

Law, Pinckaers, and the Definition of Christian Ethics

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SINCE the Second Vatican Council's call for a renewal of moral theology, numerous efforts have been made to return to the sources of Christian ethics, but none more successful than that of Servais Pinckaers, O.P. Crowned, in effect, by the appearance of *Veritatis Splendor*, his writings have eloquently insisted that Christian moral reflection must begin and end with the New Law of the Gospel. "Clearly, not only ethics but the whole of theology converges in the treatise on the evangelical Law, from the moment of its definition."¹ It is something of a paradox, then, that Pinckaers's definition of Christian ethics does not include an explicit reference to law as a principle of the science.

Here is his definition:

Christian ethics is the branch of theology that studies human acts so as to direct them to a loving vision of God seen as our true, complete happiness and our final end. This vision is attained by means of grace, the virtues, and the gifts, in the light of revelation and reason.²

¹ Servais Pinckaers, *The Sources of Christian Ethics*, trans. Sr. Mary Thomas Noble, O.P. (Washington, DC: The Catholic University of America Press, 1995), 178. See also, "The Return of the New Law to Moral Theology" in *The Pinckaers Reader: Renewing Thomistic Moral Theology* (Washington, DC: CUA Press, 2005), 384, where Pinckaers states, "At last, after seven centuries of negligence, the Law of the Gospel now finds its true place at the heart of Christian morality, thanks to the Catechism and the encyclical [*Veritatis Splendor*]."

² Pinckaers, *The Sources of Christian Ethics*, 8.

He introduces this as “My Own Definition of Christian Ethics,” and he gives it a line-by-line explanation.³ Most important for a consideration of law is his explanation of the sixth part: “by means of grace, the virtues, and the gifts. . . .”⁴ Pinckaers writes:

A system of morality in which considerations of beatitude, interior acts, and finality predominate will naturally be divided according to the virtues—those qualities of heart and soul that are the interior, lasting principles of action—rather than according to external commandments, which determine obligations.

He concludes his explanation of this part saying: “These are the essential elements of a system of morality based on the Gospel. This is why I include them in my definition. I shall return to them again.”⁵ Pinckaers looks to distinguish his view of ethics from a dominant alternative, in which ethics is based simply on obligation and law.

I take up the issue of the definition of Christian ethics inasmuch as it is expressive of how we conceive the place of law in ethics. While I concur that we must distinguish authentic Christian ethics from nominalist-influenced ethics, I suggest that since law properly understood has a central place in ethics, it likewise has a central place in the definition. In omitting law from the definition of Christian ethics, Pinckaers seems to make the very mistake he seeks to correct.

This omission in Pinckaers’s definition is all the more puzzling given his method of interpreting Aquinas, which is to save him from nominal-

³ It should be noted that in his “comprehensive definition of Christian ethics” at the end of the second chapter, Pinckaers does mention law. Here is that definition: “Christian ethics is that branch of theological wisdom that studies human actions so as to direct them to the loving vision of God, which is complete happiness and our final end. This is done under the impulse of the theological and moral virtues, especially charity and justice, with the gifts of the Holy Spirit. It is effected through experiences of the human condition such as suffering and sin, and is implemented by laws of behavior and commandments, which reveal God’s ways to us” (*The Sources of Christian Ethics*, 44).

⁴ It has been suggested to me that law can be seen as included in the seventh and final part of the definition: “in the light of revelation and reason.” But in the explanation of this part Pinckaers in no way adverts to law, while in the explanation of the sixth part he refers to commands in order to explain that they are not the principle of division in ethics.

⁵ Pinckaers, *The Sources of Christian Ethics*, 13. Of definitions Pinckaers says: “A definition told you the nature of the subject you were going to study, its essential elements and in general the material it would cover” (1) and “the definition of a science like Christian ethics safeguards and shapes the thinking of those who pursue it and provides a springboard for action” (8).

ist readings by privileging the teleological character of his moral theology. Indeed the very virtues and gifts that Pinckaers stresses are the end of law as Aquinas understands it. If we follow Pinckaers's lead in reading Aquinas in light of his scriptural and patristic roots, we should conclude that the entire moral life can be seen as a response to the law of God.

My argument that law belongs in the definition of Christian ethics stands on the relation of virtue and law. Virtue is the proper effect of law. But a proper effect cannot be understood except through its proper cause,⁶ and thus law is essential to understanding virtue. But virtue is the subject according to which the science of ethics is divided, as Pinckaers has noted. Hence, law is likewise essential to the science of ethics.⁷

In this essay I shall examine Aquinas's view of law with an eye to making clear how law deserves a place, and indeed a central place, in the definition of Christian ethics. I will first examine the causality of law, focusing on the natural law and the New Law as instilling inclinations in man; in this instilling I find the archetype of the causality of law. Seeing law as instilling inclinations is the ground for understanding the causality of law as prior to virtue. To this priority I turn in the second section, where I consider Aquinas's position that virtue is the proper effect of law. The relation of proper cause to proper effect is the heart of my above argument that law belongs in the definition of ethics. In the third section I address how Aquinas expresses moral perfection in terms of the precepts of the New Law—a law that exercises legal causality most perfectly. If perfection is in precepts, this is further reason to include law in the definition of ethics. In my conclusion I suggest that since law is a work of wisdom, its central place in ethics is very compatible with Pinckaers's critique of nominalist-influenced ethics.

The Causality of Law: Instilling Inclinations

The division of his universal moral treatment in the *prima secundae* reveals Aquinas's understanding of the moral life. The preface to question ninety is the introduction to the treatment of extrinsic principles. This text is especially revelatory of Aquinas's view of law's place in ethics: "But the extrinsic principle moving to good is God, who both instructs us by

⁶ Cf. Aquinas, *De potentia Dei*, q. 3, a. 5, ad 1.

⁷ This is not the only argument that law belongs in the definition; it is the one I have chosen to give here. We might also note that if, as Aquinas says, "the subject of moral philosophy is human action ordered to an end" (St. Thomas Aquinas, *Commentary on Aristotle's Nicomachean Ethics*, trans. C. I. Litzinger (Notre Dame, IN: Dumb Ox Books, 1993), bk. 1, lect. 1, #3, then the primordial principle by which rational order is put into action—that is, law—must be essential to this science.

means of law, and assists us by grace.”⁸ Aquinas wants us to see God himself as the extrinsic principle moving to good, and law and grace as two ways that he does it. While human law is first in the order of knowledge or discovery,⁹ clearly implied here is that the first instance of law is in God. The law in which the essence of law resides most fully, and in relation to which any other law is called law, is law in God.¹⁰ To understand the role of law in the moral life, then, it is most important to focus on the natural law and the New Law, which are nothing other than specific promulgations of the eternal law.¹¹ In these two laws, legal causality is at the grounding and the perfection of the moral life.

The quotation from the preface to question ninety also focuses our attention on the extrinsic character of law,¹² or the truth that in law there is *another* agent that is exercising causality on the human agent.¹³ This extrinsic character, however, is in no way at odds with law’s exercising a kind of *interior causality*. Indeed, law in its truest form (when acting most perfectly as law), does precisely this: move *from within*. A fundamental interiority in the causality of law is already indicated in Aquinas’s speaking of the instructive character of law.¹⁴ Law is *aliquid rationis*, and the proper causality of law is in the conferral of knowledge, knowledge of something to be done.¹⁵ Of course the instruction of law can be given,

⁸ *Summa theologiae* I–II, q. 90, prologue.

⁹ Thus in the analogical understanding of law certain aspects of the essence of law, such as that it must be from one who has care of the community, are first of all evident in our experience of human legislation. See *ST* I–II, q. 90, a. 3.

¹⁰ *ST* I–II, q. 93, a. 3.

¹¹ Human law, a true law and the one most evident to us in its workings, is constituted by conclusions and determinations of the natural law (*ST* I–II, q. 95, a. 2).

¹² That law is always an extrinsic principle can especially be seen in Aquinas’s holding that one never gives law to oneself (*ST* I–II, q. 93, a. 5) and that law in the primary sense (*essentialiter*) exists in the one measuring and ruling, and secondarily (*participative*) in the one measured and ruled. See *ST* I–II, q. 90, a. 1, ad1 and q. 91, a. 6.

¹³ For Aquinas law is ultimately best understood as a matter of God moving his creatures to their end. Cf. Romanus Cessario, O.P., *Introduction to Moral Theology* (Washington, DC: The Catholic University of America Press, 2001), 61. In his discussion of the eternal law, he notes: “In every good action which merits eternal life, God and the human person fully exercise distinct but related causalities” (61).

¹⁴ Aquinas’s treatment of teaching in *De veritate*, question 11 is helpful on this point. Teachers are extrinsic efficient causes of a profoundly interior perfection: learning.

¹⁵ While the eternal law, as we will see shortly, does exercise a causality on non-rational creatures by giving them inclinations, this is not the full or proper causality of law. This is apparent in the truth that promulgation, or making law known, is of the essence of law (*ST* I–II, q. 90, a. 4). Aquinas does say that in non-rational creatures the “impression of an active intrinsic principle” corresponds to the

and received, in various ways, ways that admit of varying degrees of interiority.¹⁶ Yet for Aquinas, the more perfect the law, the more it moves *from within*. To further illustrate and develop this point, I want to highlight the causality of law in its *bringing about inclinations*, which are perfections of the human agent.¹⁷

"Every law," says Aquinas, "aims at being obeyed by those who are subject to it." He proceeds to identify the being-well-subjected-to-the-ruler with the "virtue" of the subject.¹⁸ Thus the end of law is virtue,¹⁹ a good, habitual inclination. Though not all laws succeed in bringing

promulgation of law to rational creatures (*ST* I-II, q. 93, a. 5, ad 1); yet by this "impression" they participate in the eternal law in a lower mode (cf. *ST* I-II, q. 91, a. 2 and q. 93, a. 6). See also *ST* I-II, q. 91, a. 2, ad 3: "But because the rational creature partakes thereof [eternal reason] in an intellectual and rational manner, therefore the participation of the eternal law in the rational creature is properly called a law, since a law is something pertaining to reason, as stated above."

¹⁶ For instance, regarding how the knowledge of the law is given, it can be interiorly "indita," as in natural law, or it can be conveyed by exterior writing, as in human law. Regarding how it is received by the one subject to it, it can be in accord with one's habitual desires, or contrary to them, and thus perceived as a coercive, exterior force.

¹⁷ In seeing law as causing inclinations, we will not forget that the proper causality of law is first of all *cognitive*. See S. Brock, "Natural Inclination and the Intelligibility of the Good in Thomistic Natural Law," *Vera Lex* VI.1-2 (Winter 2005): 61-65. Again, Aquinas introduces law as how God moves us to the good through *instruction* (*ST* I-II, q. 90, prologue). Rational inclination follows upon insight. On this most important point see especially *ST* I, q. 60, a. 1, *sed contra*: "Love results from (*sequitur*) knowledge; for, nothing is loved except it be first known, as Augustine says (*De Trin.* x, 1, 2). But there is natural knowledge in the angels. Therefore there is also natural love." In the corpus he says: "But it is common to every nature to have some inclination; and this is its natural appetite or love. This inclination is found to exist differently in different natures; but in each according to its mode. Consequently, in the intellectual nature there is to be found a natural inclination according to will (*secundum voluntatem*)." Thus in intellectual creatures natural inclination/love follows upon natural knowledge. It should be noted that at times the term "inclination" seems to be used by St. Thomas to describe both the knowledge and the inclination (in the more specific and proper sense) that follows upon it, as for instance in *ST* I-II, q. 62, a. 3 quoted below. This might be explained by what he says in *ST* I-II, q. 17, a. 4, ad 1: "If the distinct powers are not ordained to one another, their acts are diverse simply. But when one power is the mover of the other, then their acts are, in a way, one: since 'the act of the mover and the act of the thing moved are one act' (*Phys.* iii, 3)." I am grateful to Lawrence Dewan, O.P., for pointing this out to me.

¹⁸ *ST* I-II, q. 92, a. 1.

¹⁹ See *ST* I-II, q. 96, a. 3, ad 2 and q. 100, a. 9, obj. 2 and ad 2, and *In Ethic.* II, lect. 1, #251.

about good inclinations, or in any case habitual ones,²⁰ the lawgiver's intention is to do so, for this is to make the subject good.

To better understand law as giving inclinations, let us turn to what is perhaps the most fundamental instance of the causality of law: eternal law's impressing upon things their natural inclinations: "it is evident that all things partake somewhat of the eternal law, in so far as, namely, from its being imprinted on them, they derive their respective inclinations to their proper acts and ends."²¹ In stating what the eternal law is Aquinas explains that "the *ratio* of divine wisdom, as moving all things to their end, bears the character of a law."²² The most fundamental way in which God *moves things to their end* (thus, the causality of law) is by giving them their natural inclinations.²³ This obtains in the case of man too:

Wherefore it (the rational creature) has a share of the eternal reason, whereby it has a natural inclination to its proper act and end: and this participation of the eternal law in the rational creature is called the natural law.²⁴

Man's rational participation in the eternal law, called the natural law, is the source of his human natural inclinations.²⁵

²⁰ I add this qualification insofar as even in the instance of human law promulgated among men who must be coerced (where we would least think of law as causing inclination), we can say *a kind* of inclination is brought about precisely through coercion. And of course coercion itself is ordered to bringing about the result that the agent acts from his own habitual inclination, that is, from virtue. See *ST* I-II, q. 92, a. 2, ad 4.

²¹ *ST* I-II, q. 91, a. 2.

²² *ST* I-II, q. 93, a. 1.

²³ See also *ST* I-II, q. 91, a. 6 for a clear statement of how *natural* inclinations are from God as *legislator*: "Accordingly under the divine lawgiver various creatures have various natural inclinations. . . ."

²⁴ *ST* I-II, q. 91, a. 2 (emphasis added).

²⁵ In some of Pinckaers's texts it seems that he does not take account of this point, inasmuch as he treats inclination as prior to law, and thus the latter seems to be in the service of the former. Here are a few texts from *Sources*: "How, then, can we claim to base moral law on inclinations, natural though they be? Yet this is what St. Thomas did, and apparently he found no great problem. For him, natural law was the expression, in the form of precepts, of our natural inclinations, which were guided by our inclination to goodness and truth" (404–5). "According to St. Thomas, the natural inclination to the good is expressed in the proposition that good is to be done and evil avoided" (420). "The natural inclination to goodness comes first, at the beginning of the moral order" (422). "Thus understood, natural inclinations form natural law . . ." (452). In Pinckaers's *Morality: The Catholic View* (South Bend, IN: St. Augustine's Press, 2003), one of the

That law aims at giving inclinations is especially evident in the most perfect expression of the eternal law, the New Law. Here law has come to its fullest power, precisely inasmuch as now it has a unique inclining power, in the form of grace.²⁶ The inclinations instilled by the New Law, while they must be appropriated by the person himself,²⁷ themselves fundamentally enable and even constitute the perfection of man, and of his natural inclinations. Thus we see that one and the same eternal law is formative of the human person's natural inclinations, through natural law, and then further perfects these inclinations through the New Law.

A somewhat lengthy text in which Aquinas compares the New and the Old Laws especially highlights law as instilling inclinations:

All the differences assigned between the Old and New Laws are gathered from their relative perfection and imperfection. For the precepts of every law prescribe acts of virtue. Now the imperfect, who as yet are not possessed of a virtuous habit, are inclined in one way to perform virtuous acts, while those who are perfected by the possession of virtuous habits are inclined in another way. For those who as yet are not endowed with virtuous habits, are inclined to the performance of

sections in the chapter on natural law is titled: "The Five Inclinations that Establish the Natural Law Within Us."

While it must be granted that, as Aquinas says in question 94, article 2, "according to the order of natural inclinations, is the order of the precepts of the natural law," that is, that the two orders correspond to one another, one still has priority. My point here is that there is a fundamental priority of law over inclination, precisely inasmuch as the latter is the fruit of the rational/cognitive aspect of the former. Cf. L. Dewan, who is insistent on the priority of knowledge over inclination, in "Jacques Maritain and the Philosophy of Cooperation," in *L'altérité, Vivere ensemble différents*, ed. M. Gourgues and G. Mailhiot (Montreal: Bellarmin, 1986), 116–17, including note 26, and "St. Thomas, Our Natural Lights, and the Moral Order," *Angelicum* 57 (1990): 292–93, especially note 27.

²⁶ In *ST* I–II, q. 106, a. 1, ad 2, Aquinas compares the New Law with natural law. Both are "indita homini," that is, internally promulgated, but the New law is unique in also "adiuvans ad implendum"—aiding in the fulfillment. This aiding, we might say, is in the form of the *inclining* power of grace, grace being what is principal in the New Law (q. 106, a. 1). Thus the New Law inclines more perfectly. It seems that this more perfect inclining is most of all in the infusion of the supernatural virtues, which flow from grace (see *ST* I–II, q. 110, a. 4, ad 1). In the generation of the theological virtues we see the structure once again of knowledge yielding inclination (faith precedes hope and charity in the order of generation, *ST* I–II, q. 62, a. 4), and yet also here there is a unique primacy of charity, without which neither faith nor hope is fully "formed," or perfect (*ibid.*).

²⁷ What I refer to here is the role of freedom (*liberum arbitrium*) in acting out human perfection. See for instance *ST* I–II, q. 113, a. 3 on the necessity of a free act in justification and q. 114, a. 1c and ad 1 on the role of freedom in meriting.

virtuous acts by reason of some outward cause: for instance, by the threat of punishment, or the promise of some extrinsic rewards, such as honor, riches, or the like. Hence the Old Law, which was given to men who were imperfect, that is, who had not yet received spiritual grace, was called the “law of fear,” inasmuch as it induced men to observe its commandments by threatening them with penalties; and is spoken of as containing temporal promises. On the other hand, those who are possessed of virtue are inclined to do virtuous deeds through love of virtue, not on account of some extrinsic punishment or reward. Hence the New Law, which derives its pre-eminence from the spiritual grace instilled into our hearts, is called the “Law of love;” and it is described as containing spiritual and eternal promises, which are objects of the virtues, chiefly of charity. Accordingly such persons are inclined of themselves to those objects, not as to something foreign but as to something of their own. For this reason, too, the Old Law is described as “restraining the hand, not the will” since when a man refrains from some sins through fear of being punished, his will does not shrink simply from sin, as does the will of a man who refrains from sin through love of righteousness: and hence the New law, which is the law of love, is said to restrain the will.²⁸

I would like to glean two points from this rich text concerning law as inclining to the good. First, law is fundamentally about inclining subjects to their end, for Aquinas distinguishes two kinds of law precisely by how they incline to the end. Second, we see that in going from Old Law to New Law we are moving from the less perfect to the more perfect law. There is a tendency, I believe, to hold that the New Law acts less like law than the Old law does.²⁹ But Aquinas is at pains to show here that the New Law does everything that law as such does, but does it better than the Old Law. Where the Old Law inclined through penalties and rewards that were themselves extrinsic to the human good,³⁰ the New Law inclines through a love of the human good itself (albeit, in its supernatural fulfillment). Each kind of law can be said to “restrain” (*cohibere*) those subject to it. The “restraining” of the New Law is precisely in inclining

²⁸ *ST* I–II, q. 107, a. 1, ad 2.

²⁹ This tendency might take mistaken encouragement from St. Paul’s words on the Old Law, in which he at times speaks of the Old Law simply as “law.” That St. Paul’s judgment of the Old Law does not pertain to law as such should be clear from many of his own words, as well as Our Lord’s. Cf. C. H. Dodd, *Gospel and Law* (New York: Columbia University Press, 1957), 64–68, for a response to those Christians who use Paul as ground for their “anti-legal sentiments.”

³⁰ It is thus that Aquinas uses the phrase “*ex aliqua causa extrinseca*” here as regards the Old Law, a phrase fully distinct in meaning from the labeling of *all* law as an extrinsic principle in the moral life.

the will to the good as such. Here, then, we see the New Law as the perfect fulfillment of that other law that inclines to the good as such—the natural law.

The Proper Effect of Law: Virtue

That law is ordered to virtue, a point that Pinckaers emphasizes,³¹ goes hand in hand with understanding law as instilling inclinations. The relation between law and virtue is the heart of the argument that law belongs in the definition of ethics. Central to Aquinas's understanding of law is his assertion that virtue is the *proper effect* of law.³² If virtue is the proper effect of law, then law must be the proper cause of virtue. Law can be seen as a cause of virtue on the level of natural law, human law, and the New Law. Human law, which we will not consider here, is of course a cause of virtue through its instruction and through its coercive power.³³ Natural law is a cause of acquired virtue, through its instilling of naturally known principles and the consequent natural inclinations, and New Law is a cause of infused virtues. Let us briefly consider the natural law and then the New Law as causes of virtue.

In *ST* I–II, q. 63, a. 1, Aquinas asks whether virtue is in man “from nature.” In his subtle answer he says that virtue is natural to man only “inchoatively” (*secundum quondam inchoationem*). Thus “certain naturally known principles of both knowledge and action” are called the seeds, the *seminalia*, of virtue. The notion of seed conveys that while these principles are not the perfected habit, they are the necessary source for such a habit. These naturally known principles of action are known through the causality of natural law.³⁴

When Aquinas proceeds to enquire in the next article whether virtue is caused in us by habituation, his affirmative answer requires that he squarely face an objection based in the Aristotelian principle that the effect cannot be more noble than the cause. He simply responds: “[C]ertain seeds or principles of acquired virtues pre-exist in us by nature. These principles are more excellent than the virtues *acquired through them*.”³⁵ In

³¹ See for instance Pinckaers, *Sources*, 453 and 48.

³² *ST* I–II, q. 92, a. 1: “Unde manifestum est quod hoc sit proprium legis inducere subiectos ad propriam ipsorum virtutem. Cum igitur virtus sit ‘quae facit bonum habentem’, sequitur quod proprius effectus legis sit bonos facere eos quibus datur. . . .”

³³ See *ST* I–II, q. 95, a. 1, where the whole argument for why there are human laws is their role in forming virtue.

³⁴ That the *seminalia* are from law is explicit in *ST* I–II, q. 51, a. 1: “the principles of common law are called the *seminalia virtutum*.”

³⁵ *ST* I–II, q. 63, a. 2, ad 3 (emphasis added).

the corpus of the article he lays the foundation for this response when he says: “[W]hatever is ruled by human reason is ruled by the divine law too.” Naturally known principles have their causal efficacy from the eternal law itself. It is thus that earlier in the *prima secundae* Aquinas explains that the goodness of the human will depends on the eternal law:

Wherever a number of causes are subordinate to one another, the effect depends more on the first than on the second cause: since the second cause acts only in virtue of the first. Now it is from the eternal law, which is the divine reason, that human reason is the rule of the human will, from which the human will derives its goodness. Hence it is written (Ps 4:6, 7): “Many say: who showeth us good things? The light of thy countenance, O Lord, is signed upon us,” as though to say: “The light of our reason is able to show us good things, and guide our will, in so far as it is the light of, i.e., derived from, thy countenance.”³⁶

In explaining, then, how the repetition of actions causes virtue, Aquinas says that “human virtue . . . can be caused by human acts: inasmuch as such acts proceed from reason, by whose *power* and *rule* the aforesaid good is established.”³⁷ Since reason’s power and rule is only from the divine, or natural, law, it is clear that for Aquinas the *seminalia* caused by the natural law are the very cause by which acquired virtues are acquired through repeated action.³⁸ I take this point to be of the first importance. Human reason is the active power that measures human actions in such a way that these actions can be productive of moral virtue. And human reason has this power only by virtue of its natural participation in the eternal law.

In this same article (q. 63, a. 2) Aquinas proceeds to speak of some virtues which direct man “to good as defined by the Divine Law, and not by human reason,” and these virtues are not able to be caused by human actions and thus must be infused by divine operation. It is the New Law of course that orders man to his supernatural end, through the infusion of grace and its consequent virtues, theological and moral.³⁹ We will not

³⁶ *ST I–II*, q. 19, a. 4. It is worth noting that the Psalm quoted here is the same one used in q. 91, a. 2 in explanation of the natural law. That the natural law is in question here is also clear from Aquinas’s position that the natural law is the first measure of practical reason. See *ST I–II*, q. 91, a. 2, ad 2 and q. 95, a. 2.

³⁷ *ST I–II*, q. 63, a. 2 (emphasis added).

³⁸ Dewan, “St. Thomas, Our Natural Lights, and the Moral Order,” 290: “[O]ur grasp of the *sapiential* notions [is] the principle of all human . . . moral cultivation.”

³⁹ On the infusion of supernatural moral virtues, see the article after the one we are considering (that is, *ST I–II*, q. 63, a. 3). Aquinas opens with the principle “Effects must be proportionate to their causes and principles,” and proceeds to

enquire deeply into this level of law's causing of virtue. Yet I do want to advert to the unique importance of the causality of the New Law inasmuch as infused charity is the form, root, and mother of all virtues.⁴⁰ The reasoning of *De caritate*, question 2 is of particular interest. Grace makes man a citizen in the heavenly Jerusalem. Now since certain virtues are necessary to being a citizen of this heavenly city, they are infused. Foremost among these virtues is charity, the love of the common good of that city, which love is necessary for any other virtues. Given this reasoning, it seems especially fitting that charity be a fruit, as well as the end, of law. Law is always a matter of order to the ultimate end, the common good; indeed law is at the root of the most fundamental unities of order: the universe and the polis. In *De caritate*, question 2 Aquinas has identified charity as the love of the common good of the supernatural city. Law, as the cause of the order to the common good of the city, fittingly also causes the love of that common good.

We can now perhaps better appreciate Aquinas's assertion that virtue is the proper effect of law, and thus also that law is the proper cause of virtue. It will be helpful first to secure what Aquinas means by "proper effect." A survey of his use of this phrase reveals that a proper cause and its proper effect have a commensurate universality.⁴¹ It also reveals that while a proper cause is not the only *per se* cause of the proper effect, it is the cause by whose power another cause can cause the proper effect. These points become clear in a very helpful text from *De potentia Dei*:

I answer that in God there is no distinction between existence and essence. In order to make this clear we must observe that when several causes producing various effects produce one effect in common in addition to their various effects, they must needs produce this common effect by virtue of some higher cause to which this effect properly belongs. The reason for this is that since a proper effect is produced by a particular cause in respect of its proper nature or form, different causes having different natures and forms must needs have their respective different proper effects: so that if they have one effect in common, this is not the proper effect of any one of them, but of some higher

assert that acquired virtues are to principles naturally in us, as infused moral virtues are to the theological virtues.

⁴⁰ See *De caritate*, q. 3 and *ST* II–II, q. 23, a. 8.

⁴¹ The examples are many. See for instance, *ST* I, q. 8, a. 1: "Now since God is very being by His own essence, created being must be His proper effect; as to ignite is the proper effect of fire." And in *ST* II–II, q. 29, a. 3, Aquinas argues that peace is the proper effect of charity; here the objections and the replies make it clear that only charity is the proper cause of peace, and that indeed peace cannot be had without charity.

cause by whose virtue they act: thus pepper, ginger and the like, which differ in characteristics, have the common effect of producing heat; yet each one has its peculiar effect differing from the effects of the others. Hence we must trace their common effect to a higher cause, namely fire, to whom that effect properly belongs.⁴²

Aquinas proceeds to apply this point to “being” (*esse*) as an effect. While all created causes have being as an effect, they differ by causing different kinds of being. There must be some higher cause, by virtue of which the lower causes cause being, of which being is the proper effect. This proper cause of being is God. We see, then, our two points about proper causes and their proper effects: (a) there is a commensurate universality between them, and (b) other causes of the proper effect (which can still be *per se* as opposed to *per accidens* causes) exercise their causality only by virtue of the proper cause.

The implications of virtue being the proper effect of law are significant, and must be properly understood. Virtue does not exist except by the proper causality of law; and other causes of virtue, such as for instance the human will, are causes by virtue of the causality of law. This is what Aquinas says in question 63, article 2. Acquired virtue is caused by repeated actions, only by power of the *seminalia* from natural law. Infused virtue is caused directly by God, under the causality of the New Law, giver of supernatural inclinations.

Pinckaers makes clear that the New Law is central in Aquinas’s understanding of the perfection of the moral life. But he seems to hold that in the New Law grace exercises a causality that is distinct from legal causality by its interiority:

The evangelical Law, however, had its own unique nature. As law, it had an external origin, superior to human nature, which was Christ’s divine revelation. As the grace of the Holy Spirit, it penetrated to the interior of the human person and became the very source of the virtues, which were therefore called infused.⁴³

I am suggesting that Aquinas sees the New Law as doing what law as such does—inclining to the good—most perfectly, precisely in and through grace. Pinckaers also states: “The Lord’s teaching penetrates the depths of human nature far too intimately to be viewed as a body of strict commands

⁴² *De potentia Dei*, q. 7, a. 2c., St. Thomas Aquinas, *On the Power of God*, trans. The English Dominican Fathers (London: Burns Oates & Washbourne, 1932), q. 7, art. 2 c.

⁴³ Pinckaers, *Sources*, 183.

imposed by an external law.”⁴⁴ Perhaps I am not comprehending this statement, but it seems to me that Pinckaers here is guilty of a mistake he seeks to correct: opposing law and freedom, or opposing law and an interior causality.

The affirmation of the proper causality of law need not be interpreted in a nominalist light. If law is nothing more than an expression of the will of God or some other authority, and is unconnected to the nature of man, then indeed my position raises a disquieting specter. But, if we understand law as Aquinas and the “older theological tradition”⁴⁵ as first of all how God’s wisdom moves man to goodness itself, then seeing law as the proper cause of virtue makes good sense. For Aquinas, the ultimate law, eternal law, is the divine understanding as moving creatures, each in accord with its own nature, to its own end. Thus law is precisely how the first cause moves creatures to their proper goodness and fulfillment.

Perfection Is in the Precepts of the Law

In examining the causality of law we have focused on the two main instances of law, the natural law and the New Law. In considering law as the proper cause of virtue we especially focused on natural law. I would like now to give more attention to what we might call the height of the moral life.⁴⁶ In this section I propose to unfold how for Aquinas the very perfection of the moral and spiritual life can and should be understood in terms of law.⁴⁷ I will first consider whether, in Aquinas’s words, perfection consists in the precepts or the (evangelical) counsels, and then consider briefly Aquinas’s treatment of commandments in his commentary on the Gospel of St. John.

In question 184 of the *secunda secundae* Aquinas gives an account of Christian perfection. He explains that it consists principally in charity, and proceeds to distinguish the kinds or levels of perfection according to the levels of charity. He then turns to ask, “Whether perfection consists

⁴⁴ Ibid., 160.

⁴⁵ Russell Hittinger in *The First Grace: Rediscovering the Natural Law in a Post-Christian World* (Wilmington, DE: ISI, 2003), 61.

⁴⁶ By focusing on the causality of natural law as at the foundation of the moral life, and on the New Law as at the height or completion, I want to be careful not to imply that causality of natural law is limited to the former. In other words, the causality of natural law pervades the entire moral life. I quoted Dewan above: “[O]ur grasp of the *sapiential* notions [is] the principle of *all* human . . . moral cultivation.” (Emphasis of all added.)

⁴⁷ By “understood” here I mean in the theologians’ and philosophers’ effort to understand moral theology and ethics. I do not intend this to be a pastoral point, although this certainly has pastoral implications that can and should be considered.

in precepts or in counsels?" He immediately distinguishes two ways that perfection is said to consist in something: essentially, and accidentally. Recalling that Christian perfection consists essentially in charity, he says this implies that it consists essentially in the precepts:

Now the love of God and of our neighbor is not commanded according to a measure, so that what is in excess of the measure be a matter of counsel. This is evident from the very form of the commandment, pointing, as it does, to perfection—for instance in the words, "Thou shalt love the Lord thy God with thy whole heart," since "the whole" is the same as "the perfect," according to the Philosopher (*Phys.* iii, 6), and in the words, "Thou shalt love thy neighbor as thyself," since every one loves himself most. The reason of this is that "the end of the commandment is charity," according to the Apostle (1 Tim 1:5); and the end is not subject to a measure, but only such things as are directed to the end, as the Philosopher observes (*Polit.* i, 3); thus a physician does not measure the amount of his healing, but how much medicine or diet he shall employ for the purpose of healing. Consequently it is evident that perfection consists essentially in the observance of the commandments; wherefore Augustine says (*De Perf. Justit.* viii): "Why then should not this perfection be prescribed to man, although no man has it in this life?"⁴⁸

Aquinas proceeds to explain that perfection consists in the counsels "instrumentally" (which comes under the broader classification of "accidentally") because the counsels are ordered towards removing impediments to the act of charity, the very charity just said to be commanded without measure by precept.⁴⁹

The second objection brings the issue to a head. All must obey precepts. If perfection is in precepts, then one must be perfect in order to be saved. The objection closes: "And this is evidently false." But already in the corpus Aquinas has quoted Augustine: "Why then should not this perfection be prescribed to man, although no man has it in this life?" In the reply he turns to him again:

As Augustine says (*De Perf. Justit.* viii), "The perfection of charity is prescribed to man in this life, because one runs not right unless one knows whither to run. And how shall we know this if no precept declares it to us?" And since that which is a matter of precept can be fulfilled variously, one does not break a precept through not fulfilling it

⁴⁸ ST II-II, q. 184, a. 3.

⁴⁹ In the reply to the first objection Aquinas explains that Christ's words "Go, sell all thou hast, and give to the poor" indicate "ways" or "instruments" to the perfection which is properly captured in the words "And follow me."

in the best way, but it is enough to fulfill it in any way. Now the perfection of divine love is a matter of precept for all without exception, so that even the perfection of heaven is not excepted from this precept, as Augustine says, and one escapes transgressing the precept, in whatever measure one attains to the perfection of divine love.

Aquinas then delineates the lowest bar: "The lowest degree of divine love is to love nothing more than God, or contrary to God, or equally with God, and whoever fails from this degree of perfection nowise fulfils the precept." Bracing words indeed.

Of first importance here is the concept of levels of fulfillment of the precepts of law. Aquinas is at pains to follow Augustine on this point: the fullness of perfection is commanded by precept. He does not flinch from this position, even to the point of holding that the perfection of heaven comes under the precept.⁵⁰ We begin to see here that to understand law in Aquinas we must not simply equate "what is commanded" or "what is of the law" with "those things necessary for salvation." Rather, what is commanded and what is of the law is the very perfection of charity—as is evident in the precept of charity, which is the "greatest (*maximum*) precept"⁵¹ that contains virtually all other precepts of law.⁵²

We can conclude that while Aquinas would affirm that the moral life is about more than simply not transgressing the law, he would *not* affirm that the moral life is about more than fulfilling the law. The key to understanding this point is that the perfection of charity is indeed commanded by the New Law.⁵³ When Aquinas explains that the precept of charity cannot be perfectly fulfilled in this life, an objector says that "whoever does not fulfill a precept sins mortally," and thus no one in this life would be without

⁵⁰ He makes this same point in *ST* II-II, q. 44, a. 6, "Now God intends by this precept that man should be entirely united to Him, and this will be realized in heaven, when God will be 'all in all,' according to 1 Cor 15:28. Hence this precept will be observed fully and perfectly in heaven; yet it is fulfilled, though imperfectly, on the way." And in his commentary on "Be ye perfect" in Matthew 5, speaking of the grades of perfection, Aquinas says: "Ad unum horum omnes tenentur, quia ista totalitas potest referri ad actum, et sic est perfectio patriae." J. P. Renard, "*La Lectura super Matthaeum* V, 20–48 de Thomas d'Aquin," *Recherches de théologie ancienne et médiévale* 50 (1983): 189. According to J. P. Torrell, what Renard has published is a fragment of the authentic manuscript discovered through the Leonine commission.

⁵¹ *ST* II-II, q. 44, a. 1.

⁵² *ST* II-II, q. 44, a. 2.

⁵³ See *ST* I-II, q. 107, a. 1, where he says "[W]hereas the New Law is the law of perfection, since it is the law of charity, of which the Apostle says (Col 3:14) that it is 'the bond of perfection.'"

mortal sin. Aquinas responds: "Even as the soldier who fights legitimately without conquering is not blamed nor deserves to be punished for this, so too he that does not fulfill this precept on the way, but does nothing against the love of God, does not sin mortally."⁵⁴ Once again we have the distinction between not-fulfilling and transgressing. As one grows in the spiritual life, one moves beyond simply not transgressing the law to a greater and greater fulfillment of the law. While the fulfillment we achieve in this life will always be "imperfect" with regard to what is ultimately commanded, Aquinas points out that nevertheless, "on the way one man will fulfill it more perfectly than another, and so much the more, as he approaches by some kind of likeness to the perfection of heaven."⁵⁵

But does not Aquinas say something different from the above when he speaks of precepts as concerning what is *necessary*?

The difference between a counsel and a precept is that a precept implies necessity, whereas a counsel is left to the option of the one to whom it is given. . . . We must therefore understand the precepts of the New Law to have been given about matters that are necessary to gain the end of eternal bliss, to which end the New Law brings us forthwith, but that the counsels are about matters that render the gaining of this end more assured and expeditious.⁵⁶

In order to answer this reasonable and important objection, we should first distinguish between "necessary to reach heaven" and "necessary for the perfection of heaven." We have already seen that there are levels of fulfillment of the precept of charity. One level is necessary lest one be a transgressor, and this is what is here called "necessary to gain the end of eternal bliss." Another level is that of the perfect fulfillment of heaven, which level we can say is "necessary," not simply to *gain* the end of eternal bliss, but to *live* the perfection of eternal bliss. Precepts, Aquinas is telling us, always concern what is necessary; this does not mean that they *only* concern what is necessary to get to heaven.⁵⁷

⁵⁴ ST II-II, q. 44, a. 6, ad 2.

⁵⁵ ST II-II, q. 44, a. 6.

⁵⁶ ST I-II, q. 108, a. 4.

⁵⁷ An objector might also point to ST I-II, q. 108, a. 1, ad 2, where Aquinas explains that the New Law is a law of freedom: "First, because it does not bind us (*arctat*) to do or avoid certain things, except such as are of themselves necessary or opposed to salvation, and come under the prescription or prohibition of the law." To this I note that the context is the New Law's commanding and prohibiting *external* actions. Aquinas holds that the New Law imposes many fewer actions than the Old Law in the exterior forum, and in this way is less burdensome. But at the same time the New Law can be seen as more difficult (*graviora*) in its

This issue is significant for the thrust of this article. Some would have it, along the lines of the objection above, that commandments especially concern beginners in the moral life. This approach seems to find foundation in the words of our Lord: “So you also, when you have done all that is commanded you, say, ‘We are unworthy servants; we have only done what was our duty’” (Lk 17:10). I propose in accord with my reasoning above that Aquinas would see in these words an admonition against a minimalism that would do only what is necessary to not-transgress the commandments. This does not imply that the perfection of the spiritual life does not consist in doing what is commanded. For Aquinas, perfection is commanded by precept, especially the precept of charity. He clearly distinguishes between the precepts of charity and all other precepts: “For the precepts, other than the precepts of charity, are directed to the removal of things contrary to charity, with which, namely, charity is incompatible. . . .”⁵⁸ It was earlier in this article that he argued that perfection consists essentially in precepts since the love of God falls under precept without measure. Other precepts, which concern means (*ea quae sunt ad finem*), have measure precisely from their relation to charity. Aquinas’s insistence on there being true *precepts* of charity, and that the *maximum praeceptum*⁵⁹ is of charity, is, I am arguing, central in his moral theory. The whole moral and spiritual life is the drama of seeking to fulfill, more and more perfectly, this precept. It seems to me that Pinckaers does not sufficiently take this into account when he says the following, writing on the New Law: “What St. Thomas has given us is a new

precepts regarding interior acts (q. 107, a. 4). Thus as regards external actions especially, the New Law only binds us to that which is necessary for salvation. As regards interior actions, I again advert to the distinction between what is necessary for salvation and what is necessary for full perfection. We are certainly bound to those things necessary for salvation in a way that we are not bound to what is necessary for full perfection. But again, following Augustine, Aquinas holds that the fullness of perfection, achieved of course essentially in interior actions, is by precept in the New Law. And where there is precept, there is obligation. (See *ST* I–II, q. 99, a. 1; and also *ST* II–II, q. 44, a. 1, obj. 2 and ad 2, where Aquinas explains that the precepts of charity themselves do impose obligation.) We are not able to address here this distinction in obligation. It is interesting to note, however, that the Catholic understanding of purgatory seems to entail that many who are “saved” (when they die) still have not achieved what is *necessary* for the perfection of heaven. See *Catechism of the Catholic Church*, §1030: “All who die in God’s grace and friendship, but still imperfectly purified, are indeed assured of their eternal salvation; but after death they undergo purification, so as to achieve the holiness necessary to enter the joy of heaven.”

⁵⁸ *ST* II–II, q. 184, a. 3.

⁵⁹ *ST* II–II, q. 44, a. 1.

moral organism, properly Christian. In it, the virtues outstrip the precepts so effectively that, as the former increase, the need for the latter decreases. This is precisely why the New Law is called the 'law of freedom' . . ."⁶⁰

To conclude our consideration of perfection as in precepts, it will be helpful to take a brief look at the relation of the *words* and *precepts* of God in Aquinas's commentary on the Gospel of St. John. A central theme of the fourth Gospel is the importance of hearing and keeping "the word" of God. "If you remain in my word, you will truly be my disciples" (Jn 8:31). "He who is of God hears the words of God . . ." (Jn 8:47). "Truly, truly, I say to you, if any one keeps my word, he will never see death" (Jn 8:51). "And I have other sheep, that are not of this fold; I must bring them also, and they will heed my voice" (Jn 10:16). "If a man love me, he will keep my word, and my Father will love him . . ." (Jn 14:23). Now in commenting on each of the just quoted texts Aquinas treats the word (or voice) of God as meaning his commandments or precepts.⁶¹ One of the more remarkable is his commentary on "if any one keeps my word, he will never see death."

Now the seedbed and source of this [beatific] vision comes into us by the word of Christ: "The seed is the word of God" (Lk 8:11). Therefore, just as a person who keeps the seed of some plant or tree from being destroyed succeeds in obtaining its fruit, so the person who keeps the word of God attains to life everlasting: "Keep my statutes and my ordinances, by doing which a man shall live" (Lev 18:5).⁶²

By the reference to Leviticus Aquinas does not shy away from connecting the notion of law, commandment, and precept with the heart of the Christian life.

Another text illustrates the truth that commandments concern not only the heart, but also the height of the Christian life. In the Last Supper discourse Our Lord says, "He who has my commandments and keeps them, he it is who loves me . . ." (Jn 14:21). Aquinas has this to say:

Some have these commandments of God in their heart, by remembering them and continually meditating on them: "I have laid up your word in my heart, that I might not sin against you" (Ps 119:11). But this is not enough unless they are kept in one's actions: "A good understanding have all those who practice it" (Ps 111:10). Others have these commandments on their lips, by preaching and exhorting: "How sweet are your words to

⁶⁰ Pinckaers, *Sources*, 185.

⁶¹ Aquinas, *Commentary on the Gospel of St. John*, Part II, trans. J. Weisheipl and F. Larcher (Petersham, MA: St. Bede's Publications, 1999), 8.4, #1195; 8.7, #1260; 8.8, #1271; 10.4, #1419; and 14.6, #1942.

⁶² *Ibid.*, 8.8, #1271.

my taste” (Ps 119:103). They also should follow them in their actions, because “He who does them and teaches them shall be called great in the kingdom of heaven” (Mt 5:19). Thus in Matthew, God reprimands those who speak but do not act. Others have them by hearing them, gladly and earnestly listening to them: “He who is of God hears the words of God” (8:47). Yet this is not enough unless they keep them in their actions, “for it is not the hearers of the law who are righteous before God, but the doers of the law who will be justified” (Rom 2:13); “Do not labor for the food which perishes, but for the food which endures to eternal life” (6:27). Therefore, those who have the commandments [in the above ways] do keep them to a certain extent; but they still have to persist in keeping them. For this reason Augustine says: “The person who keeps the commandments in his memory and keeps them in his life, who has them in his speech and keeps them in his conduct, who has them by hearing them and keeps them by doing them, who has them by doing and persisting in doing them, this is one who loves me.”⁶³

Here we have the heights of the moral and spiritual life cast in terms of fidelity or response to commandments, a response that admits of many degrees and of continuous growth in perfection.

As a final example, we can turn to another part of the Last Supper discourse. Our Lord says: “If you keep my commandments, you will abide in my love, just as I have kept my Father’s commandments and abide in his love” (Jn 15:10). Aquinas is willing simply to identify “abiding in his love” with keeping his commandments.⁶⁴ And Christ presents himself as the example of keeping commandments: in his human nature he keeps the Father’s commandments.⁶⁵ Christ, the Word, the Son of God, does not *keep* the Father’s commandments, but is actually himself the “commandment of the Father”!⁶⁶

Our Lord continues: “These things have I spoken to you, that my joy may be in you, and that your joy may be full. This is my commandment, that you love one another as I have loved you” (Jn 15:11–12). This teaching prompts Aquinas to comment: “Consequently, our Lord wants us to become sharers of his joy by our observing his commandments.”⁶⁷ Christ then proceeds to present “his” commandment, as though there are not

⁶³ Ibid., 14.5, #1933.

⁶⁴ Ibid., 15.2, #2001, 2002.

⁶⁵ Ibid., #2003.

⁶⁶ Ibid., 14.8, #1976: “Mandatum autem hoc dedit pater non filio Dei, qui cum sit verbum, est etiam mandatum patris. . . .” This is reminiscent of Aquinas’s saying that the promulgation of the eternal law is eternal in the person of the Word in *ST* I–II, q. 91, a. 1, ad 2.

⁶⁷ Ibid., 15.2, #2004.

many commandments. Aquinas explains: "The answer, according to Gregory, is that charity is the root and end of all virtues. It is the root, because it is from charity, firmly rooted in the human heart, that we are led to accomplish all other commandments."⁶⁸ It seems that Aquinas is saying that our Lord can well sum up his moral teaching in this one commandment; for in this commandment man is called to the one great virtue that is the root of all virtues, and the accomplishing of all commandments. Indeed, it is two verses later that our Lord says: "You are my friends, if you do what I command you."

In the Gospel of St. John, Aquinas sees commandments as those words of God that call, instruct, and move man toward personal intimacy with Christ himself. This fits well with what we saw above: the New Law both commands and empowers those subject to it to attain the heights of perfection.

Closing Thoughts

I want to suggest that we can capitalize on Pinckaers's own success in getting beyond false dichotomies, especially that of law and freedom.⁶⁹ Pinckaers gives an account of the flaws of nominalist-influenced ethics. In this ethics, in which a natural inclination to the good (and happiness) does not underlie freedom, there end up being two poles: that of freedom, and that of law. The notion of law has been transformed. Rather than a sapiential ordering to the good, it becomes simply the expression of the sovereign's (in the first place, God's) will. Here we have the fundamental dichotomy between freedom and law. In the absence of a principle that can unite and integrate them, there can really only be some sort of reconciliation. Thus obligation enters the picture: "The moral foundation rested on the two opposed bases of freedom and law, and it focused on the idea of obligation, which became the sole link, the sole conceivable point of agreement between the two."⁷⁰ The question of happiness

⁶⁸ Ibid., #2006.

⁶⁹ See Pinckaers, *Sources*, 279: "It is all too easy to say that today the era of the manuals is over and to take an opposite stand, pronouncing ourselves systematically in favor of freedom and conscience as opposed to law and authority. In so doing, we would be caught in the very spiral of the specific categories of moral theology that we wish to critique, notably the opposition of law and freedom." Cf. Alasdair MacIntyre's preface to Pinckaers's *Morality: The Catholic View*, "What Father Pinckaers made clear to us was the irrelevance of those preceding debates of recent years, debates that had been informed by false choices between inadequately characterized alternatives: Is the moral life about rules or consequences? Which has priority, authority or autonomy? Is our language to be scholastic or patristic?" (vii).

⁷⁰ Pinckaers, *Sources*, 376.

tended more and more to be removed from moral science.⁷¹ Thus Pinckaers paints for us a fundamental dichotomy between a morality of obligation on the one hand, and a morality of happiness on the other.⁷²

As I indicated earlier, I see my exposition of law as being precisely that understanding which undergirds Pinckaers's critique. I want to offer a thought on how seeing law in its essential role in the moral life helps provide a proper response to (or perhaps, a defense against) what we will simply call nominalist-influenced ethics. At the heart of Pinckaers's own response to this ethics is his understanding and emphasis of natural inclinations.

The place and function attributed to natural inclinations mark a decisive split between the two concepts of freedom we have been studying, as well as between the types of morality they produce. In contrast to freedom of indifference, freedom for excellence has its source and foundation in the chief natural human inclinations.⁷³

In Aquinas's understanding of natural inclinations Pinckaers finds the principle that allows us to overcome the problematic dichotomies of nominalist-influenced ethics. Law and obligation are not at odds with freedom, but rather serve a freedom for excellence that is rooted in natural inclinations. Likewise, there is no dichotomy between obligation and happiness, since the obligation of law is in the context of a natural inclination to happiness.

I want to suggest that Pinckaers's position as outlined in *Sources* would improve from an explicit reference to law as at the root of natural inclinations. Seeing natural inclinations themselves as the effect of law is especially helpful in responding to nominalist-influenced ethics. In his "Natural Law and Natural Inclinations: Rhonheimer, Pinckaers, McAleer," Matthew Levering considers natural law as discerned, not constituted, by human reason.⁷⁴ In the conclusion of his section appreciating Pinckaers's "reclaiming natural law after nominalism," Levering states:

⁷¹ See Pinckaers, *Sources*, 262–63, and *Morality*, 72.

⁷² See Pinckaers, *Sources*, 21: "The question of obligation and the question of happiness: these are so fundamental that they give rise to two different conceptions of moral theology."

⁷³ *Sources*, 400.

⁷⁴ Matthew Levering, "Natural Law and Natural Inclinations: Rhonheimer, Pinckaers, McAleer," *The Thomist* 70 (2006): 155–201. See p. 193, "[N]atural law' in this sense is both our mind's participation in the eternal law and our discernment of a natural (ecstatic) order in creation. . . ."

Practical reason discerns, from the integrated and hierarchically ordered dynamisms of the natural inclinations, the precepts of the natural law. These inclinations inscribe a wisdom whose theocentric grounding cannot be properly articulated outside the kind of richly speculative metaphysical description that Pinckaers provides.⁷⁵

I suggest that while we may say that inclinations inscribe a wisdom, it is first the case that they are inscribed *by* a (divine) wisdom, through man's cognitive participation in that wisdom. I thus suggest a modification in Levering's language, which echoes Pinckaers's emphasis of practical reason's discovery of the natural law *in* or *from* natural inclinations. While I affirm that such a discovery indeed takes place, that is, that natural inclinations reveal the order of precepts, I assert that Aquinas holds there is a cognitive insight into the order of precepts that is *prior* to and grounds the *human* natural inclinations that pertain to natural law.⁷⁶

As an effect of law, natural inclinations, and indeed nature itself,⁷⁷ are thus more clearly seen to be the effect of wisdom, a wisdom that orders things to their proper ends. As Pinckaers insists, the Thomistic understanding of law is that it is a work of wisdom.⁷⁸ To assert that eternal law is indeed the cause of natural inclinations, and thus at the very foundation of ethics, highlights this most essential truth: the moral order is at one and the same time a work of wisdom, and an order of nature.

⁷⁵ Ibid., 189.

⁷⁶ I refer again to S. Brock's treatment of this issue in "Natural Inclination and the Intelligibility of the Good in Thomistic Natural Law," 60–65, where he makes the case that the inclinations Aquinas refers to in *ST* I–II, q. 94, a. 2 are *human*, and as such must follow upon the insight of reason. His reference to *ST* III, q. 19, a. 2 is especially helpful. This issue can be cast in terms of the distinction between two modes of participating in the eternal law, *per modum cognitionis* and *per modum actionis et passionis* (*ST* I–II, q. 93, a. 6). As regards the rational creature these two modes should not be separated, as though the latter comes first, giving inclinations, followed by insight into those inclinations. When we are speaking of properly human inclinations, man's participation is from the first a participation *per modum cognitionis*.

⁷⁷ In his section on McAleer, Levering explains: "[This position] is not 'physicalist,' however, because it presupposes God's eternal law, the divine creative intellect, as the structuring principle. As McAleer puts it, 'natural law is the argument that an objective moral law *structures* nature.'" (Levering, "Natural Law and Natural Inclinations, 193; emphasis original from McAleer, *Ecstatic Morality and Sexual Politics*, 66). It seems to me that Levering is correct in emphasizing with McAleer the causality of law as a principle that gives structure to nature, and to the moral life. This is indeed precisely why Aquinas's moral philosophy is no more "physicalist" than it is nominalist.

⁷⁸ See for instance Pinckaers, *Sources*, 181, 342, and 343. Cf. *Veritatis Splendor*, §12, on law as a work of God's wisdom.

I have argued that law belongs in the definition of Christian ethics. Or in other words, I have argued that given Aquinas's understanding of the causality of law and its role in the moral life, law must have a central place in the science of the moral life. In sympathy with Pinckaers's concern about legalism,⁷⁹ I have also tried to suggest how granting to law properly conceived this central role is in reality a bastion against nominalist-influenced legalism and voluntarism.

I might go one step further in suggesting the appropriateness of emphasizing the centrality of law by invoking two great and connected themes of Pinckaers's *Sources*: the unique character of *Christian* ethics, and the centrality of the New Law in Christian ethics.⁸⁰ It seems to me that emphasizing the proper notion of law fittingly bolsters both of Pinckaers's insights. A true lawgiver is motivated by love and an intention of the good of those subject to law. To emphasize *law* as behind natural inclinations, and to emphasize the *ratio* of law in the New Law of grace, can and should lead to further insight into love as at the root of morality. In the Sermon on the Mount, Christ presents himself, says Aquinas, as one who makes law: a "*legis-lator*."⁸¹ In the spirit of Pinckaers's understanding of the unique character of Christian ethics—that ethics itself is a response to a call of love—I suggest emphasizing that law, and not simply natural inclinations, is the foundation. It is a God who loves that commands us to love, and this command is formative of our very being.

At the end of the day, Aquinas's legal theory must be understood in terms of a loving ordinance of wisdom that is a call to friendship, and that *moves* to friendship.⁸² Critical to this position is that union of wills is characteristic of friendship. The will of a friend, by the very fact that it is his will, becomes a kind of rule for his friend. This applies in a unique way when the friend is Goodness itself, the ultimate rule. The law of God

⁷⁹ Cf. Hittinger commenting on *Veritatis Splendor*: "The Pope explains in the first chapter that the first and ultimate question of morality is not a lawyerly question. Unlike the Pharisees, the rich young man does not ask what the bottom line is, from a legal standpoint. Rather, he asks what must be done in order to achieve the unconditional good, which is communion with God. Christ takes the sting out of law, not by annulling it, but by revealing the Good to which it directs us. Remove or forget the Good and law inevitably becomes legalism." Hittinger, *The First Grace*, 27–28.

⁸⁰ The former theme is treated at length in chapters 4–7 of *Sources*. Regarding the latter, see footnote 1 above.

⁸¹ *Lectura super Matthaeum* (Renard), #175–76.

⁸² This, it seems to me, is once again what is behind many statements of Aquinas in his *Commentary on the Gospel of John*; statements such as this: to fulfill a command shows love for the one commanding (#1426). On friendship as the end of law, see *ST* I–II, q. 99, a. 1 ad 2 and q. 99, a. 2c.

is what we seek to fulfill more and more perfectly; it is his will that we seek to understand and do. Indeed, as the Psalmist has it, for the just man the law of God becomes an object of meditation: "Blessed is the man who walks not in the counsel of the wicked, nor stands in the way of sinners, nor sits in the seat of scoffers; but his delight is in the law of the Lord, and on his law he meditates day and night" (Ps 1, RSV). In his commentary on these lines Aquinas casts the life of the good man as a successful quest for happiness, in which subjection to God, in the form of a loving subjection to his law, is constitutive of the good life:

The happiness of man is in God; "blessed the people whose God is the Lord" (Ps 143). There is therefore a straight path toward happiness that consists primarily in this, that we subject ourselves to God; and this we do in two ways. First through the will, obeying his commands; and thus the Psalmist says: "but in the law of the Lord." And this especially pertains to Christ: "I have come down from heaven not to do my will, but the will of him who sent me" (Jn 8). This pertains likewise to each just man. And he says "in lege" as through love, not as though under the law through fear, as in 1 Timothy 1: "law is not imposed upon the just." Second through the intellect, continually meditating. And thus the Psalmist says: "upon his law he meditates day and night," that is, continually, either at set hours of day and night, or in good times and in bad.⁸³

In conclusion, then, in looking at the role of law in the moral life, I want to emphasize the centrality and continuity of its causality. Especially in the natural law and the New Law we see law as a work of wisdom that moves men to their proper end. A causality that is first of all in the realm of cognition brings about inclinations, be they natural, acquired, or supernatural. These inclinations, naturally posterior to the sapiential causality of law, are either themselves virtues, or are ordered to and causative of them. Law, then, is the proper cause of virtue, and thus also the cause of friendship. Law in its highest, and most authentically legal, form is a work

⁸³ In *psalmos Davidis expositio*, Ps 1 (my translation): "Beatitudo autem hominis in Deo est. Psalm. 143: *beatus populus cujus est dominus Deus ejus* et cetera. Est ergo processus rectus ad beatitudinem primo, ut subdamus nos Deo: et hoc dupliciter. Primo per voluntatem, obediendo mandatis ejus; et ideo dicit: *sed in lege domini*; et hoc specialiter pertinet ad Christum. Joan. 8: *descendi de caelo non ut faciam voluntatem meam, sed voluntatem ejus qui misit me*. Convenit similiter et cuilibet justo. Et dicit in lege per dilectionem, non sub lege per timorem. 1 Timoth. 1: *justo non est lex posita*. Secundo per intellectum jugiter meditando; et ideo dicit, *in lege ejus meditabitur die ac nocte*, idest continue, vel certis horis diei et noctis, vel in prosperis et adversis." Aquinas says earlier that the first Psalm acts as a kind of "title" for the entire Book of Psalms.

of the wisdom of one who is not only the ultimate rule of goodness itself, but also a person who calls rational creatures to friendship. Obedience to this law is ultimately a matter of precisely that assimilation of wills that is proper to friendship. **N.V**

