” To the first he says: “[T]hough exterior things are good in themselves, nevertheless they do not always have the due proportion to this or that action. And therefore, inasmuch as they are considered as the objects of such actions they do not have the intelligible note: the good.”<sup>79</sup> It is the thing as object that is seen as not having the “*rationem boni*.” Obviously it is the thing as falling into the domain of human use that has the *ratio obiecti*, the intelligible role of an object of action.

It seems to me that what one needs here for fullest appreciation is a reading of the articles on the naturalness of ownership of property, II–II, question 66, and on *ius gentium* and *ius naturale*, II–II, question 57.

In view of the above, I reject Rhonheimer’s contention that there is “no effort here by St. Thomas to clarify whether the object . . . is the ‘*res aliena*’ or rather the action itself.” However, in the same context he presents some difficulties that he sees respecting the way Thomas speaks in I–II, question 18, article 2. Can we take them seriously? First he asks, as regards the “act,” “action,” and “to act”: “Are we considering the human act as chosen, willed, and voluntarily carried out? Or those elements of the act which are external and observable behavior?”<sup>80</sup> I find this complaint odd, since St. Thomas very expressly makes his point about “*prima bonitas actus moralis* [the first goodness of the moral act].” It is true that the titles of articles 2 and 3 have “*actio hominis*,” which expression Thomas used in I–II, question 1, article 1, to distinguish such things as automatically scratching one’s beard from genuinely human, because voluntary, actions. However, such titles are questionable, and in I–II, question 18, article 2, the first and third objections use “*actio humana*” in their conclusions; furthermore, in the body of the article, it is abundantly clear that we are speaking of “*malum in actionibus moralibus*.”

Let us move to his second objection, which is more discussable. He speaks as follows:

A second difficulty is that a *res aliena* simply cannot, as such, morally qualify a human act. This would be the case, however, if the *res aliena*

<sup>79</sup> ST I–II, q. 18, a. 2, ad 1: “Ad primum ergo dicendum quod, licet res exteriores sint in seipsis bonae, tamen non semper habent debitam proportionem ad hanc vel illam actionem. Et ideo in quantum considerantur ut obiecta talium actionum, non habent rationem boni.” Cf. also ST II–II, q. 141, a. 3 (2112a29–41), below at note 88.

<sup>80</sup> Rhonheimer, “The Perspective of the Acting Person,” 464.

itself were that which we call “the object of a human act.” The confiscation of a stolen item by the police, for example, so as to restore it to its owner, has the same *res aliena* as its “matter” as did the original theft, and yet we are dealing with two acts that are different precisely *because of their object*. The difference seems to derive, therefore, not from the “thing” taken, nor from the fact that it “belongs to another,” but from the difference in the act of “taking” of this “thing”: from the diversity of will and intentionality, respectively, implicit in the act.<sup>81</sup>

What does Rhonheimer mean by the “*res aliena* . . . as such” and “the *res aliena* itself?” We know, in accordance with the reply to the first objection, that we are *not* speaking about the thing considered absolutely, as a thing. Suppose the thing is a dog. We are not speaking of the dog merely as a dog. Indeed, the expression “*res aliena*” is only intelligible in the light of the “*re sua*” in Thomas’s expression: “*uti re sua*.” We are in the perspective of the human being as an agent, an acting person. The dog enters the picture as “this person’s dog.” Thus, the expression “*res aliena*” envisages “the dog in its proportion to someone other than the owner.” Its “belonging to another” is essential to the discussion. Rhonheimer is quite right in speaking about “will and intentionality” being essential to the picture. The object of the will is the end. The end is twofold—the possession of the money and the money; but it is the good of the *money* that makes the possession of it good. The thief desires “the other person’s *wealth*.”<sup>82</sup>

What would be the suitable description of “confiscation of a stolen item by the police, so as to restore it to its owner?” When the police officer takes back the dog, is he “taking what belongs to someone else?” No, save *per accidens*.<sup>83</sup> Particularly if we are allowed to envisage him in the very act of restoration, he is simply “giving someone what is his own.” Even if we focus on the very act of confiscation, the police officer, as the agent of and so representative of the common good, is restoring good order, and in that way, taking *what is the community’s own*.

Continuing to argue his case, Rhonheimer says:

Analogously, “to observe an eagle” and “to kill an eagle” are two different acts because of their objects; this would be inexplicable, however, if the object of the two acts were the eagle itself. In a certain sense it is true that both the *res aliena* and the eagle are “objects,” but not of a

<sup>81</sup> Ibid., 464–5, original emphasis.

<sup>82</sup> Cf. *ST* I–II, q. 16, a. 3 (800b30–44), emphasis added.

<sup>83</sup> The species of the physical act is *per accidens* relative to the species of the moral act, and vice versa. Cf. *ST* I–II, q. 1, a. 3, ad 3. Thus, speaking of the physical act involved in the confiscation, but using terms proper to moral acts, one can say, *per accidens*, that the thing taken “belongs to someone else.”

human act; they are rather the object of bodily movements or the acts of specific organs.<sup>84</sup>

Thomas, in I, question 77, article 3, ad 3, dealt with this sort of objection: One subject can have more than one *ratio obiecti*; the same thing can be the object of both an appetitive and a cognitive power. St. Thomas in speaking of the object in I–II, question 18, article 2, has focused on the domain of justice, and on a primary difference in that domain. This is the “perspective of the acting person.”

We might note, as well, that neither example, “killing an eagle” nor “observing an eagle” need be the name of a specifically good or bad human act. As human acts, they seem rather indifferent.<sup>85</sup>

But consider further what Rhonheimer says. He takes “*res aliena*” as an object, not of a human act, but of “bodily movements” or “of acts of specific organs.” I am not sure how he sees this relative to bodily movements and acts of specific organs. Of course, we might imagine a pick-pocket, a mode of thievery that requires some rather fine-tuned physical moves.

Consider how the issue of commission and omission of moral acts is handled. Does the difference between commission and omission result in diverse species of sin? To explain the situation Thomas begins by distinguishing between material difference in sins and formal difference. The material difference is seen in the natural species of the act of sin, whereas the formal difference is seen as regards the order to the one proper end, which is the proper object. Thus one finds many acts that are materially specifically different, but belonging to the one species of sin. Thomas’s examples are the acts of cutting the throat, stabbing, and stoning, which belong to the one species of sin, homicide, but to different natural species. Thus, if we speak of sins of omission and commission materially, they are diverse natural species, taking “species” broadly as including even negations and privations; but if we mean the species of sin formally, they do not differ specifically, since they are ordered to the same end and have the same motive. The greedy person, in order to amass wealth, both steals and does not give what he ought to.

Obviously the person who refrains from calling out to a person he sees has dropped his wallet, and so refrains in order subsequently to find and possess the wallet, is committing the sin Thomas calls “*accipere aliena*” in the very remaining silent.

My point is that Thomas, in I–II, question 18, article 2, does not mean by “*res aliena*” a thing as happening to be in another person’s *locality*. He

<sup>84</sup> Rhonheimer, “The Perspective of the Acting Person,” 465.

<sup>85</sup> On the indifferent human act, cf. *ST* I–II, q. 18, a. 8.

is speaking of “the thing owned by another.” The expression is only intelligible in the light of the “*res sua*” of the other example. It is a grasp of *things* as pertaining to the human theatre of operation, *things* as sized up by us spontaneously (so that they pertain to *ius gentium*), so spontaneously sized up that “you shall not steal” is immediately grasped by all humans.<sup>86</sup>

It thus seems to me that the answer to Rhonheimer here is to be found in the ad 1 of Thomas’s article. Let us recall the objection: “*The object of the action is the thing*. But in things, there is no bad, but only in the use [to which they are put] by sinners. . . . Therefore, human action does not have goodness or badness from the object.” This seems to me to sum up well enough Rhonheimer’s position here as regards “*res aliena*.” One might say that he seems to put all the emphasis on “*res*” and to ignore “*aliena*.” How did Thomas himself, in the very article under consideration, answer Rhonheimer’s type of objection? We recall: “[T]hough admittedly external *things* are in themselves good, nevertheless *they* do not always have the due proportion to this or that action. And so, inasmuch as *they* are considered as the objects of such actions, *they* do not have the intelligible aspect of the good [*rationem boni*].”<sup>87</sup>

So also, a drink of whiskey is not a bad thing, but after having a few, there is such a thing as “one too many,” an expression designating its *lack of due proportion to my act of drinking* (considered as the act of a reasonable being) and formally specifying my act of drinking as one of *intemperance*.<sup>88</sup>

Notice, furthermore, that Rhonheimer has begun his teaching by rejecting the teaching of I–II, question 18, article 2. It really is presented by him as too ambiguous (at best) to be of service. This is a notable move in the approach to a discussion of Thomas’s doctrine of the object of the moral act since this is a key article.

### Rhonheimer on the Lie

Rhonheimer’s subtitle number 6 speaks of the “intentional constitution of the object,” for which “lying” furnishes an “example.”<sup>89</sup> He begins by

<sup>86</sup> I do not wish to ignore, nevertheless, *ST* I–II, q. 94, a. 4 (1228a24–32), on the possibility of someone having reason that is depraved by passion or custom or bad natural constitution, so as not to think robbery unjust; and cf. *ST* I–II, q. 94, a. 6 (1230a15–20).

<sup>87</sup> *ST* I–II, q. 18, a. 2, ad 1, emphasis added.

<sup>88</sup> Cf. *ST* II–II, q. 141, a. 3 (2112a29–41). This has to do with the nature of temperance, and why it bears upon our sense inclination toward the good. Thomas says: “sensible and bodily goods, considered according to their own species, are not repugnant to reason, but rather serve it, as instruments which reason uses to attain its own proper end. But they are repugnant to it especially inasmuch as the sense appetite tends towards them [in a degree] not according to the measure of reason.”

<sup>89</sup> Rhonheimer, “The Perspective of the Acting Person,” 493.

speaking of the *Catechism of the Catholic Church*<sup>90</sup> and its statement concerning the sources of the morality of the human act. It is their contrast between the “object” and the “intention” that he objects to. The object is said by the *Catechism* to be “a good towards which the will deliberately directs itself” (§1751), whereas (the *Catechism* says): “In contrast to the object, the intention resides in the acting subject” (§1752). This, Rhonheimer says, could be a source of confusion, since “residing in the acting subject” is “generally valid for human action at all levels.” The basic complaint of Rhonheimer is that one cannot say that the object of the act is “something that does not proceed from the acting person.”<sup>91</sup>

Rhonheimer’s point seems to be partly similar to a reply Thomas makes to an objector who worries about the object being “outside” the act. Thomas explains: “*God* and *the neighbor*, though they are external with respect to the sinner himself, nevertheless are not extraneous with respect to the act of sin, but rather are compared to it as *its proper objects*.”<sup>92</sup> Does this mean that the object “proceeds from the acting person?” Obviously, inasmuch as the act is voluntary and proceeds from the person, the person is making the end his own. Still, the end is given prior to the act, given, that is, as having a certain proportion to the human being: “They became detestable, like the thing they loved” (Hosea).<sup>93</sup>

In keeping with his objection to what the *Catechism of the Catholic Church* says, Rhonheimer argues that the *Catechism* itself, in discussing intrinsically evil acts, actually follows the pathway Rhonheimer himself favors and sees in *Veritatis Splendor*. To categorize some types of acts as intrinsically morally evil, the *Catechism* itself is forced to introduce an intentional element “constitutive” of the object of the act. Rhonheimer speaks of the definitions of contraception and masturbation, but also of the description of lying. I will limit myself to that last point.

Rhonheimer introduces this point by speaking of lying as “also traditionally considered to be an intrinsically evil act.” I trust that he is in agreement with this judgment of the tradition, though I would comment that “evil” is a somewhat deceptive word in this case, since the lie, as such, is not necessarily a mortal sin, and so is not “evil” in the properly moral sense, although it is “morally bad.”

I might add that I discourage the use of the word “evil” as a universal translation of the Latin “malum,” especially since one wishes to preserve

<sup>90</sup> I am using the English translation available in the Vatican website, [www.vatican.va/archive/ENG0015/\\_INDEX.HTM](http://www.vatican.va/archive/ENG0015/_INDEX.HTM).

<sup>91</sup> Rhonheimer, “The Perspective of the Acting Person,” 494, original emphasis.

<sup>92</sup> *ST* I–II, q. 74, a. 4, emphasis added.

<sup>93</sup> The authority, as we noted earlier, cited by Thomas in *ST* I–II, q. 18, a. 2, s.c.

the distinction between mortal and venial sin (not to mention the bad, in all its universality). Indeed, in English, “evil” is so strong as to suggest an element of *malice*; thus, it might be considered too strong a word even for many mortal sins.<sup>94</sup> We must keep in mind that “the bad” is said *analogously* of mortal and venial sin; indeed, “sin” is so said of them. There is an *infinite* difference between the two versions of “bad” so said.<sup>95</sup>

It should be noted that the context of the *Catechism*’s discussion of lying is a presentation of the Decalogue, and in particular of the eighth commandment: thus, the *Catechism*’s primary setting pertains to *justice*.<sup>96</sup> Rhonheimer notes that the *Catechism* uses a quotation from St. Augustine for “the description of the act of lying.” One could be even more positive here, and say the *Catechism* presents it as the *definition* of the lie. The statement is: “A lie consists in speaking a falsehood with the intention of deceiving” (§2482). Indeed, in the *Catechism* statement, this is immediately linked to what is said in John 8:44, that the lie is “the work of the devil.” Rhonheimer also notes that the *Catechism* adds the statement, on its own authority: “To lie is to speak or act against the truth *in*

<sup>94</sup> Cf. *ST* I–II, q. 77, a. 8: One can sin mortally because of a passion. I am reminded, concerning the vocabulary of the bad, of a humorous statement in James Thurber’s “fairy tale for adults” titled *The Thirteen Clocks* (New York: Simon and Schuster, 1950). As with many good fairy tales, it includes a “wicked uncle.” Thurber at one point has the uncle say: “We all have our faults—and mine is being wicked!” (I quote from memory.) The humor, of course, stems largely from the very depth of evil expressed by the word “wicked” in contrast to the word “fault,” and it is much the same with “evil.” Thurber’s comedy, however, is not altogether as absurd as it is perhaps meant to be, since, as St. Thomas notes, *ST* I–II, q. 78, a. 3 (1146b27–42), someone may sin out of conscious malice (*ex certa malitia*), not on the basis of an already acquired habitual vice, but on the basis of a corrupt disposition stemming from an abnormal corporeal constitution. Thus we read: “Such a corrupt disposition either is some habit acquired by custom, which tends to become nature, or else is some diseased condition on the side of the body: as with someone having some natural inclinations towards some sins, because of the corruption of the nature in that person” (emphasis added). (“Talis autem dispositio corrupta vel est aliquis habitus acquisitus ex consuetudine, quae vertitur in naturam, vel est aliqua aegritudinalis habitudo ex parte corporis, sicut aliquis habens quasdam naturales inclinationes ad aliqua peccata, propter corruptionem naturae in ipso.”)

<sup>95</sup> *ST* I–II, q. 88, a. 1, ad 1; and q. 87, a. 5, ad 1. Cf. my paper, “St. Thomas, Lying, and Venial Sin,” *The Thomist* 61 (1997): 279–99.

<sup>96</sup> Cf. *ST* II–II, q. 110, a. 4, ad 2, which notes the proper focus of the Decalogue as concerned with sins, including lies, against the love of God and neighbor; thus, the Decalogue’s reference to lying is precisely on “bearing false witness against the neighbor.” For the Decalogue’s focus on justice, cf. *ST* I–II, q. 100, a. 3, obj. 3 and ad 3; and II–II, q. 122, a. 1 (cf. above, notes 72 and 75).

order to lead someone into error” (§2483; Rhonheimer adds the italics, which pertain to his own contention about the need to include an intentional element in order to name the moral object).<sup>97</sup>

Rhonheimer says he cannot, in that essay, analyze the objects of these types of behavior, viz. contraception, masturbation, and lying. He does find it “useful” here, nevertheless, “to further specify some aspects of lying, which will also be important for an *exegesis of St. Thomas*” (emphasis added). Rhonheimer tells us that it is “common opinion” that Thomas differs notably from Augustine, but he himself says that the difference is not as great as is customarily claimed.

Rhonheimer is quite correct in noting that for Thomas lying includes not only “saying what is false” but the intention to say what is false. In fact, there can be lying where one says what is true, thinking it is false, because formal lying is the intention to say something that is false. The manifested false is the *object* of such an intention. Formally, it is the object that is “constitutive,” to use Rhonheimer’s term, of the intention.

Rhonheimer confesses that he has trouble seeing how someone can will to lie without also willing to deceive. He thus says he finds Augustine’s “definition” of a lie more satisfactory than Thomas’s (he says it “seems preferable”). This evidently refers to the statement in the *Catechism* account of the lie: “A lie consists in speaking a falsehood with the intention of deceiving.”<sup>98</sup>

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<sup>97</sup> Here, I had noted that the *Catechism* sentence is actually longer, ending: “to lead into error someone *who has the right to know the truth*” (§2483, emphasis added)! Thus I said to myself that Rhonheimer should not have left this out, since it actually defines the lie in a way that makes it a mortal sin! However, when I consulted the Latin text and the other translations, I found that there is not uniformity in what is given on the Vatican website. We have the following in §2483:

*Latin:* “Mentiri est contra veritatem loqui vel agere ad inducendum in errorem”;

*English:* “To lie is to speak or act against the truth in order to lead into error *someone who has the right to know the truth*”;

*German:* “Lügen heißt gegen die Wahrheit reden oder handeln, um jemanden zu täuschen, *der ein Recht hat, sie zu kennen*”;

*Italian:* “Mentire è parlare o agire contro la verità per indurre in errore”;

*French:* “Mentir, c’est parler ou agir contre la vérité pour induire en erreur.”

I will not make it my business here to criticize the *Catechism* on this subject. I do underline that they are in the context of the Ten Commandments, thus on a particular mode of lying.

<sup>98</sup> Rhonheimer is right in seeing the *Catechism* as considering it a definition. I would note, however, that when one looks at the quotation from Augustine in its own

Of course, the will to lie without deceiving pertains to the jocose lie.<sup>99</sup> One is lying to amuse. The obvious fact that one is lying is the very source of the comedy. For example, suppose that it is well known that the speaker finds it unpleasant to socialize with some person, and suppose it becomes necessary for the speaker to work closely with that person; then if a friend (himself lying jocosely) were to say to the speaker: "I'm sure you're happy about that!" the speaker might reply: "I'm overjoyed!" It is the *obviousness* of the lies that makes for the comedy. Thus, as Thomas says:

[A]n operation can be considered in two ways: in one way, in itself; in the other way, on the side of the one operating. A jocose lie by the very type of act has a nature to deceive, though by the intention of the speaker it is not said in order to deceive, *nor does it deceive* because of the way of speaking.<sup>100</sup>

And thus Augustine, in *On the Psalms*, says:

[T]here are two kinds of lie which are no great crime but not exactly free from sin, the lie spoken in jest, and the lie spoken to render some service. The lie spoken in jest does very little harm, *since it deceives nobody*. The man to whom it is told knows it is only banter. And the second lie is *all the less offensive* because it means well.<sup>101</sup>

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context, one finds that it is wrongly translated by the *Catechism*. We find in *Oeuvres de saint Augustin*, 1re série, *Opuscules* (Paris: 1948): Desclée de Brouwer, t. 2, *Problèmes moraux*, trans. Gustave Combès, *De mendacio*, IV.5, the following: "Nemo autem dubitat mentiri eum qui volens falsum enuntiat causa fallendi; quapropter enuntiationem falsam cum voluntate ad fallendum prolatam, manifestum est esse mendacium. *Sed utrum hoc solum sit mendacium, alia quaestio est*" (emphasis added). That is, no one doubts that to utter a false statement with the will to deceive is lying, but it is a further question whether that is the only sort of thing that constitutes lying. Augustine in the passage is not *defining* a lie. He is not saying what a lie is, or what it is to lie. He is saying that what he is describing is *certainly* a lie, but that there may be other sorts of lie. An accurate translation would be: "A false statement uttered with the will to deceive is obviously a lie."

<sup>99</sup> There are also jocose lies that are meant to deceive, though harmlessly. Thus, as we see below, Thomas classifies a certain sort of boasting as jocose: cf. *ST* II-II, q. 112, a. 2, ad 3.

<sup>100</sup> *ST* II-II, q. 110, a. 3, ad 6, emphasis added: "operatio aliqua potest considerari dupliciter: uno modo secundum seipsam; alio modo ex parte operantis. Mendacium igitur iocosum ex ipso genere operis habet rationem fallendi, quamvis ex intentione dicentis non dicatur ad fallendum, nec fallat ex modo dicendi."

<sup>101</sup> St. Augustine, *On the Psalms*, vol. I (Ps 1-29), trans. Dame Scholastica Hebbin and Dame Felicitas Corrigan, Benedictines of Stanbrook (New York: Newman Press, 1960), 54 (on Ps 5), emphasis added. Augustine wrote these commentaries (on Ps 1-32) in 392, the year after his ordination to the priesthood, and three years

However, Rhonheimer even goes so far as to say, concerning lying without willing to deceive:

Perhaps St. Thomas would not claim that this is possible; he says only that formally, i.e., essentially, lying must be defined without this second intention, and that the first suffices. It seems more logical, however, to include the *intentio fallendi* in the definition of lying or, said otherwise, to consider the will to say what is false and that of deceiving as a single *intentio voluntatis*, constitutive for an act to be a lie according to its object.<sup>102</sup>

This is astonishing as an “exegesis,” since there is ample evidence in the text of St. Thomas that he considers the jocose lie in just the way indicated above. He certainly did not think it “more logical” to include the intention to deceive in the definition of the lie. Thus, we may expect that Rhonheimer will not have the same doctrine of the object of the lie that Thomas has.

Rhonheimer continues by returning to the *Catechism* with its statement in §2485 that by its nature the lie is to be condemned. His own point is that this “nature” refers to a basic intentionality, whether the will to deceive (Augustine) or the will to say what is false (Thomas). Again, however, I am astonished by Rhonheimer’s contention in the accompanying note 99, that “the intention to manifest something contrary to what one has in mind” (Thomas) and Augustine’s “*intentio fallendi*,” that is, the intention to deceive, are so close as to render the differences “practically insignificant!” They were obviously not insignificant for Thomas Aquinas in his analysis of human action.

Rhonheimer moves right on to claim that “the most important point” is that “for Thomas” lying is not only “contrary to the nature of linguistic acts and to the truth” but is also “*a violation of justice*” (original emphasis). Now, this is not true. We must look carefully at his contention.

Rhonheimer is certainly speaking in the spirit of the *Catechism* on lying. There we are told in §2485: “The deliberate intention of leading a neighbor into error by saying things contrary to the truth constitutes a failure in

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before he became bishop: cf. pp. 5–7 of *On the Psalms*. He is commenting on v. 7: “Thou wilt destroy all who speak a lie.” It is true that this is earlier than the *De mendacio*, wherein (II.2) he begins by setting aside jokes, because nobody thinks they are lies. However, even there, he still mentions that it is a real question whether perfect minds ought to speak that way. I notice also that St. Thomas, interpreting the list of lies given by Augustine in the *De mendacio*, at ST II–II, q. 110, a. 2, obj. 2 and ad 2, understands the fifth sort, “told out of the desire to please,” as “the jesting lie.”

<sup>102</sup> Rhonheimer, “The Perspective of the Acting Person,” 496.

justice and charity.” The *Catechism* says such things even though it also says: “If a lie in itself only constitutes a venial sin, it becomes mortal when it does grave injury to the virtues of justice and charity” (§2484). Its concession of the possibility of “venial sin,” it would seem, must be through some sort of theory of “inchoate” acts (or are there injuries pertaining to the virtues of justice and charity that are not grave?).<sup>103</sup>

However, let us limit ourselves to Rhonheimer. He tells us that to mislead is unjust, as violating another’s right. We read:

Contrary to an exegesis that seems to me to concentrate too unilaterally on article 3 of I–II, 110 [sic: read *ST* II–II, q. 110, a. 3], I believe that for St. Thomas lying is evil, *not because it is contrary to the nature of language*, but because it is opposed to the virtue of truthfulness, to communicative justice.<sup>104</sup>

Can we accept this reading of St. Thomas?

It is certainly true that lying is presented as opposed to the virtue of truthfulness or veracity. *Summa theologiae* II–II, question 110, article 1 takes this as its topic. Three objections to lying’s being so opposed are presented. I note especially the third. The objector quotes Augustine to the effect that “the fault, the *culpa*, of lying is the desire to deceive,” and on this basis argues that lying is opposed to benevolence or *justice*, *not* to veracity. How does Thomas answer? He argues that the desire to deceive pertains rather to the perfection of the lie, rather than to its species, just as an effect does not pertain to the species of its cause.<sup>105</sup>

What should one gather from this answer of Thomas? He is not denying that deceiving people can be against justice or benevolence. *He is denying that his basis for viewing lying as opposed to veracity is based on its deceptiveness*; it is rather based on its proper species, willingly saying what is false. We seem already to be in another mental world than that proposed by Rhonheimer. Rhonheimer had told us, speaking “for Thomas” that “lying by its nature is not only contrary to the nature of linguistic acts and to the truth, but it is also a *violation of justice*.”<sup>106</sup> That is, Rhonheimer sees the opposition to veracity in its opposition to justice.

<sup>103</sup> Cf. *ST* II–II, q. 59, a. 4, c. and ad 2: [S]ins against justice are sins against charity and are mortal in kind; however, something, e.g., taken from another may be so insignificant as not to constitute injustice at all. On inchoate mortal sins, which thus are venial, cf., e.g., *ST* II–II, q. 35, a. 3 (1617a52–b18).

<sup>104</sup> Rhonheimer, “The Perspective of the Acting Person,” 497, emphasis added.

<sup>105</sup> *ST* II–II, q. 110, a. 1, obj. 3 and ad 3.

<sup>106</sup> Rhonheimer, “The Perspective of the Acting Person,” 497, original emphasis.

Of course, Thomas presents veracity as *annexed* to the virtue of justice. It is *like* justice in being toward another and as involving an equality (here as between signified thought and its sign). It is *unlike* justice as regards the nature of the *debitum*, the owing. Where the virtue of justice gives to another what is owing legally, the virtue of veracity gives to another what is owing “morally,” inasmuch as “ex honestate,” out of goodness, one person owes to another the manifestation of truth.<sup>107</sup> To an objector who questions veracity’s note of the *debitum*, something owed to another person, Thomas speaks of the social nature of the human being, and the need for truthfulness if society is to be preserved. However, we must note his conclusion: The virtue of truthfulness possesses the note of the *debitum* in some measure, “aliquo modo.”<sup>108</sup> Still, it is precisely in the line of the *debitum* that it is unlike justice, properly so called.

It is, of course, a serious question just what difference obtains between the *debitum* of justice and the *debitum* of veracity. A sin against justice is a mortal sin in kind.<sup>109</sup> This is precisely what Thomas denies concerning the lie. I would say that Rhonheimer should have paid more attention to II–II, question 110, article 4, on whether every lie is a mortal sin. Thomas obviously does not think that all sins against veracity are mortally sinful. It is thus extremely dangerous, misleading, to speak as though sins against veracity are “a violation of justice.”<sup>110</sup>

<sup>107</sup> ST II–II, q. 109, a. 3.

<sup>108</sup> Ibid., ad 1. We will see more of this later.

<sup>109</sup> ST II–II, q. 59, a. 4.

<sup>110</sup> It is relevant to note Thomas’s *In decem libros Ethicorum Aristotelis*, 4.15 (ed. Pirotta, no. 838), emphasis added: “Therefore, he [Aristotle] says firstly that one must speak about the aforementioned habits [boasting, irony, and truthfulness], but by priority concerning the truthful person. Now, we do not now mean to speak about the person who speaks the truth in statements in judicial investigations, for example, when someone questioned by a judge admits what is true, nor also about any matters pertaining to justice and injustice; *for these pertain to another virtue, viz., to justice*. Rather, we are focusing on *that truthful person who speaks the truth by both his life and his word in such matters as make no difference as regards justice and injustice*. Rather, he speaks the truth solely because of an habitual disposition: just as, above, there was discussion of the previous virtue, the case [of the person] who joyfully wishes to live together with others, not because of love, but because of the disposition of his own habit, so also this virtue does *not* speak the truth *in order to preserve justice*, but because of a suitability which it has towards speaking the truth.” And no. 9, emphasis added: “Then . . . [Aristotle] shows what pertains most of all to the truthful person he has in mind. And he says that such a person is seen to have in his words and deeds a moderation, avoiding both excess and deficiency: for he loves the truth, and speaks the truth even in those matters in which it makes no great difference as regards harm or benefit; and all the more in those things in which to say what is true or false makes some difference as

Is every lie a *mortal sin*?<sup>111</sup> Definitely not. Reminding us that a mortal sin is an act contrary to the charity by which we love God and our neighbor, Thomas presents a discussion in which we can see the many possibilities involved in lying. We can see mortal sins of lying: (1) considering the lie *just in itself*, or (2) considering the *further* intention one has in lying, or (3) considering some *incidental* feature of the situation.

What is relevant to our topic is the presentation of the lie “just in itself.” Thomas presents a hierarchy of types of lie. The word “lie,” from the viewpoint of moral taxonomy, requires the same sort of care as does “soul” in Aristotle’s *De anima*. That is, “soul” does not name one kind of thing only, but a hierarchy of forms, some more perfect than others.<sup>112</sup> So, here, there is a hierarchy of lies. To consider the lie “in itself,” one looks directly at *what it talks about*: “ex ipsa falsa significatione,” at the false meaning itself. This is the object of the lie as a lie. Suppose one lies about God. That is a mortal sin. Suppose one lies about the nature of things or about moral formation. These are mortal sins, though less grave. Suppose one lies about a contingent truth, such that the person to whom one speaks is not harmed by it. That is a venial sin.<sup>113</sup>

We see, then, that it would be wrong to say that “lying is only a venial sin.” There are types of lies that are mortal sins, and there is a type of lie that is venial sin.

This hierarchy should be related to Thomas’s conception of the truth that is the proper perfection of the human mind. Thomas himself does not make this comparison in the text of the question on lying, but I believe it is the relevant, and indeed crucial, background. It is not knowledge of simply any contingent fact that constitutes what properly perfects the mind.<sup>114</sup> Rather,

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regards harm or help to another. And this is so *because he abhors the lie just in itself, as something unseemly, and not merely inasmuch as it constitutes harm for someone else*: such a person [Aristotle] says is praiseworthy.”

<sup>111</sup> The following five paragraphs are an adaptation of a passage in my above-mentioned paper: “Thomas, Lying, and Venial Sin.”

<sup>112</sup> Aristotle, *De anima*, 2.3 (414b20–415a15).

<sup>113</sup> *ST* II–II, q. 110, a. 4 (1997a31–b10).

<sup>114</sup> See especially *ST* I, q. 12, a. 8, ad 4: “[T]he natural desire of the rational creature is to know all those things which pertain to the perfection of the intellect; and these are the species and genera of things, and the natures [*rationes*] of them, which anyone seeing the divine essence will see. But to know other singulars, and their thoughts and deeds, does not pertain to the perfection of the created intellect; nor does its natural desire tend towards that, nor again to know those things which are not yet, but which can be made by God. If nevertheless God alone were to be seen, who is the fountain and principle of all being and truth [*qui est fons et principium totius esse et veritatis*], that would satisfy the natural desire to know, which would seek nothing else, and would be happy.”

it is the truth (1) about God, the author of reality; (2) truth about the permanent features of reality—the species of things, the objects of science; and (3) truth about morals—the things we naturally desire to know. Thomas presents Adam, prior to the Fall, as perfect in the order of knowledge of science and morals (though not yet at the ultimate goal). Yet Adam was not thought to know “the thoughts of men, future contingents, and some singulars, such as how many pebbles are at the bottom of this or that stream.”<sup>115</sup> So also, in teaching about the communication among angels, Thomas distinguishes carefully between the speech that is properly called “illumination” and the speech that is “merely speech.” The former communicates truth concerning God and the nature of things. The latter speaks merely of what depends on the will of this or that creature.<sup>116</sup>

Thus, lies about things that pertain to the proper perfection of the human mind are against justice and charity, as well as being against veracity. They are mortal sins. On the other hand, a lie that is false concerning contingent truth not pertaining to the person addressed is a venial sin. It is a disorder merely touching on a created good, a thing “for the end” (*ad finem*) and not the ultimate end. It is the conception of the mind and its proper perfection that allows us to assess the gravity of this sin and find it “venial.”

Notice that the familiar division of the lie as jocose, officious, and malicious is not a consideration of *the lie in itself*, but in function of the further intended end one has in telling the lie.<sup>117</sup>

It should also be underlined that Thomas is saying that while all lies are against the virtue of veracity, only some modes of such sin are against justice and charity.

Rhonheimer, in his argument for the importance of seeing lying as a violation of justice (that is, veracity), introduces various examples. He says:

<sup>115</sup> ST I, q. 94, a. 3 (587a1–4).

<sup>116</sup> ST I, q. 107, a. 2. Cf. also II–II, q. 60, a. 4, ad 2: [O]n whether, in judging the conduct of persons, what is doubtful ought to be interpreted for the better: it is said that in judging about things (“de rebus”), as distinct from judging persons (“de hominibus”), one ought to take care to judge them precisely as they are. However, in judging of persons, one ought, if possible, to judge the person favorably. Does this not reflect on the one who judges, when mistaken, as being an inept judge? Thomas says: “As for the man who judges, the false judgment by which he judges favorably of someone does not pertain to what makes his intellect bad [*ad malum intellectus ipsius*], just as it does not pertain essentially [*secundum se*] to the perfection of [his intellect] to know the truth concerning contingent singulars; rather, it [the favorable judgment] pertains to good inclination.”

<sup>117</sup> ST II–II, q. 110, a. 4 (1997b11–26).

The fact that words, as Thomas affirms, are by nature signs of what one has in mind is not the reason for which lying is *evil*, but that for which *every* lie is evil. But it is also clear that for Thomas “to say what is false”—a *falsiloquium*—can be a lie (in the moral sense) only inasmuch as it is opposed to the virtue of truthfulness. “Formal untruthfulness” or “the will to tell a falsehood,” in which according to Thomas lying consists, is evil precisely because such a will is opposed to the virtue relative to *veritas*: truthfulness. The finality of the virtue of truthfulness constitutes, therefore, the “ethical context” in relation to which lying acquires its objective identity as a particular type of linguistic behavior and, therefore, also its specification as a morally evil act. One who “lies,” however, in the context of a scientific experiment so as to test a lie detector, or during a party game in which lying figures as part of the game, clearly does not sin, even if he does do something contrary to the nature of language!<sup>118</sup>

This, again, has some very surprising features. Formal untruthfulness, that is, a true lie, is evil *precisely because* such an act of the will is opposed to the virtue of truthfulness? Is not the cart being put before the horse here? After all, as Thomas says:

[A] habit is said to be good or bad only from the fact that it inclines towards a good act or a bad act. Hence, it is because of the goodness or badness of the act that the habit is said to be good or bad. And thus it is that the act is stronger in goodness or badness than the habit: because that because of which something is such is all the more such.<sup>119</sup>

Rhonheimer is making our judgments concerning lying depend on the view of the virtue or habit involved. I would argue that we should conceive of the virtue and of the opposed vices in the light of the acts concerned.

In the same discussion by Thomas as just quoted, an objector is presented, contending that the habit really dominates causally, producing a more perfect act. We read:

[T]he cause is stronger than the effect. But the habit perfects the act, whether as regards goodness or as regards badness. Hence, the habit is stronger than the act both in goodness and in badness.<sup>120</sup>

<sup>118</sup> Rhonheimer, “The Perspective of the Acting Person,” 497–98.

<sup>119</sup> *ST* I–II, q. 71, a. 3: “habitus non dicitur bonus vel malus nisi ex hoc quod inclinat ad actum bonum vel malum. Unde propter bonitatem vel malitiam actus, dicitur habitus bonus vel malus. Et sic potior est actus in bonitate vel malitia quam habitus, quia propter quod unumquodque tale, et illud magis est.”

<sup>120</sup> *Ibid.*, obj. 3: “Praeterea, causa est potior quam effectus. Sed habitus perficit actum tam in bonitate quam in malitia. Ergo habitus est potior actu et in bonitate et in malitia.”

And Thomas replies:

[T]he habit is cause of the act in the order of the efficient cause, but the act is the cause of the habit in the order of the final cause, in function of which one considers the aspect of the good and the bad. And so the act has preeminence over the habit as to goodness and badness.<sup>121</sup>

I thus would say that we should form *our conception of the virtue of veracity* in the light of the sorts of act, as to goodness and badness, which pertain properly to it.

It is crucial that one consider the sorts of sin that oppose a virtue, if one is to conceive of the virtue. When we thus consider the virtue of justice (properly so called) and its opposite, injustice, we find Thomas raising the question: Is it a mortal sin to do something unjust? The answer, as we have said, is “yes.” The acts we are speaking of here always do harm to the neighbor.<sup>122</sup>

Now, a different judgment is made, as we have seen, by Thomas concerning the sins that pertain to vices opposing veracity. Some of the sins are mortal in kind and some of the sins are venial in kind. Accordingly, since the teaching of II–II, question 110, article 1, is that *all* lies are opposed to the virtue of veracity, we must form our conception of this virtue and its proper mode of *debitum* in the light of these data.<sup>123</sup> This makes II–II, question 110, article 4, reviewed above, on whether every lie is a mortal sin (with its negative answer), a key consideration for the adequate understanding of the virtue of veracity.

We see the doctrine repeated in II–II, question 111, concerning hypocrisy. Article 3 presents hypocrisy as opposed to the virtue of veracity; and article 4 asks whether hypocrisy is always a mortal sin, giving a negative answer. It should be stressed that the reason for its not always being a mortal sin is not some elimination of the nature of hypocrisy. In the case of justice, in II–II, question 59, article 4, allowance was made for the possibility that

<sup>121</sup> Ibid., ad 3: “habitus est causa actus in genere causae efficientis, sed actus est causa habitus in genere causae finalis, secundum quam consideratur ratio boni et mali. Et ideo in bonitate et malitia actus praeeminet habitui.”

<sup>122</sup> ST II–II, q. 59, a. 4.

<sup>123</sup> Careful consideration of the objections and replies in ST II–II, q. 110, a. 1, shows that it is precisely the lie as intentional false signifying that is what opposes it to veracity. In fact, the *sed contra* could lead one to think that it is rather the will to deceive; I would say that the replies of Thomas in the article, overall, “tone down” the *sed contra*.

the matter at issue might be so trivial that the person against whom one acts might not be displeased.<sup>124</sup> No, here in the veracity context we read:

It is to be said that there are two items to consider in hypocrisy, namely, the lack of holiness and the pretence of holiness.

Therefore, if one means by “the hypocrite” a person whose intention bears upon both of these, such that someone does not care to have holiness but only to appear holy, as the word is customarily taken in Holy Scripture, thus it is evident that it is a mortal sin: for no one is totally lacking in holiness save by mortal sin.

But if that person is called “a hypocrite” who intends to simulate the holiness he lacks because of mortal sin, then, even though he is in mortal sin, by which he is deprived of sanctity, nevertheless the very simulation is not always a mortal sin; sometimes it is venial. This is to be discerned in function of the end. If the end is repugnant to charity as regards God or neighbor, it will be a mortal sin: for example, when he simulates sanctity in order to disseminate false doctrine, or in order to obtain an ecclesiastical honor of which he is unworthy, or [to have] any other temporal goods in which he locates the end. But if the end intended is not repugnant to charity, it will be a venial sin, as, for example, when someone finds pleasure in the very fiction (about which Aristotle speaks in *Ethics* 4 [ch. 7 (1127b11)]: “someone more vain than bad.”) *And the same line of thinking applies to the lie and mere simulation.*

It does happen sometimes, nevertheless, that someone simulates a perfection of sanctity that does not pertain to what is necessary for salvation; and such simulation neither is always a mortal sin nor is it always along with mortal sin.<sup>125</sup>

<sup>124</sup> *Ibid.*, ad 2.

<sup>125</sup> *ST* II–II, q. 111, a. 4, emphasis added: “Respondeo dicendum quod in hypocrisi duo sunt, scilicet defectus sanctitatis, et simulatio ipsius. Si ergo hypocrita dicatur ille cuius intentio fertur ad utrumque, ut scilicet aliquis non curet sanctitatem habere, sed solum sanctus apparere, sicut consuevit accipi in sacra Scriptura, sic manifestum est quod est peccatum mortale. Nullus enim privatur totaliter sanctitate nisi per peccatum mortale. Si autem dicatur hypocrita ille qui intendit simulare sanctitatem, a qua deficit per peccatum mortale, tunc, quamvis sit in peccato mortali, ex quo privatur sanctitate; non tamen semper ipsa simulatio est ei in peccatum mortale, sed quandoque veniale. Quod discernendum est ex fine. Qui si repugnat caritati dei vel proximi, erit peccatum mortale, puta cum simulat sanctitatem ut falsam doctrinam disseminet, vel ut adipiscatur ecclesiasticam dignitatem indignus, vel quaecumque alia temporalia bona in quibus finem constituit. Si vero finis intentus non repugnet caritati, erit peccatum veniale, puta cum aliquis in ipsa fictione delectatur, de quo philosophus dicit, in *IV Ethic.*, quod magis videtur vanus quam malus. Eadem enim ratio est de mendacio et simulatione. Contingit tamen quandoque quod aliquis simulat perfectionem sanctitatis, quae non est de necessitate salutis. Et talis simulatio nec semper est peccatum mortale, nec semper est cum peccato mortali.”

I return to my quotation from Rhonheimer above:

The fact that words, as Thomas affirms, are by nature signs of what one has in mind is not the reason for which lying is *evil*, but that for which *every* lie is evil. But it is also clear that for Thomas “to say what is false”—a *falsiloquium*—can be a lie (in the moral sense) only inasmuch as it is opposed to the virtue of truthfulness. “Formal untruthfulness” or “the will to tell a falsehood,” in which according to Thomas lying consists, is evil precisely because such a will is opposed to the virtue relative to *veritas*: truthfulness. The finality of the virtue of truthfulness constitutes, therefore, the “ethical context” in relation to which lying acquires its objective identity as a particular type of linguistic behavior and, therefore, also its specification as a morally evil act.<sup>126</sup>

He distinguishes between “the reason for which lying is *evil*” and “[the reason] for which *every* lie is evil.” The difference between these two must lie in the use of the italics. I am afraid I do not see his distinction. He also speaks about “a lie (in the moral sense).” I would have thought that “lie” was the name of a moral act.

Here it seems that Rhonheimer is using “*falsiloquium*” in a broad sense that would include even the merely material lie, for example, the case of the person who intends to speak the truth and happens to say what is false. That is, Rhonheimer’s “to say what is false” includes the word “say” in the way it is *per accidens* to the moral order. It is of course correct that Thomas means by “a lie,” as a properly human act, intending to say what is false. Moreover, such an authentic lie is a bad act and is against the virtue to which the good act corresponds. As Thomas teaches, veracity, also called simply “truth,” is a virtue *because* speaking the truth is a *good act*:

[T]hat can be called “truth” by which someone says the true, in function of which [“truth”] someone is called “truthful.” And this truth, or veracity, necessarily is a virtue, *because* the very [act of] saying what is true is a good act; now, a virtue is what makes the one having it good and renders his deed good.<sup>127</sup>

If lying is evil, every lie is evil; and if every lie is evil, lying is evil. For Thomas, in II–II, question 110, article 1, *every* lie is against the virtue of truthfulness. The essence of the lie, as Thomas there maintains, is in the

<sup>126</sup> Rhonheimer, “The Perspective of the Acting Person,” 497–98, original emphasis.

<sup>127</sup> ST II–II, q. 109, a. 1, emphasis added: “potest dici ‘veritas’ qua aliquis verum dicit, secundum quod per eam aliquis dicitur verax. Et talis veritas, sive veracitas, necesse est quod sit virtus, quia hoc ipsum quod est dicere verum est bonus actus; virtus autem est quae bonum facit habentem, et opus eius bonum reddit.”

intention to manifest, to enunciate, that is, to assert something other than what one believes to be true. Thomas has already presented the virtue of veracity as consisting in manifestation; and so he can conclude that the lie, “directly and formally,” is opposed to the virtue of veracity. Since every lie is a sin and not every lie is a mortal sin, to act in a manner opposed to the virtue of veracity is not always a mortal sin.

Rhonheimer says that it is “the finality of the virtue of truthfulness” that constitutes the “ethical context” in which lying “acquires its objective identity as a particular ‘type of linguistic behavior’” and therefore “its specification as a morally evil act.” Now, without altogether denying this, I would again note that this “finality” derives from the act, and not the finality of the act from the virtue. As said above, the goodness or badness of the act is the cause of the goodness or badness of the virtue or vice, and this is to say that the finality of the act causes the finality of the virtue and of its opposite.

The reason lying is intrinsically bad, bad as such, is that given in II–II, question 110, article 3. Spoken words are naturally signs of what one has in mind; it is therefore unnatural and undue, *indebitum*, for someone to express vocally what he does not have in mind.<sup>128</sup>

What does Rhonheimer do with his observations about veracity as the “ethical context?” He says: “One who ‘lies,’ however, in the context of a scientific experiment so as to test a lie detector, or during a party game in which lying figures as part of the game, clearly does not sin, even if he does do something contrary to the nature of language!”<sup>129</sup> Now, as regards the party game, this is a jocose lying, and so, according to St. Thomas, and the St. Augustine of *On the Psalms*, it is a lie and a sin, a venial sin (and even for the St. Augustine of *On Lying*, it is something one ought not to do).

Of course, it is not surprising that Rhonheimer speaks of it as he does, since he admitted that he could not accept Thomas’s doctrine of the jocose lie, the lie which is meant not to deceive and which in fact deceives no one.<sup>130</sup>

<sup>128</sup> ST II–II, q. 110, a. 3 (1995a39–50): “Mendacium autem est malum ex genere. Est enim actus cadens super indebitam materiam, cum enim voces sint signa naturaliter intellectuum, innaturale est et indebitum quod aliquis voce significet id quod non habet in mente. Unde Philosophus dicit, in IV *Ethic.*, quod mendacium est per se primum et fugiendum, verum autem et bonum et laudabile. Unde omne mendacium est peccatum, sicut etiam Augustinus asserit, in libro *Contra mendacium.*” Notice that it is Aristotle, with his conception of the virtue of veracity, so definitely distinguished from justice, who is supplying the reason.

<sup>129</sup> Rhonheimer, “The Perspective of the Acting Person,” 498.

<sup>130</sup> In fact, in some party games it might even be the role of the lie to deceive, at least for a time. Even the deception, in a matter of no seriousness to those involved, would be a source of pleasure and a venial sin.

I will leave aside for the moment the case of testing lie detectors and go directly to the Gestapo case. Rhonheimer says:

Precisely for this reason the following two cases are completely different: (1) those who told representatives of the Gestapo, searching for Jews so as to deport them, that there were no Jews in the house, and (2) the case of a person, e.g. a functionary, a minister, a professor, or a father, who considers that in a particular situation their questioner does not have the right to know what he asks (or, which would be equivalent, that they themselves do not have the right to reveal that which the questioner wants to know) and who therefore thinks that he can licitly mislead his questioner with false answers or by responding “I don’t know.” In this second case, i.e. in the context of normal life, a “communicative community” exists between the people involved in which language fulfills its communicative function, and in which, given a “normal” situation or context, there exists a right that words spoken by one’s neighbor be expressions of truth, with a corresponding duty on the part of the neighbor. This is valid also for the case in which someone could, by lying, gain a great advantage or avoid a great disadvantage: a lie remains a lie, even if put forth with good intention. In the first case, on the other hand, a situation of war and aggression exists in which the social significance of linguistic acts is altered; to say what is false becomes an act of self-defense—and of the defense of others—not because “in this case” it is so, but because *objectively* there no longer exists between these persons a communicative community which could be damaged. For this same reason, neither can communicative justice be damaged in such a case. And this latter is the reason why saying what is false, abusing language, is morally evil and is called “lying.”<sup>131</sup>

Now, this is certainly not in agreement with St. Thomas. I say this because I take the “Gestapo” case, inevitable in ethics discussions on lying, as parallel to the case of the Egyptian midwives (Ex 1:19) discussed by Thomas. They lie to the pharaoh in order to save the Israelite male babies. Thomas considers this a venial sin,<sup>132</sup> and I believe he is right.

So also, I would say that the second case presented by Rhonheimer, that is, the parent, and so on, considering, let us say with good reason, that the questioner does not have the right to the information, also commits a venial sin in replying “I do not know” when he does know.<sup>133</sup>

Rhonheimer sees the difference in the two cases as depending on whether or not “a communicative community” exists between the speaker

<sup>131</sup> Rhonheimer, “The Perspective of the Acting Person,” 498–99.

<sup>132</sup> Cf. ST II–II, q. 110, a. 4, ad 4; and cf. my paper mentioned earlier, on lying and venial sin.

<sup>133</sup> Cf. ST II–II, q. 110, a. 4 (1997b3–10 and 20–26).

and the questioner, and whether the situation is “normal” (meaning there is no war “in which the social significance of linguistic acts is altered”).

Again, consider how different his judgment is from that of St. Thomas. First, take the virtue of veracity. At II–II, question 80, in explaining the debitum involved in this virtue, Thomas says:

The morally [as distinct from “legally”] owing is that which someone owes out of the goodness of virtue. And because “the owing” includes the note of necessity, therefore such “owing” has two levels. [First] something is necessary in such a way that *without it the morally good cannot be preserved*; and this has more of the note of the “owing.” And this [sort of] “owing” is found *on the side of the one who owes: and it is in this way that “the owing” pertains to the case of a man exhibiting himself to another [person] in word and in deed such as he is*. And it is thus that veracity is annexed to justice, veracity through which, as Tully says, are said without change those things which are, have been, or will be.<sup>134</sup>

As already said, in the *ex professo* treatment of the virtue of veracity Thomas simply presents it as a virtue because *saying what is true is a good act*.<sup>135</sup> In presenting it as a distinctive virtue, one different from the others, Thomas sees a special virtue wherever the good is found in a special way. He takes Augustine’s account of the good as locating it in “order” and thus sees a special good in a determinate order. He says: “Now, there is a special order inasmuch as our external words or deeds are ordered to something as a sign to something signified.”<sup>136</sup> And so veracity is a special virtue.

It is in II–II, question 109, article 3, that we have the treatment of the relation of this virtue to justice. It is like justice in pertaining to our relation to others and in having to do with an equalization, that is, of our

<sup>134</sup> ST II–II, q. 80 (1828a4–17), emphasis added: “Debitum autem morale est quod aliquis debet ex honestate virtutis. Et quia debitum necessitatem importat, ideo tale debitum habet duplicem gradum. Quoddam enim est sic necessarium ut sine eo honestas morum conservari non possit, et hoc habet plus de ratione debiti. Et potest hoc debitum attendi ex parte ipsius debentis. Et sic ad hoc debitum pertinet quod homo talem se exhibeat alteri in verbis et factis qualis Est. Et ita adiungitur iustitiae veritas, per quam, ut Tullius dicit: ‘immutata ea quae sunt aut fuerunt aut futura sunt, dicuntur.’” I might note here that the “owing” found on the side of the one *to whom the item is owed* includes such virtues as gratitude and vindication. These too are virtues that are necessary in the way that without them the goodness of morals cannot be preserved.

<sup>135</sup> ST II–II, q. 109, a. 1, quoted earlier.

<sup>136</sup> ST II–II, q. 109, a. 2 (1989a35–38): “Est autem specialis quidam ordo secundum quod exteriora nostra vel verba vel facta debite ordinantur ad aliquid sicut signum ad signatum.”

words with our thought. It falls short [*deficit*] of justice as to the sort of “owingness” (*debitum*) involved: “This virtue does not look to the legally owing, which justice looks to, but rather to the morally owing, inasmuch as out of goodness one man owes to another the manifestation of truth.”<sup>137</sup>

The first objection focuses on justice as rendering something due, owing, to another. It contends that in speaking what is true the speaker is not rendering a *debitum*, something owing, to another. Thomas, in reply, says:

[I]t is to be said that because the human being is a social animal, one man naturally owes to another that without which human society cannot be preserved. Now, human beings cannot live with each other unless they believe each other, as manifesting the truth to each other. And therefore the virtue of veracity looks to the note of “the owing” in a certain measure.<sup>138</sup>

We do not have the “debitum” unqualifiedly, but “aliquo modo.” One cannot simply equate justice and veracity.

What is to be noted especially that we are speaking of a goodness “owed” on the side of the speaker, as a person whose way of being favors community-building.<sup>139</sup> The point that the *debitum* of veracity as annexed to justice is very much “on the side of the one owing” is that it is a matter of being “a good social animal,” that is, a truth-telling being. It is a sort of “in itself for-another.” If one transforms it into the other person having a right or the community having a right, this is justice properly so called. Veracity simply identifies the goodness of the properly social animal.<sup>140</sup>

<sup>137</sup> ST II–II, q. 109, a. 3 (1990a39–43): “Non enim haec virtus attendit debitum legale, quod attendit iustitia, sed potius debitum morale, in quantum scilicet ex honestate unus homo alteri debet veritatis manifestationem.”

<sup>138</sup> Ibid., ad 1, emphasis added: “dicendum quod quia homo est animal sociale, naturaliter unus homo debet alteri id sine quo societas humana conservari non posset. Non autem possent homines ad invicem convivere nisi sibi invicem crederent, tanquam sibi invicem veritatem manifestantibus. Et ideo virtus veritatis aliquo modo attendit rationem debiti.”

<sup>139</sup> Cf. above, concerning ST II–II, q. 80.

<sup>140</sup> Cf. also Thomas, *In Perih.*, 1.2.2, emphasis added: “Et si quidem homo esset naturaliter animal solitarium, sufficerent sibi animae passiones, quibus ipsis rebus conformaretur, ut earum notitiam in se haberet; sed quia homo est animal naturaliter politicum et sociale, necesse fuit quod conceptiones unius hominis immotescerent aliis, quod fit per vocem; et ideo necesse fuit esse voces significativas, ad hoc quod homines ad invicem conviverent. Unde illi, qui sunt diversarum linguarum, non possunt bene convivere ad invicem.” (“And if man were by nature a solitary animal, the ‘passions of the soul’ would suffice, by which he is conformed by things themselves so that he have within himself knowledge of them; but because man is an animal naturally political and social, it was necessary that the conceptions of one man be made known to

Now, Rhonheimer contends that if social bonds have already ceased to exist, one has no obligation to act according to this virtue. Is that Thomas's idea? What does Thomas say about lying in war? Clearly, he holds that no one should lie to the enemy. This is never right. Concealment is right and even obligatory. To say what is false is never licit.<sup>141</sup> Consider also Thomas's view of the situation where one gives false testimony to save an accused from unjust judgment. Is such behavior a mortal sin? An objector argues as follows:

A lie that helps someone and harms no one is a kind one [*officiosum*], which is not a mortal sin. But sometimes in false testimony there is such a lie, for instance, when someone presents testimony in order to free someone from death or from an unjust sentence which is intended by some false witnesses or by the perversity of the judge. Therefore, such false testimony is not a mortal sin.<sup>142</sup>

Thomas in reply acknowledges (by implication) that such testimony is *merely a venial sin*, precisely insofar as it is against an unjust judgment, which is no judgment at all; however, the testimony is still a mortal sin, because it was given under oath.<sup>143</sup>

My point is simply that I believe Thomas would call a venial sin what Rhonheimer is saying is no sin at all, that is, the lying to the Gestapo. He would judge a venial sin a lie told to thwart injustice even in a community that has broken down (the perverse judge and the false witnesses).

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others, which is brought about by the spoken word, and so it was necessary that there be significative spoken words, in order that men live with each other.”).

<sup>141</sup> Cf. *ST* II–II, q. 40, a. 3, emphasis added: “aliquis potest falli ex facto vel dicto alterius . . . ex eo quod ei dicitur falsum, vel non servatur promissum. Et istud semper est illicitum. Et hoc modo nullus debet hostes fallere, sunt enim quaedam iura bellorum et foedera etiam inter ipsos hostes servanda, ut Ambrosius dicit, in libro *De officiis*.” (“[S]omeone can be deceived by a deed or by something said by another . . . by the fact that something false is said to him, or by not keeping a promise. And this is always illicit. And in this way no one ought to deceive the enemy: for there are certain rights of war and pacts even among enemies, [rights and pacts] which must be preserved, as Ambrose says.”)

<sup>142</sup> *ST* II–II, q. 70, a. 4, obj. 2: “mendacium quod alicui prodest et nulli nocet, est officiosum, quod non est peccatum mortale. Sed quandoque in falso testimonio est tale mendacium, puta cum aliquis falsum testimonium perhibet ut aliquem a morte liberet, vel ab iniusta sententia quae intentatur per alios falsos testes vel per iudicis perversitatem. Ergo tale falsum testimonium non est peccatum mortale.”

<sup>143</sup> *Ibid.*, ad 2: “Ad secundum dicendum quod iniustum iudicium iudicium non est. Et ideo ex vi iudicii falsum testimonium in iniusto iudicio prolatum ad iniustitiam impediendam, non habet rationem peccati mortalis, sed solum ex iuramento violato.”

St. Thomas includes all lies, including those that are venial in kind—indeed, including those that cannot deceive—in his point that they are against the virtue of veracity. I would say that veracity involves a “community building” attitude on the part of speakers, rather than one of merely conforming so long as the community bond is acceptable. The “debitum” involved is seen on the side of the speaker, not the person spoken to. It is a matter of *being the sort of person it is desirable to live with*. We see this in II–II, question 80, concerning the levels or grades of the “owing” (*debitum*). Of course, what most evidently harms the social bond is the lie that is a mortal sin.

What can one say about the lie told to test a lie-detector machine? Does this really happen? My first thought is that I would want to test my lie detector against someone actually intending, and for serious reason, to deceive another person. I would test my machine “in the field,” so to speak, making my judgment as to the quality of the machine on the basis of available *independent* means of judging that the tested person was lying. Thus, I would ask a police department or a social agency to use the machine, and I would make studies as to “how it did.”

If a person is asked to lie in a test so as to assess the machine, the person is being asked to lie; the lie is a venial sin. I see no significant difference there than in the case of a game that involves attempting to deceive other players temporarily. There the deception itself would be the source of the pleasure of the game. It is a “jocose lie.” It is a venial sin according to St. Thomas. In testing the machine, however, the machine that is, of course, the instrument of the person administering the test, one is lying for a serious purpose; thus, it would be an “officious” lie, and a venial sin.

What does this all come to? I do agree that the lie is essentially the intention to manifest as true what one does not believe is true. It is a moral act because it is a voluntary act. Its proper object, its proximate end, is the *manifested untrue*. The willful manifestation is the act. It is against the virtue of veracity but not necessarily of justice. I cannot agree with what Rhonheimer called his “exegesis” of St. Thomas.

### Conclusion

The question raised by Martin Rhonheimer, whether the moral object is a thing or an action, has been the occasion for exploring many texts of St. Thomas, and paying close attention to methodical issues. The reader will have seen that I come down hard on the side of “the thing,” but the thing inasmuch as it has a proportion to human action,<sup>144</sup> the thing “in

<sup>144</sup> ST I–II, q. 18, a. 2, ad 1.

the perspective of the acting person.” Where Rhonheimer has insisted on the constitutive role of intention, I would place the constitutive role in the end as the object of the will, the intellectually apprehended object. And I would insist that “the correct ends of human life are *given*.”<sup>145</sup>

Rhonheimer has also provided reason to reread St. Thomas on lying. Here again, I could not agree with him, but his approach obliged us to look much more closely at the virtue of truthfulness and at the subtleties of treatment in its regard provided by Thomas. N-V

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<sup>145</sup> ST II-II, q. 47, a. 15 (1677a11-12), emphasis added.