

The Metaethical Inclusiveness of Natural Law Theory

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IN A RECENT overview of contemporary metaethics, Bernard Williams curtly asserts that “moral theories are standardly presented as falling into three basic types, centering respectively on *consequences*, *rights*, and *virtues*,” which he then identifies with utilitarianism, deontology, and virtue ethics.¹ He says that the difference between these lies in the fact that each defines the good in different terms: the first in terms of attaining maximal states of affairs, the second in terms of doing right actions, and the third in terms of being good persons. Now, what strikes one immediately is the complete ignorance of the natural law tradition as a fourth alternative. Williams, however, is not alone in this, since philosophy textbooks regularly ignore natural law (or, what is worse, implicitly present it as some sort of divine voluntarism). For defenders of the natural law tradition, it is obvious that it cannot be reduced merely to a greatest good, nor to rational duties, nor to virtue, although—crucially—it includes elements of each of these criteria. It is my argument that a major reason why contemporary thinkers are so blind to natural law is the fact that these other theories thematize in an exclusive fashion elements of moral goodness that are unified in the natural law approach. Thus, while each of the contemporary theories has some aspect of truth, each is also radically inadequate because of the way in which it rejects the full character of human goodness. According to the inclusive understanding of the natural

¹ Bernard Williams, “Contemporary Philosophy: A Second Look,” in *The Blackwell Companion to Philosophy*, ed. N. F. Bunnin and E. P. Tsui-James (Oxford: Blackwell, 1996), 33.

law, this good is to perfect one's human nature by doing right actions that bring about the common good. In this essay I will demonstrate how each of the traditions identified by Williams presents partial notions of moral goodness, and how these partial notions are combined in the definition of the good in the natural law theory of Thomas Aquinas.

In order to understand how this blindness to the inclusive nature of natural law might arise in contemporary philosophy, we need to recall Alasdair MacIntyre's argument in the opening section of *After Virtue*.² MacIntyre argues that the language we employ for ethical discussion has been emptied of its significance because the cultural and philosophical contexts that once grounded the meaning of those terms have utterly changed. Of the many ethical notions that have fallen into doubtfulness, the most crucial is the *good*. The reason for this unique importance is that the *good* is the first principle for moral reasoning and so provides the ultimate motivation for undertaking whatever actions are done. That is, in the end, every act must be justified because the agent believes it to be good. An agent might offer a number of reasons for acting, but the final justification must simply be the affirmation that it is good. This explanation is then taken to be a self-evident explanation for the action, inasmuch as it is nonsensical to ask a person *why* he aimed for the good. Thus, as Thomas Aquinas often notes, in practical matters the self-evident first principle for acting is the final end aimed at by the agent.³

This fact, though, brings clarity to the debate in contemporary ethics. If, as MacIntyre's analysis suggests, there are varying conceptions of the good, there will be utterly distinct orders of moral justification existing within a single society. This is the ultimate source of the moral disorder MacIntyre decries: these disparate foundational notions of the good lead people to accept very different acts as morally licit.⁴ Moreover, this underlying disagreement makes substantive moral debate pointless, for until there is agreement on the first principle, there can be no more than a superficial agreement about the moral life; we can never cobble together

² Alasdair MacIntyre, *After Virtue*, 2nd ed. (Notre Dame, IN: University of Notre Dame Press, 1984), 1–5.

³ See, for example, *Summa theologiae* I, q. 82, a. 1, I–II, q. 90, a. 2, and II–II, q. 23, a. 7, ad 2; the source of this insight is Aristotle's *Nicomachean Ethics*, trans. W. D. Ross (Oxford: Oxford World's Classics, 1998), I.7 (generally) and, more specifically, VI.5 (1140b16–17).

⁴ MacIntyre discusses this point in his Marquette lecture, *First Principles, Final Ends, and Contemporary Philosophical Issues* (Milwaukee: Marquette University Press, 1990), reprinted in *The Tasks of Philosophy: Selected Essays, Volume I* (Cambridge: Cambridge University Press, 2006), 143–78.

a purely practical consensus without common principles, especially without an agreed upon idea of the good,⁵ the justifying criterion for all actions.

What is needed to remedy this situation is a proper philosophical analysis of the various first principles upon which people base their moral reasoning. This might seem to present a problem, for it is generally accepted that a first principle cannot be proved (otherwise, it would not be a *first* principle).⁶ Thus, each philosopher claims his first principle to be the self-evident foundation for practical reasoning. Consequently, we must analyze these first principles by dialectical means.⁷ Accordingly, I will consider the various first principles simply in terms of their adequacy to our moral intuitions and experience. This analysis will yield one unavoidable conclusion: the first principle of natural law ethics (as presented in the thought of Thomas Aquinas) is the most adequate principle because it is the most complete, for it implicitly contains in a holistic way all the insights that are present in partial ways in the competing moral theories.⁸ Moreover, by recognizing this comprehensive vision of the good in the natural law, we also discover the means by which to solve the problems of moral conflict in society that arise largely due to the impasse caused by exclusive theories of the good.⁹

⁵ See John Rist, *On Inoculating Moral Philosophy Against God* (Milwaukee: Marquette University Press, 2000), 59–61.

⁶ See Aristotle, *Posterior Analytics* II.19 (100b4–17) and *Metaphysics* IV.4 (1006a4–12). This seems to be admitted at least implicitly by the thinkers with whom I will be concerned; see, for example, Aristotle, *Nicomachean Ethics* I.4; Thomas Aquinas, *ST* I, q. 1, a. 8, and I–II, q. 94, a. 2; John Stuart Mill, *Utilitarianism*, 2nd ed., ed. George Sher (Indianapolis: Hackett, 2001), chapters 1 and 4; Immanuel Kant, *Grounding for the Metaphysics of Morals*, trans. James Ellington, 3rd ed. (Indianapolis: Hackett, 1993), 390 and 408. All reference to this work will be according to the Akademie pagination.

⁷ As Robert George points out, “Any defense of the claim that [a first principle] is self-evident will have to be a dialectical defense, rather than a derivation. The principal dialectical arguments for the first principle of morality demonstrate the failures or inadequacies of proposals that would deny the principle or leave it out of account.” *In Defense of Natural Law* (Oxford: Oxford University Press, 1999): 52–53.

⁸ The notion of inclusiveness of natural law theory in opposition to the exclusiveness of modern theories is developed by Heinrich Rommen, who argues that modern thought is linear and excludes other perspectives and so is reductionist, while Catholic thought is “spheric” and so is inclusive of opposing poles of insight and better accountable to the whole complex reality of human nature. On this, see William Haggerty, “The Question of Modernity in the Political Thought of Heinrich Rommen,” in *Reassessing the Liberal State: Reading Maritain’s Man and the State*, ed. Timothy Fuller (Washington DC: Catholic University of America Press, 2001), 34–48.

⁹ That thinkers from competing traditions might come to accept more adequate first principles is defended by Alasdair MacIntyre, “Moral Relativism, Truth, and Justification,” in *The Tasks of Philosophy*, 52–73.

Foundational Considerations

Before we analyze the theories in question, we need to first explain why thinkers can arrive at different notions of the good. After all, if the good is the self-evident first principle of action, should there not be near universal agreement on its definition? The answer can be found in the subtle distinction, elaborated by Thomas, between the definition and the nature of the good.¹⁰

The source of this distinction lies in the fact that the good is a transcendental property; as such, it is convertible with being. But, properly speaking, a definition must be a delimitation of being according to genus and specific difference. Thus, as a primary concept convertible with being itself, “good” cannot be defined. The only way to get a hold on any of the transcendentals (which are mutually convertible and only notionally distinct) is according to their effects.¹¹ This effect on us is the notional addition to being that distinguishes each of the transcendentals in our experience, and so it is this experienced aspect of being that is used as a definition for the good. As Aristotle indicates, the effect of the good is to elicit desire.¹² But the analysis cannot end here, for if the good is subjectively constituted merely by the desire of the agent, then morality is susceptible to relativism. Consequently, the good (and each of the transcendentals) must be grounded in an objective nature, a real quality of being, which explains why it has the effects it does.¹³ The nature of the good, that is, the ground for its desirability is, for Thomas, the perfection of being (as will be explained below).

This distinction between the definition (the notional addition to being) of the good as appetible and the nature (the ontological ground) of the good as perfection explains why different philosophers might develop different understandings of what the good is. All agree, at least implicitly, that the good is the end to be achieved; it is the principle that is directive of moral actions and so motivates activity. But under what

¹⁰ See *Summa contra Gentiles* I, q. 37, par. 5 and *ST* I, q. 5, a. 1. An overview of this distinction can be found in Fran O’Rourke, *Pseudo-Dionysius and the Metaphysics of Aquinas* (Notre Dame, IN: University of Notre Dame Press, 2005), 85–99.

¹¹ See *De veritate* q. 1, a. 1 and q. 21, a. 1.

¹² *Nicomachean Ethics* I.1 (1094a3): “The good is that which all things desire.”

¹³ We can illustrate this with respect to the transcendentals: (1) the definition of unity is undividedness; the nature is a coherently focused center of activity; (2) the definition of the true is the adequation of mind and thing; its nature is the intelligibility of being as act; (3) the definition of the good is being as desirable; the nature is the perfection of being; and (although not strictly Thomistic) (4) the definition of the beautiful is that it gives joy when contemplated; the nature is the presence of the intelligible in the sensible.

principle does man desire to achieve this end? What is the substantive content of the *summum bonum*? The diverse conceptions of the good will be tied to each thinker's understanding of the nature of the good. And, since the nature of the good is inextricably determined by ideas of nature as a whole, there will emerge distinct ideas of the good as there are distinct understandings of nature. Thus, the objective intelligible principle of goodness will vary according to one's approach to nature.

This methodological consideration is illustrated by the great dichotomy in modern approaches to ethics: deontology versus utilitarianism. It also illustrates why these modern approaches differ so radically from pre-modern approaches (virtue ethics and natural law). Moreover, these differences explain why the twentieth-century debate came to such a stalemate, as competing theories are simply incommensurable. Both utilitarianism and deontology are responses to Hume's argument about the fact-value dichotomy.¹⁴ Note that this is a critical innovation, for after Hume the good is no longer seen to be an objective part of the order of nature; consequently, the good must therefore be constituted by man.¹⁵ There are two basic human faculties by which the good might be so constituted: reason and appetite. Reason would find the good in terms of rational consistency, while the appetites seek satisfaction in terms of pleasure.¹⁶

¹⁴ David Hume, *A Treatise of Human Nature*, Bk. III, part 1, sec. 1.

¹⁵ As John Rist comments, "Part of the real challenge of Nietzscheanism is that it forces us to acknowledge a radical dichotomy in non-Nietzschean moral theory: morality either depends on God or it depends on the will and rationality of man. We either find it or invent it; it rests either on fact or on choice" (*On Inoculating Moral Philosophy Against God*, 94). Rist develops this argument at greater depth in *Real Ethics: Rethinking the Foundations of Morality* (Cambridge: Cambridge University Press, 2002). Again, Fulvio Di Blasi epitomizes his interpretation of Thomistic natural law by noting, "If there were no God, even in the presence of an objective order of human good, the individual will would remain the ultimate ethical criterion." *God and the Natural Law: A Rereading of Thomas Aquinas*, trans. by David Thunder (South Bend, IN: St. Augustine's Press, 2006), 212.

The modern position follows from the nominalism associated with the development of science: if reality is just a collection of atoms undetermined by qualitative forms, then how can there be value of any sort in it? This is perhaps the ultimate explanation for modernity's ignorance of the natural law: the extreme nominalism which insists that not just the good, but also the true and the beautiful, are constituted by some human act. The assumed nominalism of modern philosophy makes it impossible for thinkers to even see the issues natural law raises.

¹⁶ The point to note here is that these two approaches are exclusive: Kant, as will be seen, insists on excluding any empirical sentiment and basing ethics on a priori reason. Utilitarianism, on the other hand, follows Hume's notorious claim that reason should be the slave to the passions (*A Treatise of Human Nature*, Bk. II, part 3, sec. 3); Mill's use of the pleasure/pain criterion is in accord with this

Thus the good is either the form of universal lawfulness, or the greatest pleasure principle. On the other hand, for the traditions of virtue ethics and natural law, the good is part of nature and man discovers it through both reason and appetite.¹⁷ This is one reason why natural law is more inclusive of the insights of the other theories. But there is one further consequence of the fact-value dichotomy: since for the moderns, the good is created by man, its extension must be restricted to human concerns; for the ancients, on the other hand, moral goodness is merely a subset of the good of nature, so the good transcends merely human concerns. I will develop the consequences of these differences below.

One final observation about why natural law tends to be obscured in contemporary debate. When one queries the average person about what it means to be good, one encounters certain spontaneous answers: first, many people will assert that the good is that which makes the most people happy; others will spontaneously say that moral goodness is following the rules or living up to one's duties; still others would say that being good is what makes you a better person.¹⁸ It is not too hard to see that these spontaneous suggestions reflect the traditions of utilitarianism (the good is that which maximizes pleasure and minimizes pain for the greatest number of people),¹⁹ Kantian deontology (as epitomized by the categorical imperative: act so that the maxim of your action can simultaneously be willed as a universal law),²⁰ and Aristotelian virtue ethics (a good act is one which makes the act and the agent virtuous or good).²¹ There seems to be, therefore, a natural inclination to see the good in a somewhat multifaceted way. It is immediately apparent, however, that to choose one of these as an exclusive first principle is to base morality on a principle which restricts the fully human notion of the good; consequently, only a first principle that articulates what is valuable in all of these is adequate, even if it does not spontaneously present itself to an unreflective audience.

focus on sentiment: "Pleasure and the freedom from pain are the only things desirable as ends."

¹⁷ Aristotle says explicitly that moral choice is based on the combination of both reason and appetite, a "desiderative reason or ratiocinative desire" (*Nicomachean Ethics* VI.2, 1139b5). Similarly, Thomas argues that moral choice is the result of the deliberative interaction of reason and will (see below).

¹⁸ Actually, I believe that a fourth kind of answer would unfortunately be all-too-common: moral relativism. I exclude it here since it is an inadequate moral theory, because it in no way objectively regulates behavior and so fails to be an *ethics*.

¹⁹ See Mill, *Utilitarianism*, 7.

²⁰ See Kant, *Grounding*, 402.

²¹ See Aristotle, *Nicomachean Ethics*, I.7 (1098a17–18) and II.6 (1106a23–24).

Utilitarianism and Deontology

It is not the aim of this essay to prove natural law theory to be correct, and alternative theories to be wrong; I aim only to show how natural law's first principle is inclusive of other principles. Consequently, in this section, I do not intend to directly critique utilitarianism and deontology other than by briefly introducing the way in which the definition of the good as the first principle of ethics is discerned in each theory and indicating how they are only partial notions of the good.²²

Utilitarianism's first principle defines the good as that which generates the greatest amount of happiness for the greatest number of people. The derivation of this first principle is a simple empirical observation: "No reason can be given why the general happiness is desirable, except that each person, so far as he believes it to be attainable, desires his own happiness. This, however, being a fact, we have not only all the proof which the case admits of, but all which it is possible to require, that happiness is a good: that each person's happiness is a good to that person, and the general happiness, therefore, a good to the aggregate of all persons."²³ Mill argues that everything any person might desire is desired for the sake of happiness and concludes that "to desire anything except in proportion as the idea of it is pleasant is a physical and metaphysical impossibility."²⁴ This conclusion has the virtue of reminding us that for Mill happiness means pleasure. Further, it illustrates how, in agreement with Hume, Mill teaches that sentiment or desire for pleasure is the only motive for acting; consequently, it follows that an act is good to the extent it achieves that end for the greatest number of people.

Mill's theory clearly illustrates the consequences of the fact-value dichotomy for the definition of goodness. Once the good has been removed from the realm of the intelligible, it can only be defined in terms of sentiment or appetite, which reduces to the perception of pain and pleasure as the sole masters of human action. Thus, the maximization of pleasure must be the greatest satisfaction of the appetite, and so is the good. There is, therefore, a responsibility to ensure that the benefits fall to everyone, and not just oneself. Utilitarianism is to be commended for this insight about the need for ethics to aim at a common good. Indeed, Mill takes this notion of the common good so strongly that the utilitarian principle ought to extend even to animals: since pleasure is the end of action, it "to the greatest extent possible [must be] secured to all mankind; and

²² For a direct and devastating critique of these theories, see Henry Veatch, *Human Rights: Fact or Fancy?* (Baton Rouge: Louisiana State University Press, 1985).

²³ Mill, *Utilitarianism*, 35–36.

²⁴ Mill, *Utilitarianism*, 39.

not to them only, but, so far as the nature of things admits, to the whole of sentient creation.”²⁵ Utilitarianism, then, has a laudable dedication to the notion of the good as being fulfilled by maximized common benefit (that is, pleasure).

What is problematic, however, is how this common good is understood in terms of consequential pleasure. Now, apart from the general problems of defining the good solely in terms of (unpredictable and immeasurable) pleasurable consequences,²⁶ there are two specific problems with this definition of the good in terms of the satisfaction of appetite (which implicitly excludes reason’s role in determining the good). First, since the good is derived solely from the appetites, it seems to ignore human rationality in favor of lower instincts. Second, since the good is maximized pleasure, it appears that it cannot ground a notion of inviolable absolute rights that exist despite any general pleasure that might be attained.²⁷ Yet both of these would seem to be integral to any real notion of human flourishing. Moreover, the common good must be truly common to establish objective precepts that are knowable by all, but because utilitarianism identifies the good with pleasure, the common good can only be the sum of individual pleasures and not some shared perfection. Mill’s inability to resolve this discordance is indicative of the limited truth of his definition of the good.

Let us now turn to Kant. His first principle is the formal rule of action set forth in the categorical imperative; as long as any action accords with the formal a priori structure of the categorical imperative, it is a morally licit act and so is an end to be sought.²⁸ Reacting against a perceived laxity of a sentiment-based ethic, Kant insists on excluding any empirical sentiment and bases ethics on a priori reason since pure reason alone generates the necessity characteristic of law, thereby clearly disambiguating what is

²⁵ Mill, *Utilitarianism*, 12.

²⁶ For a critique of consequentialism along these lines, see John Finnis, *Natural Law and Natural Right* (Oxford: Clarendon Press, 1980), 111–18.

²⁷ Mill, realizing that both issues were left unresolved by Bentham, is moved to write *Utilitarianism* in answer to these objections. These topics are specifically addressed in chapters 2 and 5. Unfortunately, both attempted solutions fail. First, to distinguish higher pleasures from lower pleasures requires that one use a criterion other than pleasure, which denies the principle of utilitarianism. Second, Mill defines justice in terms of injustice, and so concludes that a right is anything I claim against another based on the other’s fear of punishment; but then, the ultimate foundation for his idea of maximal common good is fear, and it seems impossible to generate an adequate comity and maximal pleasure in society if justice, which ought to recognize and protect my most fundamental agency, is respected only out of fear.

²⁸ Kant, *Grounding*, 402.

merely desired from what is seen as duty. This recognition of duty enables reason to act as a motive even in spite of the attractiveness of pleasure. Only this a priori moral law can be the foundation for objective moral duty.²⁹ But this abstraction from the empirical means that moral duty must be purely formal; thus, the good is simply the recognition of doing what is universal and necessary, that which *has to be done*. In this way Kant arrives at the categorical imperative: "I should never act except in such a way that I can also will that my maxim should become a universal law."³⁰

Again, due to the fact-value divide, Kant believes that man's judgment constitutes the good. In contrast to Mill, however, Kant sees that desire oftentimes is mere self-interest and so not true moral behavior; accordingly, he posits the idea of rational duty as the remediation for inclinations of self-interest. Moreover, Kant sees that it is only by rejecting the empirical impulses of self-interest that man can truly manifest his freedom, his isolation from the determinism of the phenomenal world. It is in this freedom that human dignity is found. Kant thus discerns a more adequate basis for making objective moral judgments that recognize the inherent value and dignity of human acts since judgments are not based on mere subjective pleasures.

Yet these strengths also point to the limitations of Kant's approach, which flow from his insistence that ethics must be purged of all empirical elements in order to instill a pure sense of rational duty. Most immediately, this does not allow for a legitimate role for loving the good as a source of moral action.³¹ To act on an inclination to the good vitiates that act, since it is then not acting upon duty. The good must remain an intellectual ideal with no appeal to the appetites that respond empirically to the experience of values. In fact, in his insistence that only purely rational duty can motivate moral action, Kant artificially separates the rational from sensory experience, thus distorting the integral unity of the human person and his contextualized existence in this empirical world.³² This brings up the closely related

²⁹ See Kant, *Grounding*, 389: "Everyone must admit that if a law is to be morally valid, i.e., valid as a ground of obligation, then it must carry with it absolute necessity. . . . And he must concede that the ground of obligation here must therefore be sought not in the nature of man nor in the circumstances on the world in which man is placed, but must be sought *a priori* solely in the concepts of pure reason."

³⁰ Kant, *Grounding*, 402; cf. 421. I restrict myself to the first formulation of the categorical imperative, since there is great controversy about the precise relation of the other formulations to the first.

³¹ Kant, *Grounding*, 398.

³² John Rist criticizes Kant's unrealistic notion of the person as disembodied reason in *Real Ethics*, 163ff.

problem that Kant makes no room for virtue in the Aristotelian sense: the habituation of sentiment according to a rational rule.³³ This weakness is critical, for while Kant does recognize the importance of duties, those duties are purely formal, purely universal and necessary. Actions, on the other hand, are always concrete and specific. Thus, there is in practice a gulf between any universal rule and the way that rule is instantiated in particular circumstances. With no sentiment to mediate application, the discernment of concrete directives from formal rules is problematic at best.³⁴ What is required is the virtue of prudence by which Kant's formal laws might be applied to the specific, empirically conditioned situations in which we find ourselves. Thus, while Kant's ethics respects absolutes in a way that utilitarianism does not, his absolutes are abstractly rationalistic formal laws which give little guidance to life as it is lived. Furthermore, since there can be no appetitive fulfillment in the good, the theory seems to provide no real motivation for why one should obey these formal rules.³⁵ Since I can be motivated neither by the idea of personal fulfillment or happiness, nor by the vicarious joy in seeing my neighbor as another self (as opposed to, as Kant would have it, an equally rational, utterly autonomous member of the Kingdom of ends), there is little left to compel me to follow these duties. What is needed is a way to unite formal principles with concrete, lived circumstances. This is achieved by natural law ethics, for it views man as both rational and animal, and provides a layered series of precepts, which guide us in increasingly determinate situations.

The Natural Law

It would be beneficial at this point, before considering the position of Aristotle's virtue ethics, to outline Thomas's natural law ethics. In this presentation, I primarily aim to show how Thomas's first principle incorporates the seemingly contradictory insights from utilitarianism and deontology. This more profound notion of the good grounds a superior moral theory, for it makes natural law unsusceptible to criticisms due to an overly narrow

³³ *Nicomachean Ethics* II.6 (1106b9–28).

³⁴ A clear illustration of this is the fact that moral dilemmas most often do not concern what my duty is in a particular instance, but rather which of two (or more) competing duties should take precedence. I have duties to my job and my family, but how to decide which one is more important in a particular situation cannot be decided by merely formal rules about "doing one's duty."

³⁵ Some of the moral conundrums which result from Kant's formalism are well brought out by Veatch, *Human Rights*, 94ff., where he argues that in the end all consequentialism must become a deontology (for example, *why* should I choose for greatest happiness?) and all deontology must become a consequentialist teleology (for example, *why* do I have a duty if its not my good?).

understanding of the good. This exposition of natural law, however, requires many layers of analysis, for to fully grasp the meaning of Thomas's first principle one must fully understand the meaning of the terms involved.³⁶ I must reiterate that I am not attempting to demonstrate that the natural law approach is true or correct, for that would be a considerably larger project. Thus, we must bracket such potential objections as to whether natures exist (as a nominalist might argue), whether God exists (as per atheism), and even the intramural debate among natural lawyers about the relation between natural law theory and metaphysics. Rather, my point here is to show that the proper understanding of Thomas's first principle implicitly contains the insights of the other theories.

Let us begin by considering the first principle of natural law according to Thomas:

Now as "being" is the first thing that falls under the apprehension simply, so "good" is the first thing that falls under the apprehension of the practical reason, which is directed to action: since every agent acts for an end under the aspect of good. Consequently the first principle of practical reason is one founded on the notion of good, viz. that "good is that which all things seek after." Hence this is the first precept of law, that "good is to be done and pursued, and evil is to be avoided." All other precepts of the natural law are based upon this: so that whatever the practical reason naturally apprehends as man's good (or evil) belongs to the precepts of the natural law as something to be done or avoided.³⁷

Thomas's first principle is simply that the good is to be done and pursued and evil is to be avoided. But this is an almost tautological point (tautological because the good is simply the end we seek in acting at all, and so is the explanation for the fact of activity in the world). Accordingly, we must explore, first, what is meant by the good, and second, how this precept is understood to be law (that is, obligating). We can then grasp how all precepts of the natural law are derived from it. These investigations will demonstrate how Thomas unites the human inclination for happiness with a rational duty to adhere to law.

³⁶ It might be objected that natural law as presented here only *appears* more complete because I am giving a fuller exposition; however, I believe that it requires a fuller exposition because it is in fact more complete inasmuch as it accommodates positions specifically excluded by other theories. This is because it has a more adequate metaphysics, and only a proper grasp of being can ground a proper understanding of human nature and activity.

³⁷ *ST* I-II, q. 94, a. 2. All citations from the *Summa theologiae* are taken from the translation by the Fathers of the English Dominican Province (New York: Benzinger, 1948; reprint, Allen, TX: Christian Classics, 1981).

As mentioned above, Thomas understands goodness as not primarily a moral category, but as a metaphysical category. It is an aspect of being, and therefore is discovered by man, not created by him. What makes goodness an end for Thomas is not that it is pleasurable, or simply that it is rationally consistent, but that it is the perfection of being, the full realization of the teleological potential of a substance.³⁸ Indeed, Thomas asserts that the very reason for the existence of things (their first act, the act of existing) is to achieve their purpose: "Indeed, all things created would seem, in a way, to be purposeless, if they lacked an operation proper to them, since the purpose of everything is its operation. For the less perfect is always for the sake of the more perfect: and consequently as the matter is for the sake of the form, so the form which is the first act is for the sake of its operation, which is the second act; and thus operation is the end of the creature."³⁹ This operation is the perfection, or completion of being, that all creatures naturally seek.

But it might be asked, given this idea of perfection, why do creatures tend to it as the good? Aristotle accepted as brute fact that creatures tend to an end; but Thomas understands that this fact needs some causal explanation.⁴⁰ The answer is found in Thomas's notion of divine providence. This will be critical, since providence is coextensive with the eternal law,⁴¹ and the natural law is defined by reference to the eternal law.

Providence follows from the fact that the contingent universe is created by God and ordered by His reason. Thus the universe is established as a manifestation of God's own goodness.⁴² But God shares His goodness not only in constituting the existence of substances (first act),⁴³

³⁸ See *ST* I, q. 5, a. 1, ad 1.

³⁹ *ST* I, q. 105, a. 5; cf. *ScG* III, q. 113, par. 1.

⁴⁰ In his review of Anthony Lisska's *Aquinas's Theory of Natural Law: An Analytic Reconstruction* (Oxford: Clarendon Press, 1996), Alasdair MacIntyre poses two critical questions concerning Lisska's defense of traditional Aristotelian natural law theory (*International Philosophical Quarterly* 37 [1997]: 95–99). Given that creatures tend to a *telos*: (1) Why do they do so? (2) Why is that a good? Thomas supplies answers to both of these: to the second he argues that it is good because good is defined as the perfection of being for which everything strives. I take up the first question here. In both cases the answer is supplied by a richer metaphysics based on the fact of creation.

⁴¹ See *ST* I–II, q. 91, a. 1; cf. *De veritate*, q. 5, a. 1, ad 6.

⁴² *ST* I, q. 44, aa. 1 and 4.

⁴³ This is an important aspect of Thomas's argument. Through creation, creatures participate in the act of existence (*ST* I, q. 44, a. 1); but since existence is an act, all creatures are naturally dynamic, oriented to activity. The directedness of this activity—which grounds the regularity of nature that makes this universe intelligible—is ascribed to providence.

but also in directing them to their perfection (second act).⁴⁴ Thus providence is the divine order that directs all creatures to perfection. But it must not be thought (as Leibniz might) that this means that all creatures are perfect in themselves. Rather, the object of God's creative act is the entire universe, and the goal of creation is the perfection of the universe as a whole, not each creature individually.⁴⁵ What results is a kind of symbiotic perfection by which each creature flourishes by participating in the perfection of other creatures.⁴⁶

How is this providential directedness to perfection manifested in human affairs? Thomas argues it is manifested in the appetites, or inclinations, that move all creatures to action.⁴⁷ As Thomas explains, creatures that lack awareness are moved by a natural inclination, such as the natural tendency of water to condense or of plants to grow toward the sun; other things have knowledge, but only of sensible particulars, and so react according to instinctive judgments according to the benefit or harm offered by objects; man, finally, has knowledge not only of particulars, but also of intelligible universals, and so has a natural inclination to the universal good, which is happiness.⁴⁸ But this very inclination to happiness also constitutes the problem of morality, for while we have an inclination to the universal good, in this life we can attain only finite goods; consequently, we are faced with choosing limited goods as means to attaining human happiness.⁴⁹ The exercise of this choice constitutes human freedom,⁵⁰ and so man is responsible for achieving the perfection to which he is inclined by God.

⁴⁴ *ST* I, q. 22, a. 1.

⁴⁵ See *ST* I, q. 22, a. 2, esp. ad 2: "Since God, then, provides universally for all being, it belongs to His providence to permit certain defects in particular effects, that the perfect good of the universe may not be hindered, for if all evil were prevented, much good would be absent from the universe." Cf. *ST* I, q. 47, aa. 1–2 and I, q. 103, a. 1–2.

⁴⁶ *ST* I, q. 103, a. 6: "Now it is a greater perfection for a thing to be good in itself and also the cause of goodness in others, than only to be good in itself." For a good illustration of this idea of the shared perfection flowing from diffusive goodness, see W. Norris Clarke, S.J., *Person and Being* (Milwaukee: Marquette University Press, 1990), 1–24.

⁴⁷ *ST* I, q. 80, a. 1; cf. I, q. 59, a. 1.

⁴⁸ *ST* I, q. 82, aa. 1 and 2. Thomas will later argue that this universal good can only be the beatific vision, by which we are united to God (*ST* I–II, q. 2, a. 8 and q. 3, a. 8); thus, while all things seek perfection in imitation of God, only rational creatures can complete the return to God by actually gaining union with him.

⁴⁹ *ST* I, q. 82, a. 2; cf. *De malo*, q. 6. A good overview of this aspect of practical reason is found in Steven A. Long, *The Teleological Grammar of the Moral Act* (Naples, FL: Sapientia Press, 2007): 1–10.

⁵⁰ *ST* I, q. 83, a. 1.

This very brief overview answers the first question posed above: we now know that the good is the perfection of human nature attained in achieving the universal good of happiness. While man is inclined to this perfection by God, it is the fact of free will that brings us to the second question, how this pursuit of the good can be seen to be a law. This second question will also demonstrate how these inclinations are united to rational duties.

Morality is concerned only with *human* acts, that is, acts that are done knowingly and freely (that is, by reason and will).⁵¹ Thomas lays out four basic principles or causes of human acts: inclinations, habits (virtue and vice), law, and grace.⁵² The first two are intrinsic to man's nature (virtue merely being the perfection of the inclination inasmuch as the appetites are subordinated to reason);⁵³ law and grace are extrinsic. (As grace is properly a theological concern, we will focus on law.) The purpose of extrinsic principles is to aid man in his deliberative pursuit of the good: that is, the law guides reason's informing the will about the most appropriate good to be chosen. Thus, where virtue directs us from within, law directs us from without.

This role of law is well illustrated by Thomas's definition, in which he emphasizes its rational essence directing man to his proper end. For Thomas, a law is "an ordinance of reason for the common good, made by him who has care of the community, and promulgated."⁵⁴ But there are different kinds of law, each of which orders a different community.⁵⁵ Despite the differences between the groups to be ordered by law, Thomas insists that all laws are derived from the eternal law because that is God's providential order, and all guidance to perfection must accord with it.⁵⁶ Therefore law is defined in terms of reason (as the formal cause) and the

⁵¹ *ST* I-II, q. 1, a. 1: "Wherefore those actions alone are properly called human of which man is master. Now man is master of his actions through his reason and his will; whence, too, the free-will is defined as *the faculty and will of reason*. Therefore those actions are properly called human which proceed from a deliberate will." Thomas analyzes this deliberative interaction of reason and will (or rational appetite) in controlling the sensitive appetites in *ST* I, qq. 80–83 and especially I-II, qq. 6–21. It is this notion of deliberation that allows Thomas to avoid the problematic narrowness that results from the fact-value dichotomy.

⁵² In the prologues to *ST* I-II, qq. 49 and 90.

⁵³ *ST* I, q. 55, a. 1.

⁵⁴ *ST* I-II, q. 90, a. 4.

⁵⁵ *ST* I-II, q. 91. In addition to the natural law, which orders all men to their end, Thomas names the eternal law, which orders the universe; the human (positive) law, which orders a specific human society; and the revealed divine law, which orders a people of faith (Church) to salvation.

⁵⁶ *ST* I-II, q. 93, a. 3.

common good (as the final cause); but both reason (truth) and the common good are defined by the eternal law's ordering of the universe. Accordingly, the good as the intended perfection of being exists as a characteristic in the order of nature, and no law directive of activity that fails to recognize this order can be legitimate.⁵⁷

The natural law, which Thomas defines as "the rational creature's participation of the eternal law,"⁵⁸ is man's share in providence that arises due to his rational nature; that is, man's reason can grasp the providential ordering of creatures to their end, and so issue commands that direct him toward true happiness. Therefore rational creatures have a twofold participation in the eternal law: man is passively inclined by divine providence to perfection, as is all creation; yet, as rational, man can actively and freely determine acts by reference to reason's knowledge of creation and act for its perfection.⁵⁹

This rational ordering of man to his end is most clearly articulated in the precepts of the natural law.⁶⁰ As we saw above, Thomas says the first precept of the natural law is "good is to be done and pursued, and evil is to be avoided."⁶¹ That is, reason universally issues the self-evident command that all human acts are to aim to achieve the end for which we were created. But, inasmuch as this end is happiness, and we are naturally inclined by providence to achieve happiness, there is a coincidence between the empirical reality of our inclinations and reason's determinations of our duties.

⁵⁷ *ST* I-II, q. 95, a. 2.

⁵⁸ *ST* I-II, q. 91, a. 2.

⁵⁹ *ST* I-II, q. 93, a. 6. Thus there are two rules or standards that guide human behavior: reason as the proximate rule that guides natural law and virtue; and the eternal law as the ultimate rule, since it orders the universe and determines why man is measured by reason as a proximate rule; see *ST* I-II, q. 21, a. 1 and q. 71, a. 6.

⁶⁰ *ST* I-II, q. 94, a. 2.

⁶¹ While I cannot discuss the issue here, it must be noted that the correct interpretation of this first precept has been greatly debated since Germain Grisez's seminal article "The First Principle of Practical Reason: A Commentary on the *Summa Theologica*, 1-2, Question 94, Article 2," *Natural Law Forum* 10 (1965): 168-201. Grisez has attracted many able supporters, notably John Finnis, *Natural Law and Natural Right* (Oxford: Clarendon, 1980) and Robert George, *In Defense of Natural Law* (Oxford: Oxford University Press, 1999). These representatives of the so-called new natural law theory are inspired by the Humean fact-value dichotomy, and so argue that the first precept is prescriptive, based solely on practical reason's grasp of a good to be pursued. The traditional interpretation (which I employ here) understands the first precept to be descriptive, based on theoretical reason's grasp of human nature and what is necessary for its fulfillment. There have been a plethora of critical responses to the Grisez-Finnis interpretation; two good examples are Janice Schultz, "Thomistic Metaethics and a Present Controversy," *Thomist* 52 (1988): 40-62; and Peter Simpson, "Practical Knowing: Finnis and Aquinas," *Modern Schoolman* 67 (1990): 111-22.

Hence Thomas asserts that practical reason can issue determinate precepts of the natural law based upon man's natural inclination to perfection: "Since, however, good has the nature of an end, and evil, the nature of a contrary, hence it is that all those things to which man has a natural inclination, are naturally apprehended by reason as being good, and consequently as objects of pursuit, and their contraries as evil, and objects of avoidance. Wherefore according to the order of natural inclinations, is the order of the precepts of the natural law."⁶² Since, as Thomas says, action follows from being, these natural inclinations will follow the ontological order by which man is specified. This order is first, that with all other entities, he is a being (a transcendental property); second, that with all sentient beings, he is an animal (a generic property); and third, that uniquely among animals, man is rational (the specific property). Accordingly, man's first inclination, shared with all creatures, is to preserve himself in being; second, like all animals, man is inclined to propagate the species; and finally, as rational, characterizing his proper good, man is inclined to social order (a temporal end) and union with God (the eternal end).⁶³ Therefore, since the natural law is a twofold participation in the eternal law, there is a rational duty to fulfill the natural appetite for happiness.

The Unity of Ethics in Natural Law

Having defined natural law, we can now see more clearly how its first principle is inclusive of other notions of the good. Thomas says the basis of ethics is that the good is to be done and evil avoided, and that the good is the perfection of being in accord with the inclinations given by providence, a perfective order man can know and freely implement through the commands of practical reason. Two things immediately jump out with respect to the principles employed by Mill and Kant: as with Mill's utilitarianism, appetites direct us to act for the common good; however, as with Kant's deontology, natural law is an obligating ordinance of reason. What makes this union possible is that the law is promulgated by an authority who orders things to their good. This element will unite the insights of utilitarianism and deontology, and simultaneously prevent them from a shallow identification of the common good with cumula-

⁶² *ST* I-II, q. 94, a. 2.

⁶³ Since happiness entails the beatific vision, all these ends are ordered to union with God: thus I can accept martyrdom or celibacy for the sake of God; similarly, I ought to defend my country and family instead of protecting my own life alone. I have examined the relations between these levels of precepts in "The Transcendentals and the Precepts of the Natural Law," *Vera Lex: The Journal of the International Natural Law Society* 5 (2004): 7-24.

tive individual pleasure, on the one hand, and falling into an abstract formalism, on the other. It recognizes the basic insight of utilitarianism because it acknowledges that we ought to act for a common good, but a more profound common good that includes the perfection of all being in accord with providence. It accepts the principle of Kantian deontology because it accepts that we are bound by duty to follow an absolute rational principle; yet this principle is not merely formal, but rather is a reflection of our natural impulse to perfection, which is realizable only in very determinate ways. The necessity of law is retained, in spite of the empirical foundation, because the precepts of the natural law (at least the self-evident principles) are requisite for achieving the foreordained end of happiness. Thus natural law presents a more profound vision of the human good. Let us consider these points more directly.

I have said that the element that allows Thomas to unite the insights of the first principles of utilitarianism and deontology is the fact that the universe is directed to its end by God. As a consequence, the good is discovered, not created, by human judgment. But since it is a part of the order of nature, it can be discerned by way of both the appetites and the intellect. That is, the appetites are so constituted that man naturally desires goods conducive to happiness as the end of his activity;⁶⁴ yet, by reason he grasps the order of nature and the duty to fulfill that end. Therefore, for Thomas, natural law is both feeling and duty: it is a feeling in terms of the connatural inclinations by which we are directed to happiness;⁶⁵ it is a duty in terms of the commands of practical reason through which the precepts of the natural law are made known as law, an extrinsic guide to action. Without a common causal principle to unite these perspectives, one tends to assume that human interests constitute the good and to focus in an exclusive fashion on either consequences that the appetites desire or the duties that reason apprehends.

⁶⁴ This is not an exact parallel with utilitarian consequentialism, since utilitarianism sees consequences as something subsequent to and independent of the act, where happiness for Thomas is the immanent activity of the agent himself.

⁶⁵ On connatural knowledge by inclination, see *ST* I, q. 1, a. 6, ad 3: "Since judgment appertains to wisdom, the twofold manner of judging produces a twofold wisdom. A man may judge in one way by inclination, as whoever has the habit of a virtue judges rightly of what concerns that virtue by his very inclination towards it. Hence it is the virtuous man, as we read, who is the measure and rule of human acts. In another way, by knowledge, just as a man learned in moral science might be able to judge rightly about virtuous acts, though he had not the virtue." For a brief overview of Thomas's notion of connatural knowledge, see Jacques Maritain, *Natural Law: Reflections on Theory and Practice*, ed. William Sweet (South Bend, IN: St. Augustine's Press, 2001), 13–24.

First, since natural law affirms that inclinations are directed by providence, it is clear that it includes the utilitarian appreciation of the common satisfaction. All law is for the common good; it is clear, then, that the natural law is for the common good of man, but man flourishes only within the perfection of the universe. This helps to resolve the perplexity in utilitarianism concerning the moral status of non-rational creatures. If the common good is merely the sum total of individual experiences of pleasure and pain, there results of necessity any number of absurd analyses which attempt to consider animal pleasure and pain as somehow of equal importance to human experience. What is needed is a more adequate understanding of the common good as not simply the sum total of individual pleasures. This more objective and truly common notion is the natural law's identification of the good with the perfection of being. As rational, the good for man is not merely pleasure and pain, but following the rational duties of providence. However, since the natural law is for the common good, the duties of providence are for the sake of the perfection not just of an individual, or even of the human species alone; rather, the natural law requires that we act to perfect all of creation, to act providentially in our own limited way. This is the very reason, according to Thomas, why rational creatures are necessary in the order of creation: to bring the universe to perfection.⁶⁶ Nevertheless, Thomas is also clear that in the order of providence non-rational species exist for the sake of rational species, since the latter alone achieve personal immortality.⁶⁷ Thus, in fulfilling the duties of his nature and concurrently achieving the perfection of the universe, each person perfects himself individually. As this is a truly common goal, individuals are not torn apart by the subjective nature of individual pleasure, as is potentially the case with utilitarianism.⁶⁸

Moreover, since the good has determinate content, no longer is the common good determined merely in terms of the consequences alone. One can easily criticize Mill's claim that "utilitarian moralists have gone

⁶⁶ See *ScG II*, q. 46, par. 3. This would be the only sound basis for a consistent ecological ethics.

⁶⁷ *De veritate*, q. 5, a. 6.

⁶⁸ This point is well articulated by James Schall: "Our own happiness and the happiness of others ought not to be conceived as if they were intrinsically contradictory to each other. Being by nature a political and social being means just this recognition of a proper place for every different person in a common whole. . . . Mutual love means that our happiness includes the happiness of another. . . . But if happiness has no objective content, no objection can be proposed to the seeking of one's own happiness at the expense of another's." *At the Limits of Political Philosophy* (Washington, DC: Catholic University of America Press, 1996), 146.

beyond almost all others in affirming that the motive has nothing to do with the morality of the action, though much to do with the worth of the agent.”⁶⁹ Additionally, he argues that judgments about the goodness of an act must be perpetually revisable to meet the utilitarian standard of maximized pleasure.⁷⁰ This extreme focus on the consequences, completely independent of the intention or the act itself, implies, as Mill admits, that good and bad actions can be performed by sheer accident with respect to the agent’s real intention: “[Utilitarians] are also aware that a right action does not necessarily indicate a virtuous character, and that actions which are blamable often proceed from qualities entitled to praise.”⁷¹ This isolation of consequences from the intention of the agent, and the practical impossibility of correctly predicting the consequences of any intended action, seem to turn utilitarian ethics into a morass of accidents and guesswork.

Natural law theory is immune to these problems, for it does not isolate the consequences from the intention or the action. Natural law requires that the agent act in accordance with law and achieve perfection as an end, yet the primary consideration is given to the objective nature of the act as either appropriate to a rational nature or contrary to it.⁷² Thus, after elucidating the moral implications of act, circumstance (including consequences), and intention, Thomas concludes: “Accordingly a fourfold goodness may be considered in a human action. First, that which, as an action, it derives from its genus; because as much as it has of action and being so much has it of goodness. . . . Secondly, it has goodness according to its species; which is derived from its suitable object. Thirdly, it has goodness from its circumstances, in respect, as it were, of its accidents. Fourthly, it has goodness from its end, to which it is compared as to the cause of its goodness.”⁷³ This corrects the vagueness of Mill’s doctrine because the consequences alone cannot make a bad action good, or a good action bad, especially if those consequences are not foreseen by the agent.⁷⁴ The consequences are only accidental to the nature of the act,⁷⁵ and man’s primary duty is to perform fully rational acts by which human nature is perfected.⁷⁶

With Kant, we can construct a similar analysis. While we have a duty to adhere to rational precepts, in the natural law that duty includes a direction

⁶⁹ Mill, *Utilitarianism*, 18.

⁷⁰ *Ibid.*, 24.

⁷¹ *Ibid.*, 20.

⁷² *ST* I–II, q. 18.

⁷³ *ST* I–II, q. 18, a. 4.

⁷⁴ *ST* I–II, q. 20, a. 5.

⁷⁵ *ST* I–II, q. 7, aa. 3 and 4; Thomas here distinguishes between the act itself as substantial to morality, while the circumstances are seen to be accidental.

⁷⁶ *ST* I–II, q. 18, aa. 1 and 2.

to a substantive good, and so is not purely formal. Kant, as we have seen, grounds our duty to the objectivity of the law in the a priori autonomy of pure practical reason.⁷⁷ But these precepts therefore remain distanced from the facts of lived experience. This contrasts with the natural law, which locates duty as reason's command to fulfill providence's inclinations to perfection. Furthermore, these duties, as revealed in the precepts of the natural law, are not formal and abstract, but can address the contingencies of human life because the precepts reflect upon the content of divine providence and the determinate inclinations specific to human nature. Additionally, in order to guarantee both the truth of rationally formed precepts and to address the contingency of specific circumstance, the natural law issues forth three levels of precepts; the more detailed the precept, the more it allows for exception due to circumstance, yet they nonetheless retain the necessity of law.⁷⁸ Indeed, Thomas says that the most specific application of precepts requires the careful consideration of a prudential person,⁷⁹ thereby bridging the insights of Kant and Aristotle: there must be universal laws accessible to all, and yet the contingency of practical life requires wisdom in applying that precept correctly to the issue at hand. Reason, then, has its obligatory force not in its a priori deductions, but in the fact that it discerns the order of providence. So, where Kant insists that man ought to be rational despite the lack of any appetitive satisfaction, for Thomas being rational is in accord with providence and necessary for our own happiness, the perfection of our being.⁸⁰ In other words, acting rationally brings man happiness.

Kant might object that this notion of natural law is really a form of heteronomy, and so an illegitimate basis for the moral "law of freedom."⁸¹ If it is heteronomous, then for Kant there can be no duty to follow it (since it is only empirically, and conditionally, binding). This objection clearly exposes divergent conceptions of freedom. In order to guarantee the free-

⁷⁷ Kant, *Grounding*, 433–45.

⁷⁸ See *ST I–II*, q. 94, a. 4 and q. 100, a. 11. I have considered how the precepts of the Decalogue embody this relation between necessity and specificity in "The Precepts of the Decalogue and the Problem of Self-evidence," *International Philosophical Quarterly* 47 (2007): 399–415.

⁷⁹ *ST I–II*, q. 100, aa. 3 and 11.

⁸⁰ Karol Wojtyła argues that the foundation of Kant's error is his notion that the will is nothing but pure practical reason, and so cannot desire perfection itself; but if the will is the rational appetite, as it is for Thomas, then we desire our own perfection and so have access to substantive moral truths. See the series of essays in *Person and Community: Selected Essays*, trans. Theresa Sandok, O.S.M. (New York: Peter Lang, 1993), 3–72.

⁸¹ Kant, *Grounding*, 440–45.

dom of the person, Kant removes him from the phenomenal realm completely; consequently, Kant assumes freedom means indetermination, that is, that man is utterly free to choose his ends. For Thomas, on the other hand, freedom is superdetermination, the ability arising from an excess of power to achieve (predetermined) ends in a variety of ways.⁸² The difference lies in the fact that, for Thomas, freedom and moral goodness are part of the natural world, since they are concreated in the providential order for the sake of perfection. For Kant, on the other hand, since freedom and natural determination are incompatible, man cannot be directed to an end in any way. Consequently, for man to pursue the good at all he must first exercise his absolute autonomy in establishing the substantive end which is to be pursued. But if man can choose the substantive end, the good that justifies all other activities, then that choice is itself arbitrary and all like choices of ends become equally worthy.⁸³ In other words, if freedom as autonomy extends to choosing the end, then there is no standard by which to evaluate that choice of end.⁸⁴ If we exclude all heteronomy, the only thing that matters in human life is a logical consistency, despite the substantial vacuity of the end chosen. Nevertheless, the natural law allows for a kind of autonomy for the agent inasmuch as the natural law is promulgated in the agent's reason and so is the proximate standard of moral action.⁸⁵

⁸² On the notion of superdetermination, see Yves Simon, *Freedom of Choice*, ed. Peter Wolff (New York: Fordham University Press, 1969), esp. 153: "Freedom proceeds, not from any weakness on the part of the agent but, on the contrary, from a particular excellence in power, from a plenitude of being and an abundance of determination, from an ability to achieve mastery over diverse possibilities, from a strength of constitution which makes it possible to attain one's end in a variety of ways. In short, freedom is an active and dominating indifference."

⁸³ Thus, collecting garden gnomes can be as good as serving other people. The categorical imperative acts only as a limiting principle of what I may do, but it cannot motivate me to act in any one direction or form a life of a certain kind. Since duty excludes desires, I cannot be oriented to happiness; but without happiness (or any other predetermined end) as an end, then anything can be done on the sole condition of logical consistency. Thus, while Kant's original motivation was to focus moral significance upon motivation (which is under our control), as opposed to consequences (which are not under our control), he isolates motivation so as to exclude from consideration any end whatsoever. But if end has no role to play in the formation of motivations, then any self-consistent motivation is allowable regardless of its substantive content.

⁸⁴ Some readers have commented that in this Kant has some similarity to the Scotistic theory of will. While I am not familiar enough with Scotus to comment, it does seem to be an important line of argument which could yield further insight.

⁸⁵ For a discussion of the relation between heteronomy and autonomy in the natural law, see Fulvio Di Blasi, *God and the Natural Law*, 38–51, and the summary statement at 175.

Part of the reason Kant accepts purely formal goods lies in his reduction of the good will to consistency of intention alone. Kant recognizes the problems inherent in a consequence-based criterion, but in his moral theory the pendulum swings too far to the other extreme: for Kant, the only thing that counts is a good will, even if that intention is never translated into action (since that would impose an empirical requirement upon morality).⁸⁶ As we saw above, for Thomas the intention must be seen together with the act and the circumstances.⁸⁷ A good will isolated from the concrete realities of human circumstance can never address moral dilemmas as we experience them; the problem is normally not what is good, but rather which good ought to be pursued given these circumstances. A good will must be translated into a concrete act in order to realize the intention as good, for a good will alone can never make an action good.⁸⁸ Perfection of being comes only in the attainment of act. Without this provision, Kant seems susceptible to the very moral laxity that he so abhorred in sentiment-based ethics.

The Case of Aristotle

Aristotle is often considered to be a kind of natural law theorist because of his focus on the teleological nature of ethics: that every nature acts for its own end, and that is its good.⁸⁹ However, if we adequately interpret his first principle, his definition of the good, we clearly see what separates Aristotle's virtue ethics from Thomas's natural law. The main insight of virtue ethics is that each agent acts for its own perfection; what is missing in Aristotle, and what is provided by Thomas's natural law, is why each agent so acts, and why it is good. As argued above, it is Thomas's more profound metaphysical vision of goodness as the perfection of being in accord with the ordering of divine providence that explains why crea-

⁸⁶ Kant, *Grounding*, 393–96, esp. at 394: “A good will is good not because of what it effects or accomplishes, not because of its fitness to attain some proposed end; it is good only through its willing, i.e., it is good in itself.”

⁸⁷ See Long, *The Teleological Grammar of the Moral Act*, for a discussion of the significance of this.

⁸⁸ *ST* I–II, q. 20, a. 5.

⁸⁹ See, for example, Heinrich Rommen, *The Natural Law: A Study in Legal and Social History and Philosophy* (Indianapolis: Liberty Fund, 1998), 14–17. Moreover, Aristotle does not suffer from the narrowing of morals that results from the fact-value dichotomy. Aristotle says explicitly that human action is based on the combination of both reason and appetite, a “desiderative reason or ratiocinative desire” (*Nicomachean Ethics* VI.2, 1139b5), because while human excellence is an activity of the soul in accord with virtue (*Nicomachean Ethics* I.7, 1098a17–19), it is clear that the soul has both rational and appetitive functions, and so virtues appropriate to both.

tures are directed to their ends and why those ends are good. Moreover, Thomas's more profound metaphysical order allows him to shift the perspective of ethics from the perfection of the agent alone to a common good in which all being is perfected.⁹⁰

But this deepening of metaphysics also helps to answer a further weakness with Aristotle's virtue theory. Bernard Williams dismisses virtue theory because it concentrates on the nature of a good man and so is unable to supply concrete directives about what acts are good and bad; he concludes that "'virtue theory' cannot be on the same level as the other two types of theory [that is, utilitarianism and deontology]."⁹¹ The reason for this failure is Aristotle's division of practical reason from speculative reason. Thomas resists this separation by giving all people access to the natural law as the foundation of moral judgments.

Aristotle defines the good of man as happiness, which is the ultimate goal of every action. Human happiness, however, must reflect the unique purpose of human nature; accordingly, man's good is a rational activity of the soul in accord with virtue.⁹² This is Aristotle's first principle, and so every act that strengthens virtue as a habit is good, as virtue makes both the man and the act good.⁹³ But there are two types of virtues: moral virtue, by which the appetitive parts of the soul are subjected to reason; and intellectual virtue, by which reason itself is perfected. Since moral virtues are the perfect mean of feeling and action with respect to the agent and the circumstance, there must be a great deal of flexibility with respect to how morality is applied. In fact, it is because of this need to accommodate contingencies that the ultimate rule of ethics, the standard of right action, is the man of practical wisdom: "Virtue, then, is a state of character concerned with choice, lying in a mean, i.e. the mean relative to us, this being determined by a rational principle, and by that principle by which the man of practical wisdom would determine it."⁹⁴ This is precisely where Aristotle's

⁹⁰ This is characteristically done in Thomas's replacement of the centrality of the polis in Aristotelian ethics with a focus on all of creation. Thomas receives this principle of the precedence of the good of the whole from Aristotle, *Nicomachean Ethics* I.2, 1094b7–11; he comments on this line in lectio 2, n. 31 of his *Commentary*, but revises Aristotle so that the ultimate end is not the state but the theological end of man. A good analysis of the shortcomings Thomas finds in Aristotle's moral theory is in Mary M. Keys, *Aquinas, Aristotle, and the Promise of the Common Good* (Cambridge: Cambridge University Press, 2006), 102–9 and 124.

⁹¹ Williams, "Contemporary Philosophy: A Second Look," 34.

⁹² *Nicomachean Ethics* I.7, esp. at 1098a17–18; he reiterates this definition in I.13, 1102a5–6.

⁹³ *Nicomachean Ethics* II.6, 1106a22–24.

⁹⁴ *Nicomachean Ethics* II.6 (1106b36–1107a3).

virtue ethics falls short of natural law, since the ultimate rule is a prudential judgment about flexible contingencies and not of absolute laws.⁹⁵ The source of the problem lies in Aristotle's division of the intellect into the scientific part, which knows necessary truths, and the calculative part, which grasps contingent truths.⁹⁶ This distinction yields a separation between the virtue of philosophical wisdom and the virtue of practical wisdom.⁹⁷ Human action is conditioned by contingency and so is subject only to practical wisdom. There emerges the problem that while Aristotle correctly acknowledges the contingency of human experience and the concomitant flexible application of moral principles, he clearly leaves the absolute ground of ethics without a firm basis.⁹⁸ While the rule or standard is the man of practical wisdom, this seems to leave those without a highly developed practical wisdom at a moral loss for knowing principles.⁹⁹ What is needed to more adequately ground ethics is a universally accessible absolute standard, a standard that guides us unfailingly and is evident to all (even if it might take prudence to apply that standard in specific instances). In other words, for Aristotle goodness is purely contingent and lacks the necessity of being; this is reflected in his division of the intellect into two distinct faculties. Natural law avoids these defects by grounding goodness in the necessity of the eternal law, thereby enabling practical reason to grasp necessary principles in the form of the precepts of the natural law. Moreover, these precepts are known (at least in their first principles) to all rational beings. We are inclined to our end by providence; these inclinations are perfected by virtue. But we inform virtue by reflecting on providence and issuing practical commands in the form of the precepts of the natural law. In other words, to the Aristotelian notion of teleology in terms of an intrinsic inclination to

⁹⁵ It is true that Aristotle does acknowledge that there are moral absolutes in *Nicomachean Ethics* II.6 (1107a9–14) and, in a less specific way, in his discussion of natural justice in V.7. However, these issues need much greater substantiation to be fully considered as natural law; this is just what Thomas does with Aristotle's undeveloped insights.

⁹⁶ *Nicomachean Ethics* VI.1 (1139a5–15).

⁹⁷ See *Nicomachean Ethics* VI.7 and VI.5, respectively.

⁹⁸ This explains Aristotle's repeated insistence on the difficulty of the moral life; see *Nicomachean Ethics* II.9 (1109a24–29): "Hence also it is no easy task to be good. . . . [T]o do this to the right person, to the right extent, at the right time, with the right motive, and in the right way, *that* is not for everyone, nor is it easy; wherefore goodness is both rare and laudable and noble." See also *Nicomachean Ethics* II.9 (1109b20–23): "But up to what point and to what extent a man must deviate before he becomes blameworthy it is not easy to determine by reasoning . . . [for] such things depend on particular facts, and the decision rests with perception."

⁹⁹ This, of course, is why education and the political order take such central roles at the end of the *Nicomachean Ethics* (X.9).

self-perfection, Thomas adds the natural law as an extrinsic guide, a guide which is made possible due to his notion of the eternal law, which orders all inclinations.¹⁰⁰ Thus, because of this twofold rule of human action, virtue is always implicitly referred to the natural law as its foundation.¹⁰¹

This union of inclination and knowledge is manifested in Thomas's clear argument against dividing the functions of the intellect, for he insists that the speculative intellect is made practical by extension.¹⁰² Therefore, unlike Aristotle, Thomas teaches that both uses of the intellect grasp necessary truths, the only difference being that reason contemplates while practical reason operates on the basis of those necessary truths.¹⁰³ Thus, the practical intellect knows universal truth, but directs it to operation,¹⁰⁴ to the achievement of the good sought.¹⁰⁵ The explanation for why practical reason's knowledge of the good is only an extension of speculative reason takes us back to the deeper metaphysics of goodness. Thomas's primary definition of the good is not moral, but ontological: the good is not different than being, but is only being under the aspect of perfection.¹⁰⁶ This perfection of being is dynamically sought by all natures due to the fact that the act of existence, given by God, endows all creatures with a natural dynamism manifested in an inclination to perfection as to a similitude of the divine perfection.¹⁰⁷ Knowledge of the good, then, has a necessity grounded in the

¹⁰⁰ Indeed, in *ST I-II*, q. 92, a. 1, Thomas argues that the purpose of law is to make men good, to inculcate virtue.

¹⁰¹ *ST I-II*, q. 94, a. 3: "To the natural law belongs everything to which a man is inclined according to his nature. Now each thing is inclined naturally to an operation that is suitable to it according to its form: thus fire is inclined to give heat. Wherefore, since the rational soul is the proper form of man, there is in every man a natural inclination to act according to reason: and this is to act according to virtue. Consequently, considered thus, all acts of virtue are prescribed by the natural law: since each one's reason naturally dictates to him to act virtuously." Cf. *ST I-II*, q. 51, a. 1.

¹⁰² *ST I*, q. 79, a. 11, *sed contra*.

¹⁰³ *ST I*, q. 79, a. 11. This correction to Aristotle's dichotomizing of the intellect's knowledge of necessary and contingent truths is also made in Thomas's *Commentary on Aristotle's Nicomachean Ethics* VI.1.1123. In *ST I*, q. 79, a. 9, ad 3, Thomas argues that both uses are grounded in the necessity of being and truth, but that universal laws reflect perfect being, while the contingency of particular events reflects imperfect being and so requires a distinct aptitude and virtue.

¹⁰⁴ *ST I*, q. 79, a. 11, ad 2.

¹⁰⁵ *ST II-II*, q. 154, a. 12: "Now the principles of reason are those things that are according to nature, because reason presupposes things as determined by nature, before disposing of other things according as it is fitting."

¹⁰⁶ *ST I*, q. 5, a. 1 c. and ad 1; see also Thomas's deduction of the transcendental properties in *De veritate*, q. 1, a. 1 and q. 21, a. 1.

¹⁰⁷ *ST I*, q. 5, a. 4 and I, q. 44, a. 4.

practical identity between a nature's essence and its teleological orientation to its proper operation.¹⁰⁸ Hence, Thomas asserts that practical reason can issue necessary and determinate precepts for human behavior based upon the knowledge man has of his natural disposition to perfection.

Yet this does not mean that we cannot know singulars, for as Thomas says, "Reason first and chiefly is concerned with universals, and yet it is able to apply universal rules to particular cases: hence the conclusions of syllogisms are not only universal, but also particular, because the intellect by a kind of reflection extends to matter."¹⁰⁹ Thus, while the rule for acting is no longer the man of practical wisdom¹¹⁰ but rather moral absolutes that apply in all cases to human activity, there is still ample room for prudential consideration of circumstances, and for a morality that meets reality at the level of specificity in which it is lived. This is in fact built into the natural law in terms of the more determinate precepts which are more specific rules but which allow for greater flexibility in application.¹¹¹ In the end, for Thomas, like Aristotle, the prudential person is the one who acts so as to be a good person.¹¹² Thomas, therefore, follows Aristotle in arguing that the moral person makes himself a better person and attains happiness by acting virtuously in accord with reason; but Thomas grounds this in a deeper appreciation of the common good as the perfection of being achieved in fulfilling our duty to objective moral principles.

Conclusion

Norris Clarke has criticized the nature of much contemporary philosophy as undertaking fragmentary investigations, thereby leaving us with

¹⁰⁸ See *ST* I-II, q. 64, a. 3: "The truth of practical intellectual virtue, if we consider it in relation to things, is by way of that which is measured; so that both in practical and in speculative intellectual virtues, the mean consists in conformity with things." That is, in knowing the truth of what something is, we can know the truth of what it ought to do, but this is precisely what the good is: the perfection of being in proper operation.

¹⁰⁹ *ST* II-II, q. 47, a. 3, ad 1.

¹¹⁰ This applies ultimately to the notion of the mean to be achieved in virtue. Thomas says the mean is not just between extremes of excess and defect, but is found in a rule: see *ST* II-II, q. 17, a. 5, ad 2: "In things measured and ruled the mean consists in the measure or rule being attained; if we go beyond the rule, there is excess, if we fall short of the rule, there is deficiency. But in the rule or measure itself there is no such thing as a mean or extremes. Now a moral virtue is concerned with things ruled by reason, and these things are its proper object; wherefore it is proper to it to follow the mean as regards its proper object."

¹¹¹ *ST* I-II, q. 94, aa. 4 and 6; I-II, q. 100, aa. 3 and 11.

¹¹² *ST* I-II, q. 57, a. 5.

fragmented visions of reality and human life.¹¹³ I have tried to show that this diagnosis applies not just to metaphysics, but also to ethics. Much contemporary ethics ends up playing theories against one-another, trying to determine which is most satisfactory. Do we accept utilitarians' insight that we ought to aim for consequences of the greatest common good? Or should we focus on the objective duties and rights of deontology? Or do we aim for the personal perfection of a virtue ethics? With natural law, we do not have to choose, for in natural law all three perspectives are united: since good is perfection of being in accord with providence, by following a duty to law, man perfects himself (and gains happiness) and also moves the universe as a whole toward a common perfection. The natural law tradition, then, is the most adequate approach to ethics, since it is the only approach whose first principle, or definition of the good, accommodates all the common sense insights about morality. This unified vision might explain why so many contemporary theorists, with fragmented metaphysics and fractured worldviews, are blind to the truly unique integrative vision that is Thomistic natural law.¹¹⁴ **N V**

¹¹³ W. Norris Clarke, S.J., *The One and the Many: A Contemporary Thomistic Metaphysics* (Notre Dame, IN: University of Notre Dame Press, 2001), 3.

¹¹⁴ The inclusive nature of the Thomistic synthesis has been noted by others, such as Alasdair MacIntyre, *Whose Justice? Which Rationality?* (Notre Dame, IN: University of Notre Dame Press, 1988). Perhaps this idea is stated most eloquently by Etienne Gilson: "The privilege of Thomism [is] to be open to all truth and to provide a place even for truths that its author could not explicitly foresee. All that is true in any other philosophy can be justified by the principles of Thomas Aquinas, and there is no other philosophy that it is possible to profess without having to ignore, or reject, some conclusions that are true in the light of these principles. Speaking in a more familiar way, one can be a Thomist without losing the truth of any other philosophy, whereas one cannot subscribe to any other philosophy without losing some of the truth available to the disciple of Thomas Aquinas." Cited in Leo Sweeney, with William Carroll and John Furlong, *Authentic Metaphysics in an Age of Unreality*, 2nd ed. (New York: Peter Lang: 1993), 73.

