

Aquinas and Black Natural Law

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In 1857, after the United States Supreme Court ruling in *Dred Scott*, Frederick Douglass chastised the court for arrogating to itself the role of God, that of being absolute judge. While the Supreme Court has its own authority, he argued, “the Supreme Court of the Almighty is greater. Taney can do many things but he cannot change the essential nature of things—making evil good and good, evil.”¹ The passage is one of many in Vincent Lloyd’s *Black Natural Law* that underscore the appeals of African American leaders, as part of their critique of slavery and segregation, to a higher or more fundamental law than that of human law. Lloyd describes the function of natural law reasoning, which he traces through the writings of Douglass, Anna Julia Cooper, W. E. B. Du Bois, and Martin Luther King Jr., in this way: From the careful examination of a “particular view of human nature” and its implications, they “apply those implications to the specifics of an ethical or political debate.”² That sounds similar to the way some contemporary Catholic proponents of natural law depict their own deployment of it. Early in the book, Lloyd suggests that “European and Catholic natural law traditions can learn much from the black natural tradition.”³

Concerning what might be learned, he focuses on an expansive conception of reason in the African American tradition, a conception of reason that is integrated with the role of emotion or passion and that is not

¹ *The Frederick Douglass Papers*, vol. 3 of Series One: Speeches, Debates, and Interviews (New Haven, CT: Yale University Press, 1979–1992), 167, quoted in Vincent Lloyd, *Black Natural Law* (Oxford: Oxford University Press, 2016), 1.

² Lloyd, *Black Natural Law*, viii.

³ Lloyd, *Black Natural Law*, viii.

individualistic, but communal. He also underscores the epistemic privilege of the oppressed, the way suffering injustice attunes us to justice. Beyond the themes mentioned explicitly by Lloyd, I would add the paradoxical claim that natural law teaching is not just about the accessibility of fundamental precepts of justice, but also about the human capacity for moral blindness and the way in which the violation of the natural law is in important ways its own punishment. Because of the regularity of such blindness, attention to the obstacles to the perception of the natural law must become “part of the very activity of natural law.” The ways in which these matters are articulated by African American authors can be, as Lloyd suggests, highly instructive. I would add that Lloyd’s treatment of natural law in the African American tradition can also be fruitful for recovering neglected features of Aquinas’s account. In what follows, I want to take up each of these themes and set them in conversation with the texts of Aquinas. As Alasdair MacIntyre, among others, has urged, seeing one’s own tradition from the perspective of another, can, at a minimum, help us see it more clearly.⁴ As MacIntyre also notes, any such attempt faces the difficulties of translating from one tradition or community of inquiry to another. I must, accordingly, stress the limitations to the current essay, which can be nothing more than a preliminary investigation. I will largely be taking Lloyd’s interpretation of the authors he studies as my assumed starting point, although in some cases I will offer my own reading of texts and authors he considers.⁵ What I will provide will be no more than an initial conversation, a first reading of Lloyd’s theses in relation to germane themes and arguments in Aquinas. A much longer exchange, based on an immersive study of selected African American texts and the chief commentaries on them would be needed to advance the

⁴ See Alasdair MacIntyre, *Whose Justice? Which Rationality?* (Notre Dame, IN: University of Notre Dame Press, 1988), particularly the chapters “The Rationality of Traditions” (349–69) and “Tradition and Translation” (370–88). In another essay, he argues that an indispensable part of an undergraduate education is to “come to terms with cultures radically different from our own . . . intellectually and imaginatively” through learning “the language, the way of life and thought, the works of literature and other arts” (“The End of Education: The Fragmentation of the American University,” *Commonweal*, October 16, 2006, commonwealmagazine.org/end-education). For an argument relevant to the present essay, see Ryan Newsom, “Alasdair MacIntyre and Radically Dialogical Politics,” *Political Theology* 17 (2016): 243–63.

⁵ I have written a bit about these matters: “W. E. B. DuBois and Socratic Questioning,” *Expositions* 2, no. 1 (2008): 35–58; “Subversive Natural Law: MacIntyre and African-American Thought,” in *The Death of Metaphysics, Death of Culture*, ed. Mark Cherry (Dordrecht: Springer, 2006), 135–50; and “The Liberating Power of the Humanities,” *Modern Age*, Summer 2017, thomashibbs.org/20474/humanities-liberating.

conversation further. Before doing so, however, I want to provide a further reason that Catholic natural law thinkers should be eager to engage the Black natural law tradition, a reason derived from Joseph Ratzinger's reflection on the strange situation of natural law in the modern world.

Ratzinger on the Vanishing Evidence for Natural Law and the Engagement of Wisdom Traditions

As the contemporary Catholic natural law theorist Russell Hittinger has shown,⁶ Ratzinger, as a *ressourcement* theologian, is a critic of "rationalism," with "little confidence" in the older, "moral-juridical manualist and casuistical approach to natural law, which was prominent in casuistical approaches."⁷ In fact, he thinks that any contemporary deployment of natural law must come to terms with the fact that, in the modern world, "what is moral has lost its evidence."⁸ That fact complicates the question whether natural law can provide the basis for a universal ethic. Ratzinger's response is sobering. Given his emphasis on reason or *logos* as distinctive of the Christian approach to inquiry, his skepticism about the possibility of rational debate over moral norms might seem odd. Indeed, he speaks of Christianity as a *logos* tradition. Christianity "has not identified its precursors in the other religions, but in that philosophical enlightenment which has cleared the path of traditions to turn to the search of the truth and towards the good, toward the one God who is above all gods."⁹ The use of the term "enlightenment" is ambiguous. There is a philosophical enlightenment in classical antiquity which is a precursor of Christian theological reflection. There is also a modern Enlightenment concerning which Ratzinger has a twofold assessment. An early form of the modern movement, according to Ratzinger, maintains a connection to *logos*, while a later and now prominent form is evacuated of *logos*.¹⁰ In the latter, which reduces nature to sub-human chemical and biological processes, nature as the ancients and medieval thinkers understood it has

⁶ Russell Hittinger, "Natural Law and Wisdom Traditions," *The Muslim World* 106 (2016): 313–36.

⁷ Hittinger, "Natural Law and Wisdom Traditions," 319.

⁸ Joseph Ratzinger, "Consumer Materialism and Christian Hope," in *Teachers of the Faith: Speeches and Lectures by Catholic Bishops*, ed. Tom Horwood (London: Catholic Bishops' Conference of England and Wales, 2002), 78–94, at 87.

⁹ Joseph Ratzinger, "Europe's Crisis of Culture," address at the Convent of St Scholastica, Subiaco, Italy, April 1, 2005; Italian at chiesa.espresso.repubblica.it/articolo/27262; English at popebenedictxvi.blogspot.com.

¹⁰ Cited in Hittinger, "Natural Law and Wisdom Traditions," 330.

been “capsized.”¹¹ In this context, natural law is not useful as a basis for conversation. Ratzinger thus issues a caution, perhaps even a rebuke, to the excessive optimism of those who would seek to deploy natural law in the contemporary public square as a basis for moral or political consensus.

Ratzinger proposes that we recover natural law as surfacing in various communities or traditions, what he calls “wisdom traditions,” resulting in a “new emphasis on natural law not merely as a set of legal prohibitions but also as a search or path.”¹² However much he may be committed to the tradition of *logos*, he is deeply critical of rationalistic attempts to formulate natural law apart from its embeddedness in particular traditions. What we need is a kind of inquiry that can mediate between universal and particular. As Peng Yin writes, in an essay on comparative theology, contemporary discussions would be more fruitful if we had access to an alternative to the Lockean language of toleration, which tends to “devalue distinctiveness,” and the multiculturalism of difference, which ignores “commonality.”¹³

The engagement with other wisdom traditions is a “dialogical” endeavor, a “search for common principles” through an appropriation of “converging pathways of existence.” Hittinger notes that, in the encyclical *Fides et Ratio*, the composition of which Pope John Paul II largely entrusted to Ratzinger, the term “search” occurs some sixty times.¹⁴ Wisdom traditions also recognize that practices are needed for the pursuit of truth; the search is not simply a matter of applying detached reason to a set of questions. Instead, the quest involves both intellectual and moral formation. Natural law is here envisioned as a starting point for the dialectical engagement of different cultures in light of the specific quest for the good embedded within them.

¹¹ Joseph Ratzinger, “That Which Holds the World Together: The Pre-Political Moral Foundations of a Free State,” in *Jurgen Habermas and Joseph Ratzinger, The Dialectics of Secularization: On Reason and Religion* (San Francisco: Ignatius Press, 2005), 53–80, at 60–61; see also 69.

¹² Quoted in Hittinger, “Natural Law and Wisdom Traditions,” 326. Precisely such a conversation across wisdom traditions can be found in Anver Emon, Matthew Levering, and David Novak, *Natural Law: A Jewish, Christian, and Islamic Trialogue* (Oxford: Oxford University Press, 2014).

¹³ Pen Ying, “Matteo Ricci’s Legacy for Comparative Theology,” *Modern Theology* 38 (2022): 548–67, at 548. The essay includes a reflection on Aquinas, particularly his understanding of creation and natural religion, as informing Ricci’s project. The essay is in part a response to Willie James Jennings, “Acosta’s Laugh,” in *The Christian Imagination: Theology and the Origins of Race* (New Haven, CT: Yale University Press, 2011), 65–118, which argues that “traditioned imperialist modernity . . . is articulated within and is born of an Aristotelian-Thomistic tradition” (71).

¹⁴ Hittinger, “Natural Law and Wisdom Traditions,” 325.

Again Ratzinger: Appropriation of the “evidences” of natural law, either by the individual or by a culture, is a “slow process requiring action and reflection—in a wisdom tradition, an apprenticeship.”¹⁵ It seems to me that Lloyd makes a compelling case for seeing the tradition of Black natural law as a wisdom tradition and a tradition that shares Ratzinger’s willingness to engage the Enlightenment while at the same being cautious or even suspicious of it.

Reason, Emotion, and Community

Lloyd makes at least two important points about the role of emotion in the African American natural law tradition. The first has to do with “the role of emotion in discerning natural law.”¹⁶ Perception is not merely a matter of abstract reasoning; it involves emotion and imagination. The second, related to the first, has to do with the resistance to reductionist views of human nature, which would single out one capacity to the exclusion of others.¹⁷ Lloyd quotes from King’s reflection on the distinctive elements of human nature, which include reason, memory, and imagination. King’s “subtle, multi-faceted account of human nature” recapitulates common themes in the African American tradition. The need to appeal to the various faculties and capacities of human nature gives rise to the varied genres in which many of the figures write and speak.¹⁸ Du Bois writes in “different registers,” while King’s sermons connect with his audience on an emotional and not just an intellectual level.¹⁹ The point is to provide multiple points of access

¹⁵ International Theological Commission, *In Search for a Universal Ethics: A New Look at Natural Law* (2009), §§53; 38. What Ratzinger says here about dialogical engagement with traditions of wisdom calls to mind MacIntyre’s account of tradition-constituted inquiry and the responsibility of adherents of one tradition to engage with other traditions. See note 4 above.

¹⁶ Lloyd, *Black Natural Law*, ix.

¹⁷ Of course, much depends here on what we mean by reason. In certain strains of the Enlightenment, reason is construed as instrumental and/or egoistic, or at least in abstraction from the rest of human nature. Precisely these conceptions of reason come under attack in Fyodor Dostoevsky’s novels, in which characters embody a variety of modern Western conceptions of rationality and ethics; see Peter Roberts, “Education and the Limits of Reason: Reading Dostoevsky,” *Educational Theory* 62 (2012): 203–23. Interestingly, Dostoevsky had a significant impact on some African American writers; see Maria Bloshteyn, “Rage and Revolt: Dostoevsky and Three African-American Writers,” *Comparative Literature Studies* 38 (2001): 277–309.

¹⁸ Lloyd, *Black Natural Law*, 102.

¹⁹ Lloyd, *Black Natural Law*, 58.

to natural law and to convince the whole of human persons, not just their detached reason.

Aquinas of course takes reason to be normative. Following Aristotle, he holds that happiness is activity of soul in accord with reason. The precepts of the natural law are precepts of reason. But, as is implicit in the brief discussion of Ratzinger that we just concluded, the meaning of the term “reason” is far from univocal across traditions of inquiry. Aquinas does not think of reason as disembodied, as primarily calculative or utilitarian, or as somehow cut off from our bodily nature. The rational soul is the form of the body; its operation is naturally and appropriately dependent on the senses and the imagination; it has no direct Cartesian access to its own essence or operations; and in its encounter with the world, it is moved by wonder. In the practical order, it is not abstract principle that ordains specific acts, but prudence, which discerns what is salient in concrete circumstances, that commands what is to be done (*Summa theologiae* [ST] I-II, q. 47, a. 8). Prudence cannot operate without the proper formation of the passions.

We shall have occasion later on to address in detail the role of emotion or passion at the foundation of certain key virtues and vices that succor or hinder the practice of justice. For now, I want to underscore the role of passion in the teaching of natural law itself.

Early in the discussion of the natural law, Aquinas stipulates that, “according to the order of natural inclinations, is the order of the precepts of the natural law” (ST I-II, q. 94, a. 2).²⁰ To say that the precepts of the natural law are self-evident is not to say that each person has already consciously formulated them. We can, moreover, be aware of the natural law at one level and unaware at another. So, in response to the question whether the natural law is the same in everyone, he responds that it is at the level of the most general precepts. However, in precepts that are more proximate to the order of action, knowledge can vary, “since in some the reason is perverted by passion, or evil habit, or an evil disposition of nature” (a. 4).

Even more starkly, in response to the question of whether the natural law can be abolished from the human heart, he writes:

As to those general principles, the natural law, in the abstract, can nowise be blotted out from men’s hearts. But it is blotted out in the case of a particular action, in so far as reason is hindered from applying

²⁰ English quotations of the *Summa theologiae* come from the Fathers of the English Dominican Province translation (New York: Benziger Brothers, 1947), with occasional minor changes.

the general principle to a particular point of practice, on account of concupiscence or some other passion, as stated above [I-II, q. 77, a. 2]. But as to the other, i.e. the secondary precepts, the natural law can be blotted out from the human heart, either by evil persuasions; . . . or by vicious customs and corrupt habits. (*ST* I-II, q. 94, a. 6)

Now, most of what Aquinas says here about the passions seems negative, in the sense that he attends to the ways in which disordered passions can undermine the application of the natural law in particular cases. Yet he also insists that the presence of appropriate passions can intensify the goodness of an act. The presence of certain passions, cooperating with the judgment of reason, “increases or decreases the goodness or malice of the act” (*ST* I-II, q. 24, a. 3). Given that we are creatures of intellect and body, it is important that we be moved as a whole to the good: it belongs “to the perfection of moral good” that we should be moved not only in the will but also in the passions. He adds that the presence of an appropriate passion “is a sign of the intensity of the will, and so indicates greater moral goodness.” We can and should also choose and move ourselves “to be affected by a passion in order to work more promptly” (ad 1). Because some passions are of their very nature in accord with virtue or vice, they can be good or evil in their species, “as is clear in the case of shame which is base fear; and of envy which is sorrow for another’s good” (a. 4, corp.).

Thomas follows Aristotle in thinking that moral virtue involves an education or persuasion of the passions. Aquinas is not a Stoic. Moral virtue is not a matter of reason subduing or silencing the passions, but of educating them so that the human person takes delight in what is good and just. For virtue, it is not enough that we operate in accord with the judgment of reason or that we fulfill what is due in merely an external way. Virtue requires that we act from a well-formed character, which presupposes rightly ordered passions. Of course, the relationship between law and virtue in Aquinas is a complex one. One might think that bringing in virtue as part of the account of natural law is to introduce something alien to natural law. But Aquinas quite explicitly subsumes the acts of virtue under the natural law in the sense that “To the natural law belongs everything to which man is inclined according to his nature” (*ST* I-II, q. 94, a. 3).

Lloyd stresses not only reason’s connection to emotion and imagination but also its formation within a community. Cooper, Lloyd writes, was “immersed in a world of Christian text and practice,” including the formative

singing of religious hymns.²¹ In her own philosophy, she stresses the indispensable role of “public sentiment,” which “precedes and begets all laws, good or bad”; she highlights the distinctive role of “women as teachers and molders of public sentiment.”²² In her writings, reason’s need for emotion and for communal formation corrects the tendency of reformers to “fall for rationalistic moral codes or prepackaged programs aimed at correcting injustice.”²³ Communal practices shape the vision of the other authors whom he considers. For example, the language and practices of King and his followers reflect their formation in their churches.

Aquinas shares a communal understanding of natural law; indeed, following Aristotle, he holds that human beings are by nature social. Unlike many modern social-contract theorists, who begin with individualistic assumptions, and thus treat the political order as entirely artificial, Aquinas assumes that politics is natural, an outgrowth of the instinct for sociability inherent in human nature. The very order of the precepts of the natural law, which as we have seen reflect an order of inclinations, evinces the social nature of human beings. There is a hierarchy among them which reflects the human connection to all beings, to all animals, and then to what is proper to the human species. The first has to do with the tendency of all beings to “preserve their own being.” We must be careful here not to equate this with an individualistic desire for self-preservation. Aquinas states that the inclination is to preserve its being “according to its nature,” and “thus whatever is a means of preserving human life . . . belongs to the natural law”—not my life, but human life. The second level includes matters belonging to all animals, such as sexual intercourse and the education of offspring. Once again, the accent is upon activities common to other beings and to the other-oriented activity of raising children. Finally, there are the inclinations proper to human nature, to know the truth about God and to live in community (*ST* I-II, q. 92, a. 4). At every level in the order of precepts, community is evident, including in knowing the truth about God, since that is a public good the response to which is communal worship.

The very nature of law, for Aquinas, is to be ordered to the common good. Every law aims at a kind of friendship. The “precepts of the law,” Aquinas writes, “are diversified according to the various kinds of community” (*ST* I-II, q. 100, a. 2). Aquinas understands different kinds of political community in terms of different constitutions or regimes. Politics is ordered to

²¹ Lloyd, *Black Natural Law*, 34.

²² Lloyd, *Black Natural Law*, 48.

²³ Lloyd, *Black Natural Law*, 48.

the common good, not the private good. Aquinas goes so far as to say that individuals naturally love the common good more than they love their own private good. This is one reason why the virtue of justice is said to be the preeminent moral virtue. Aquinas quotes Cicero, who says that the splendor of virtue is most evident in justice (II-II, q. 58, a. 12). Unlike the other moral virtues, which perfect the soul of the agent, the primary good realized in justice is the good of the other. It involves giving to each what is his or her due. It is hard to imagine a stronger contrast on this point between Aquinas and peculiarly modern, individualistic conceptions of law.

Finally, Lloyd argues that “human nature is ultimately unrepresentable.” Non-reductionist ways of describing human nature allow for a “marking of what is in the world but never fully captured by it.”²⁴ Aquinas too recognizes the complexity of human nature, indeed the impenetrable mystery of each individual human person. His account of the unity of soul and body is an alternative to the two dominant modern accounts of human nature (materialist and dualist), both of which are reductionist. The very complexity of the human good, the multiple and unpredictable ways in which it can be realized, underscores the danger of reductionist accounts.

In modernity, isolationist individualism often combines with ambitious projects of social engineering. The complex conception of human nature helps to ward off reductionist attempts to delimit human nature, or at least some members of the species, in ways that would seek to justify inequitable treatment. In his interpretation of Douglass, Lloyd writes that slavery limits human nature and “names it with a dollar sign”; it reduces human beings to property.²⁵ Douglass holds, that,

to make a contented slave, it is necessary to make a thoughtless one. It is necessary to darken his moral and mental vision, and, as far as possible, to annihilate the power of reason. He must be able to detect no inconsistencies in slavery; he must be made to feel that slavery is right; and he can be brought to that only when he ceases to be a man.²⁶

Similarly, Du Bois’ insistence on the two-ness of African Americans is in part a plea for the recognition of the complex humanity of slaves; they are not merely what their supposed superiors say they are. In fact, they see more

²⁴ Lloyd, *Black Natural Law*, xi.

²⁵ Lloyd, *Black Natural Law*, 21.

²⁶ Douglass, *Narrative of the Life of Frederick Douglass, An American Slave*, with introduction by Henry Louis Gates Jr. (New York: Dell, 1971), 95.

and more deeply than slave owners or defenders of segregation. see about the oppressed or even about themselves.

Vice, Its Own Punishment

One of the chief contrasts between pre-modern and modern conceptions of natural law has to do with the claim in the former that vice or violation of the natural law undermines human happiness or flourishing. Vice is in some sense its own punishment. Aquinas's clearest statement runs thus: "Although sometimes the wicked do not undergo temporal punishment in this life, yet they suffer spiritual punishment. Hence Augustine says (*Confessions* I): 'Thou hast decreed, and it is so, Lord—that the disordered mind should be its own punishment'" (*ST* I-II, q. 69, a. 2, ad 2).²⁷ The point drops out not only in modern natural law but also in some contemporary Catholic conceptions of natural law. Yet it is surprisingly and instructively present in the African American natural law tradition.

In an attempt to demonstrate a connection between Aquinas and the American regime, scholars sometimes trace a lineage back from the founders through Locke to Aquinas.²⁸ The crucial mediator here is thought to be Richard Hooker. But in the key passage from his *Second Treatise*, in which Locke relies on Hooker to demonstrate that natural obligations rest on the "equality of men by nature," Locke quotes the latter as saying:

The like natural inducement hath brought men to know that it is no less their duty, to love others than themselves; for seeing those things which are equal, must needs all have one measure; if I cannot but wish to receive good, even as much at every man's hands, as any man can wish unto his own soul, how should I look to have any part of my desire herein satisfied, unless myself be careful to satisfy the like desire, which is undoubtedly in other men, being of one and the same nature? . . . My desire therefore to be loved of my equals in nature as much as possible may be, imposeth upon me a natural duty of bearing to them-ward fully the like affection.²⁹

²⁷ See Scott Roniger, "Is There a Punishment for Violating the Natural Law," *American Catholic Philosophical Quarterly* 94, no. 2 (2020): 273–304.

²⁸ Justin Dyer, *Natural Law and the Antislavery Constitutional Tradition* (Cambridge: Cambridge University Press, 2012).

²⁹ John Locke, *Second Treatise*, in *Classics of Moral and Political Theory* (Hackett, 2011), 713. Locke here cites Hooker's *Of the Lawes of Ecclesiastical Politie*, bk. 1, ch. 2 (of the state of nature).

We should notice here that Hooker's argument is grounded in reciprocity of treatment. The logic of punishment for violation of the fundamental obligation of nature rests entirely on the threat of external, reciprocal punishment: "If I do harm, I must look to suffer." What drops out here is the supposition, generally shared among pre-modern moral thinkers, that vice harms the perpetrator, not just the victim. Over and above the link between the violation of others and the expectation of external sanction, there is the insight into the diminished soul of the perpetrator.

The thesis goes all the way back to Plato's *Apology*, in which Socrates tells his accusers: "If you kill the sort of man I say I am, you will not harm me more than yourselves."³⁰ He proceeds to make an even stronger claim, namely, that a "good man cannot be harmed either in this life or in the next."³¹ Neither Aquinas nor anyone in the African American natural law tradition embraces Socrates's bold conflation of virtue with invulnerability to harm. In fact, the African American experience exacerbates the sense of the tragic longing for justice, of the horrifying gap between justice and happiness in this life. There is, however, a more plausible claim, namely, that vice damages the perpetrator, that it is in some measure its own punishment and that one form the punishment can take is as a kind of moral blindness.

Lloyd quotes Douglass as saying that those who "study mankind with whip in hand will always go wrong," and that slavery encourages "cruelty and a false sense of superiority."³² He goes so far as to assert that the confederates are "entangled with the chains of their own slaves."³³ The theme runs from Douglass to King, who notes that segregation harms the segregator as well as the segregated. The point is echoed in other African American authors. For example, James Baldwin writes, "whoever debases others is debasing himself," while Toni Morrison speaks of the way "the treatment of slaves degrades the owner."³⁴ During a trip through the south, Baldwin was struck by the condition of white southerners. Trying to find language to describe what he sees, he turns to Dante's lines from Dante's *Inferno*: "So many, I had not thought death had undone so many." Baldwin also trenchantly commented on the American penchant for historical amnesia: "Those who

³⁰ Plato, *Apology* 31d.

³¹ Plato, *Apology* 41d.

³² Lloyd, *Black Natural Law*, 14.

³³ Lloyd, *Black Natural Law*, 14.

³⁴ James Baldwin, *The Fire Next Time* (New York: Vintage, 1992), 83, and Toni Morrison, *The Origin of the Other* (Cambridge, MA: Harvard University Press, 2017), 29.

willfully refuse to remember become moral monsters.”³⁵ Here the intellectual and the emotional, the rational and the moral are inextricably intertwined.

What is the evidence that Aquinas recognizes the possibility of moral blindness? Given his conviction that the human soul is naturally ordered to truth and goodness and that the precepts of the natural law are self-evident to all, it would seem that he might not have much to say about this. That impression is deeply misleading. He argues, in fact, that, under specific conditions, conditions that are quite common, we can indeed hate the truth. In such cases, “a particular truth” can be “considered as hurtful and repugnant.” For example, the entertaining and acting on a particular truth might be an obstacle the fulfillment of some desire that we have. Or a truth might reveal something about ourselves that we prefer would remain hidden. Aquinas quotes Augustine: we “love truth when it enlightens,” but “hate it when it reproves” (*ST* I-II, q. 29, a. 5; quoting *Confessions* 10.23).

Aquinas speaks explicitly of “blindness of mind,” which is evident in our deliberate averting of our attention from a relevant truth. We can, for example, be distracted from considering and/or performing an obligatory act by our desire for pleasure or our fear of the burdens associated with the act. These are fairly obvious cases. More damaging instances occur when our will deliberately turns away from the consideration of a truth. Aquinas cites Psalm 34:4—“He would not understand, that he might do well” (*ST* II-II, q. 15, a. 1).

Moral blindness not only blocks our access to truths relevant to our personal good; it also and especially undermines our access to truths concerning injustice. Aquinas makes explicit the connection between moral blindness and injustice in his discussion of the vice of suspicion. Aquinas calls suspicion a “perversity or disorder of the affections” that has to do with thinking ill of someone based on “slight indications” or what we might call insufficient evidence. If we are inclined to evil ourselves, Aquinas notes, then we are likely to suspect others of evil-doing. We can also be ill-disposed toward another, and thus suspicious, because of envy or anger. Aquinas also ranks suspicion by degrees of malice or harm. The first and most mild type occurs “when a man begins to doubt of another’s goodness from slight indications.” The second arises from making a judgment of certitude about someone’s evil without sufficient evidence. If this concerns a serious matter, Aquinas argues that it is a grave sin, entailing “contempt of one’s neighbor.” The most heinous form of suspicion occurs in the legal system, when “a judge

³⁵ See Eddie Glaude, *Begin Again: James Baldwin’s American and its Urgent Lessons for our Own* (New York: Crown, 2020), 202.

goes so far as to condemn a man on suspicion" (*ST* II-II, q. 60, a. 3). All of these degrees of suspicion can be found in various racist practices.³⁶

In Aquinas's reflections on moral blindness, we find an amplification of his teaching on the ways the natural law can be abolished from the human heart. Lloyd makes a profound point in his elaboration of Douglass's teaching that we have a distorted perception of human nature: "We are estranged from ourselves." He adds that a "prerequisite to implementing the natural law is ridding ourselves of such distortions." The task is not just to open our eyes and look; first we have to remove "obstructions to grasping."³⁷ But this is no easy matter. In fact, it "is such a large task that it actually comes to entail much of the work of natural law itself."³⁸ The last point is crucial and largely neglected in natural law discourse. There is something perplexing, paradoxical, and horrifying about the human capacity to blind itself to precepts that are self-evident to us. For Aquinas, this is one of the reasons for the revealed law, which in its moral content, reiterates what is already accessible through the natural law. In this context, revealed law calls us to a kind of recollection of what we already in some sense know.

Our moral forgetfulness, our capacity to disown what we know, is one of the reasons for the use of varied genres of writing and modes of speech in communicating with different audiences about the natural law. There is a need for irony, for drama, and for rhetoric to move us to see what we have forgotten. The mere apprehension of universal principles of moral right are not sufficient; we can affirm them at one level and deny them at another or affirm them in one context and fail to apply them consistently in another. Given the emphasis in Enlightenment morality on such abstract principles,

³⁶ In thinking about what Aquinas might say about racism, I am indebted to Therese Cory, "A Thomistic Approach to the Evils of Racism," *Church Life Journal*, March 15, 2022 (churchlifejournal.nd.edu/articles/a-thomistic-approach-to-the-moral-evils-of-racism/), and "A Thomistic Approach to Structural Racism," *Church Life Journal*, April 26, 2022 (churchlifejournal.nd.edu/articles/a-thomistic-approach-to-structural-racism/). Much more would need to be said about the question of structural sin, or in this case structural racism. I would begin with what Aquinas says about the possibility of the precepts of the natural law being blotted out of the human heart through "vicious customs and corrupt habits" (*ST* I-II, q. 94, a. 6). There are various sources or causes of the occlusion of the precepts; some of these causes can be communal practices. I am grateful to Anne Jeffrey for her comments about occlusion and for her helpful criticisms of an early draft of this essay.

³⁷ *The Frederick Douglass Papers*, vol. 5 of Series One: Speeches, Debates, and Interviews. (New Haven, CT: Yale University Press, 1979–1992), 142–43, quoted in Lloyd, *Black Natural Law*, 12.

³⁸ Lloyd, *Black Natural Law*, 12.

there is reason to be suspicious of the adequacy of such an approach to matters of justice.

In certain forms of Enlightenment thought, there is a blindness to moral blindness, a naïve disregard for the depths of evil in the human heart. While Aquinas did not know the Enlightenment, he was aware of our capacity to disown knowledge. John Henry Newman, a modern Catholic author, faces such Enlightenment views in his reflections on the dominant education system of his time.³⁹ As one commentator on Newman's educational theory puts it: "The whole foundation of Bentham's utilitarian University College in London was premised on the idea that knowledge does make men better morally; as early as the 1830's Newman was a consistent critic of this fallacy of the march of the mind."⁴⁰ Enlightened utilitarians suppose that "our true excellence comes not from within, but from without; not wrought out through personal struggle and suffering; but following upon a passive exposure to influences over which we have no control."⁴¹ They are blind to

³⁹ Although it is not directly relevant to this essay, it seems to me important to note the overlap between classical conceptions of liberal education and the remarkably rich reflections on liberal education in the authors whom Lloyd examines. Both the tradition of Aquinas and the African American tradition resist the reduction of education to an instrumentalist model. This is another example of the ways in which there is a closer affiliation between Aquinas and African American thought than there is between either and dominant American paradigms. American education is dominated by instrumental (Benjamin Franklin) and pragmatic (John Dewey) theories of education. Lloyd notes that Cooper was not just an advocate but also an avid practitioner and teacher of liberal education. Her views put her in conflict with Booker T. Washington's more utilitarian model of education. She insisted that the goal is to educate human beings, not machines. In this dispute, she is closer to W. E. B. Du Bois, who in a chapter in *The Souls of Black Folk*, offers perhaps the greatest defense of liberal education ever penned by an American. Douglass focused on education as crucial to his own path to freedom. Even while enslaved, education gave him a sense of interior freedom, a sense of his own intellectual capacity and dignity as a rational being. Liberal education, Du Bois writes, develops the fundamental human longing to ponder the "riddle of existence." Du Bois had argued that the "true college will ever have but one goal—not to earn meat, but to know the end and aim of that life which meat nourishes" (*The Souls of Black Folk*, with an introduction by Henry Louis Gates Jr. [New York: Bantam Classics, 1989], 58). As Lloyd notes in his discussion of Du Bois on education, the problem is how to inculcate in youth a sense of the good, the true, and the beautiful and "crucially how they are interchangeable" (*Black Natural Law*, 87).

⁴⁰ Paul Shrimpton, *The Making of Men: The Idea and the Reality of Newman's University in Oxford and Dublin* (Leominster, MA: Gracewing), 470.

⁴¹ St. John Henry Newman, "The Tamworth Reading Room," in *Discussions and Arguments on Various Subjects* (London: Basil, Montagu, Pickering, 1872), 266.

“the enormities of evil.”⁴² The theoretical view of the power of theory to counter evil ignores the need for moral struggle and the human vulnerability to self-deception or moral blindness.⁴³

The contradiction between abstract, Enlightenment precepts and moral practice is the implicit subject of Douglass’s famous speech delivered in Rochester, New York, on July 5, 1852, on the topic of the significance for the Negro of the celebration of July Fourth.⁴⁴ In a marvel of political rhetoric, Douglass celebrates the achievement of the revolution and its defining document, *The Declaration of Independence*. He notes America’s many achievements. Then, in a shocking shift in tone, he bluntly inquires whether those who invited him sought to “mock” him by “asking him to speak.”⁴⁵

Instead of being an occasion for shared rejoicing, the Fourth serves only to underscore the gap between free and slave. He asks: “What, to the American slave, is your 4th of July? I answer; a day that reveals to him, more than all other days in the year, the gross injustice and cruelty to which he is the constant victim.”⁴⁶

Anticipating the objection that he should not indulge in incendiary rhetoric but in dispassionate reasoning, he observes that there is no real need to make the argument on behalf of human equality, as the *Declaration* itself settles that. The horrifying perplexity is the contradiction between principles recognized and the absence of change that should result from the principles. The affirmation of principles at one level is no guarantee that their relevance will be apprehended or applied in every particular circumstance. Basic precepts, as Aquinas argues, can indeed be abolished from the human heart, most shockingly in those who claim to embody the highest standards of justice. Douglass excoriates both the religious and the political practices of Americans:

At a time like this, scorching irony, not convincing argument, is needed. . . . The feeling of the nation must be quickened; the conscience of the nation must be roused; the propriety of the nation

⁴² St. John Henry Newman, *The Idea of a University*, ed. Frank M. Turner (New Haven, CT: Yale University Press, 1996), 142.

⁴³ See Newman, *Idea*, 91: “Quarry the granite rock with razors, or moor the vessel with a thread of silk; then may you hope with such keen and delicate instruments as human knowledge and human reason to contend against those giants, the passion and pride of man.”

⁴⁴ Frederick Douglass, “What to the Slave is the Fourth of July?” in *The Essential Douglass: Selected Writings and Speeches* (Indianapolis, IN: Hackett Publishing, 2016), 50–71.

⁴⁵ Douglass, “What to the Slave is the Fourth of July?,” 56.

⁴⁶ Douglass, “What to the Slave is the Fourth of July?,” 60.

must be startled; the hypocrisy of the nation must be exposed; and its crimes against God and man must be proclaimed and denounced.⁴⁷

Here we return to the theme of the topic of the complexity of human nature, to Lloyd's insistence that not just reason, but also emotion and imagination are operative in the recognition and implementation of the natural law. The ironic shift in Douglass's speech is designed, just as it is in Socrates's own ironic indictments of Athens, to turn the listeners back upon themselves—from self-congratulation to self-examination, and from celebration to penitential remorse. The very fact that we affirm abstract principles, so prominent in Enlightenment moral and political theory, can be conducive to moral blindness, because it can contribute to self-congratulation about our moral awareness and judgment. It can thus serve to conceal the glaring gap between what we purport to affirm in the abstract and how we actually live. The failure to mediate between universal and particular here is a moral failure, not merely an epistemic one. Occlusion of the moral law can take many forms. Here the stubborn and recalcitrant resistance takes the form of a disregarding, willful or not, of an obvious application of universal to particular. Yet, he concludes on a note of hope and continues to find encouragement in the *Declaration*.⁴⁸ Douglass's dialectical engagement of Enlightenment principles is at once affirming and critical, even suspicious.

Epistemic Privilege

Implicit in Douglass's oration on Independence Day is a claim to a kind of epistemic privilege: he is asserting that he knows what his audience does not and that this knowledge is rooted in his experience of injustice. One of the ironies of Douglass's claim and strategy is that he is attempting to unsettle the claims to epistemic privilege in his white audience, who suppose that their own knowledge of the *Declaration* is sufficient and certainly superior to that of African Americans.

But what is meant by epistemic privilege? We might begin with Du Bois, who speaks at length about the "color line." There is not, however, a neat divide between the worlds of the two races. The need to navigate a white world for African Americans creates what Du Bois calls two-ness, implicit perhaps in the plural use of the term "souls" in his book, *The Souls of Black*

⁴⁷ Douglass, "What to the Slave is the Fourth of July?," 69.

⁴⁸ For a bracing interpretation of the *Declaration* that takes quite seriously contemporary debates, see Danielle Allen, *Our Declaration: A Reading of the Declaration in Defense of Equality* (New York: Liveright, 2015).

Folk.⁴⁹ He writes: "Such a double life, with double thoughts, double duties, and double social classes, must give rise to double words and double ideals, and tempt the mind to pretense or revolt, to hypocrisy or radicalism."⁵⁰ He speaks of the gift of second sight, indicating that African Americans see better and more than white Americans. Lloyd adds that "continuing to persevere through overwhelmingly harsh conditions and deprivation offers insight into what is necessary to count as human and into human capabilities."⁵¹ In his comments on King, he observes that "oppression makes it easier to see God's image and God's law."⁵²

Just as the momentary experience of being subject to injustice, or witnessing others being subjected, can make anger flash in our hearts and render us more keenly cognizant of a lack of justice, so too, and in an even more profound way, oppression provides insight into injustice. Oppression indicates something more than a passing experience of an unjust act; it involves sustained subjection to injustice. Persons afflicted in this manner are all the more aware of the harms that they and others suffer; they may also see the dehumanization of the oppressor in ways to which the oppressor is oblivious. What happens after the initial insight is crucial for Du Bois and King. For Du Bois, the internal conflict of two-ness is both gift and curse. It gives insight, but it is also a source of pain and can be a temptation to destructive violence, channeled internally or externally. Du Bois sees three possible paths: revolt and revenge, conformity, or a determined effort at self-realization.⁵³ The third is the only one that refuses to allow the opponent to set the terms of the debate. Similarly, King presents nonviolent civil disobedience as an alternative to passive compliance and reactionary violence. A crucial preparatory element to civil disobedience is what he calls purification, which insures both that one will be able to endure the insults and injury without resorting to violence and that anger is focused on injustice rather than hatred

⁴⁹ Kwame Anthony Appiah observes, "the title can be read in two ways—as the souls of a black people and as the souls of black people. Perhaps we are to think both of the souls of individual black folk and of the multiple souls contending for possession of the collective black folk. . . . Du Bois pulses with individualist and collectivist rhetoric, in an alternating current" (*Lines of Descent: W. E. B. Du Bois and the Emergence of Identity* [Cambridge, MA: Harvard University Press, 2014], 77).

⁵⁰ Du Bois, *Souls*, 142. As David Levering Lewis notes, an important source for two-ness and internal division in Du Bois is Hegel's dialectical philosophy, particularly his famous treatment of Master and Slave (*W. E. B. Du Bois 1868–1919: Biography of a Race* [New York: Henry Holt, 1993], 139–40).

⁵¹ Lloyd, *Black Natural Law*, 71.

⁵² Lloyd, *Black Natural Law*, 99.

⁵³ Du Bois, *Souls*, 34.

of persons. Thus, we might say that, for King, efficacious insight involves more than the suffering of injustice; it involves suffering accompanied by a certain kind of response, a response that combines knowledge and passion in an appropriate way.

There is an additional point here that needs to be noted. Those who are not directly affected by the oppression to which others are subject should be slow to offer interpretations of that experience. Consider, for example, the debate between Hannah Arendt and Ralph Ellison over the case of fifteen-year-old Elizabeth Eckford, who, in September of 1957, three years after *Brown v. Board of Education*, sought to enter the previously segregated Central High in Little Rock. She was surrounded by a white mob spitting at her and yelling vile racist insults at her. In two 1959 essays in *Dissent*, Arendt was critical of the parents of the African American Little Rock students, for exposing their children to such abuse and forcing them into a group where they are not wanted. She poses to herself the question, "what would I do if I were a Negro mother?"⁵⁴ In part, her criticism is derived from her own political theory, according to which there are three spheres: the private, the social and the political. In the social, to which she assumes schooling belongs, individuals are free to gather with whomever they prefer, in an exclusive way. Set aside the fact that the schools in question are government-funded public schools. Ellison sees a much deeper problem. Ellison objects to Arendt's "presumption of an Olympic authority."⁵⁵ In an interview, Ellison expands on his criticism:

At any rate, this too has been part of the American Negro experience, and I believe that one of the important clues to the meaning of that experience lies in the idea, the ideal of sacrifice. Hannah Arendt's failure to grasp this ideal among Southern Negroes caused her to fly off into left field in her "Reflections on Little Rock" in which she charged Negro parents with exploiting their children during the struggle to integrate schools. But she has absolutely no conception of what goes on in the minds of Negro parents when they send their kids through those lines of hostile people. Yet they are aware of the overtones of a rite of initiation which such events actually constitute for the child, a confrontation of the terrors of social life with all the

⁵⁴ See Hannah Arendt, "Reflections on Little Rock," *Dissent* 6, no. 1 (1959): 45–56; Arendt, "A Reply to Critics," *Dissent* 6, no. 2 (1959): 179–181.

⁵⁵ Ralph Ellison, "The World and the Jug," in *The Collected Essays of Ralph Ellison*, ed. John F. Callahan with introduction (New York: Modern Library, 2003), 155–87, at 156.

mysteries stripped away. And in the outlook of many of these parents (who wish that the problem didn't exist), the child is expected to face the terror and contain his fear and anger precisely because he is a Negro American. Thus, he's required to master the inner tensions created by his racial situation, and if he gets hurt—then his is one more sacrifice. It is a harsh requirement, but if he fails this basic test, his life will be even harsher.⁵⁶

To her credit, in a typewritten letter, Arendt responded to Ellison by admitting that she simply had no idea of the complexity of the situation. Making prudential judgments in such cases requires abandoning the Olympian perspective and apprehending the concrete conditions of action in specific circumstances. It requires something like what Pope Francis likes to call encounter.

What would Aquinas make of this claim to epistemic privilege? He clearly affirms one version of that thesis in his Aristotelian insistence that, as someone is, so does the good appear. We have already noted the way passion can increase the goodness of an act. Even more, it is a thesis common to Aristotle and Aquinas that the formation of one's character determines to some extent what one sees or fails to see. Or, as Aquinas puts it, "the mind is drawn, on account of his affections, towards the things for which he has an affection, according to Mt. 6:21, 'Where thy treasure is, there is thy heart also'" (*ST* II-II, q. 166, a. 1, ad 2).

I want to address the question further by focusing on what Aquinas has to say about the virtue of mercy and about the character traits and passions that block or assist in the accurate perception of, and response to, situations that call for mercy.

We should notice two things right away about Aquinas's account of mercy. The first is that it is rooted in a passion, namely, sorrow, prompted by sadness over another's misfortune. The second is that Aquinas has a much broader notion of mercy than we typically do. In "Aquinas on the Obligation of Mercy," Shawn Floyd sets Aquinas's account in contrast to the contemporary tendency to reduce mercy to forgiveness or the cancellation of a legal debt. Instead, as Floyd shows, mercy is one of the virtues that addresses "human neediness wherever—and in whomever—it exists." He adds:

And its beneficiaries are not exclusively (or even primarily) offenders or debtors. They are people who are destitute, sick, lonely, grieved,

⁵⁶ R. P. Warren, *Who Speaks for the Negro?* (New York: Random House, 1965), 343–44.

ignorant, and hungry. It is in this context that mercy seems most germane and capable of providing us with the guidance we need when faced with human neediness and suffering.⁵⁷

The Latin term *misericordia* is not easy to translate; its literal meaning has to do with a suffering of the heart over the misfortune of another. It entails both feeling, being affected by the misery of others, and a willingness to try to assist the afflicted other (*ST* II-II, q. 30, a. 1). Feeling is indispensable but not sufficient. Indeed, between the initial movement of the passion and action, there is a need for judgment, according to Aquinas, judgment that indicates that the suffering endured is something that merits our response. So, we could be moved by sounds of pain and discover that the person is undergoing a dental exam or that a child is being reasonably deprived of screen time because of misbehavior. In these cases, no response on our part is necessary or appropriate. In other cases, however, reason would judge that a response is required.

The account of *misericordia* takes aim at a false notion of self-sufficiency. Aquinas writes, “The proud are without mercy, because they despise others, and think them wicked, so that they account them as suffering deservedly whatever they suffer” (*ST* II-II, q. 30, a. 2). One of the illusions to which we are prone is the supposition that we are protected, by birth, inheritance, or achievement, from grave misfortune. Everyone is dependent and vulnerable in various ways. Aquinas writes, “The old and the wise who consider that they may fall upon evil times, as also feeble and timorous persons, are more inclined to mercy: whereas those who deem themselves happy, and so far powerful as to think themselves in no danger of suffering any hurt, are not so inclined to mercy.” Aquinas’s accentuation of the contingency of the goods we possess, their vulnerability to ordinary and tragic loss, goes well beyond Aristotle. Mercy brings these differences to the fore.⁵⁸

Throughout his book, Lloyd talks about natural law as a basis for a

⁵⁷ Shawn Floyd, “Aquinas and the Obligations of Mercy,” *Journal of Religious Ethics* 37, no. 3 (2009): 449–71, at 454.

⁵⁸ If mercy is not to be limited to forgiveness, it is also not to be equated with modern notions of pity, that is, with the feeling badly that someone else is worse off but doing so from a fairly safe distance. What Aquinas says about friendship is relevant: “He who loves another looks upon another as a second self, he counts his friend’s hurt as his own, so that he grieves for his friend’s hurt as though he were hurt himself” (*ST* II-II, q. 30, a. 1, ad 2). On the various senses of mercy and compassion and the distinctive contribution of Aquinas, see John O’Callaghan “Fearless Mercy beyond Justice: Aquinas and Nussbaum’s Pity Tradition,” in *Beyond the Self: Virtue Ethics and the Problem of Culture*, ed. Raymond Hain (Waco, TX: Baylor University Press, 2019). Also see

critique of ideology, especially the ideology rooted in power and wealth. Neither the exercise of power nor the mere possession of external goods is inherently vicious. Yet Aquinas distinguishes just from unjust rule in terms of whether the end is the common good or the good merely of the rulers. The desire for and the possession of power creates certain near occasions of sin, temptations to what Aristotle calls “graspingness,” the desire to have more than one is due. From his discussion of the illusion of self-sufficiency and the vice of avarice, it is clear both power and wealth can easily generate vices that blind us to the needs of others and that render us cruel and merciless (*ST* II-II, q. 159, a. 1, ad 3). The greatest risk of the possession of wealth is that it can breed the illusion of self-sufficiency (q. 84, a. 2). Wealth denotes the possession of things over which we have “absolute mastery” (q. 118, a. 2). Aquinas states that “the avaricious takes pleasure in the consideration of himself as the possessor of riches” (a. 6). Like pride, covetousness causes insensibility to mercy, because a man’s heart is not softened by mercy to assist the needy with his riches” (a. 8).

Certain virtues make for epistemic privilege and certain kinds of experiences can predispose us to the virtues and make us acutely aware of their need. If avarice and pride are obstacles to mercy, even to perceiving the need for mercy, then poverty or detachment from the possession of external things and humility or a sense of the contingency of one’s own life and gifts are likely to incline one to be generous and merciful. Even more fundamentally, such dispositions enable one to recognize and be moved by the needs of others.⁵⁹

Anger, Justice, and the Unity of the Virtues

Now, the focus on love and mercy might seem to create inappropriate burdens on the victims of injustice, that they should love even as oppressors seize upon that love as a weakness to be exploited for further injustice.⁶⁰

Robert Miner, “The Difficulties of Mercy: Reading Thomas Aquinas on Misericordia,” *Studies in Christian Ethics* 28, no. 1 (2015): 70–85.

⁵⁹ There are of course questions here about our capacity for empathy, the ways in which we tend to project our own interpretations of the predicament of others onto the question of what they need. For the limits to and distortions often involved in empathy, see Mary Scudder, *Beyond Empathy and Inclusion: The Challenge of Listening in Democratic Deliberation* (Oxford: Oxford University Press, 2020). See also Olivia Bailey, “Empathy with Vicious Perspectives? A Puzzle About the Moral Limits of Empathetic Imagination,” *Synthese* 199 (2021): 9621–47.

⁶⁰ There are important questions about anger and forgiveness, questions about who can or should forgive whom of what. On the complexities of forgiveness and its underlying

Some are even tempted to argue that anger itself is inappropriate. But this is problematic, as is clear from the argument in Amia Srinivasan's essay "The Aptness of Anger." She defends a view of anger as a fitting response to "moral violation" and attempts to separate out the angry demand for recognition from a vicious desire for revenge: "To get aptly angry is not merely to appreciate the disvalue of an unjust situation or an immoral act. Anger is also a form of communication, a way of publicly marking moral disvalue, calling for the shared negative appreciation of others."⁶¹ One of the typical objections to the expression of anger by those experiencing injustice is that it will be counterproductive to the aim of combating the injustice. Srinivasan responds that "it is not enough to think of it only in terms of its political efficacy. We must also think of it as an act in itself, an act that—when apt—registers and communicates the badness of injustice."⁶²

She returns repeatedly to the Stoic notion of anger as always destructive and never virtuous. Aquinas, as we have noted, is not a Stoic. In his discussion of the vice of anger, he asks whether it is lawful to be angry. He responds that it can be not only lawful, but virtuous:

Inasmuch as the movement of the sensitive appetite is directed against vice and in accordance with reason, this anger is good, and is called "zealous anger." Wherefore, Gregory says [*Moralia* 5.45]: "We must beware lest, when we use anger as an instrument of virtue, it overrule the mind, and go before it as its mistress, instead of following in reason's train, ever ready, as its handmaid, to obey." This latter anger, although it hinder somewhat the judgment of reason in the execution of the act, does not destroy the rectitude of reason. (*ST* II-II, q. 158, a. 1, ad 2).

He also responds to the objection that such anger always entails a vicious desire for vengeance: "It is unlawful to desire vengeance considered as evil to the man who is to be punished, but it is praiseworthy to desire vengeance as a corrective of vice and for the good of justice" (ad 3). He even goes so far as to argue that the "lack of anger can be a sin" (a. 8). So, Aquinas thinks

importance for both offenders and victims, see Everett Worthington, *Forgiveness and Reconciliation: Theory and Application* (New York: Routledge, 2006). For these texts, I am indebted to conversation with my Baylor colleague, Anne Jeffrey, and to her paper in progress on love of enemies.

⁶¹ Amia Srinivasan, "The Aptness of Anger," *The Journal of Political Philosophy* 26, no. 2 (2018): 123–44, at 132.

⁶² Srinivasan, "Aptness of Anger," 138.

that anger is, in some cases, not just permitted, but morally required. The determination of where and when and in what way the expression of anger is apt falls to the judgment of practical reason.

Following Aristotle, Aquinas insists on the inseparability of the moral virtues and the virtue of prudence. When he defines each of the virtues, Aristotle adds that the temperate or courageous person will do the right thing in the right way, that is, in a way appropriate to the persons, situation, and so on. Thus, each of the virtues needs prudence. Conversely, without the formation of the passions through virtues like courage and temperance, the operation of practical reason will be derailed. In this way, Aquinas makes an argument for the unity of the virtues.

Aquinas makes the case for the connection among the virtues in another way, based on a set of concrete observations about particular virtues and how they can be undermined. In his examination of the operation of particular virtues in specific settings, he detects ways in which they can be undermined or go astray. Thus, he leads us to reflect on the vices that might undermine a particular virtue; that reflection generates further thought about other virtues that might combat the harms caused by the vices.

The thesis concerning the unity of the virtues gives rise to the following objection concerning the practice of justice. Must we possess all the other virtues in order to practice justice? Nothing in Aquinas's account entails that one must have every virtue in the fullest in order to have any one at all. Instead, one can possess a virtue to one degree or another and one virtue more than another. The very understanding in Aristotle and Aquinas of the way virtue is inculcated indicates that it typically happens gradually. The teaching on training in virtue indicates further that, unless one practices it imperfectly, one will never practice it adequately.

That truth about the need to practice to become adept applies to all the virtues. There is an additional consideration with regard to the virtue of justice. The good directly involved in the practice of many of the virtues is that of the agent. By contrast, justice is the good of the other. Now if one wants to be just and focus on harms being wrongly inflicted on others, it would seem odd to shift one's attention to how well one is embodying the other virtues, particularly the self-regarding virtues. So, for example, anger at injustice can be excessive and harmful in the ways we have already discussed. But to be so concerned about the danger of inordinate anger that one fails to respond to a grave injustice is to be too focused on oneself and insufficiently on the good or harm of the other. In this way, one would fall short in the matter of justice, which is about the common good, not just an individual's good.

The focus on the common good raises the question of the role of political prudence, a topic to which Lloyd turns near the end of the book. Lloyd argues that the natural law tradition fosters “the measured, politically strategic instincts of the tradition. When too much is demanded too quickly, without practical wisdom and political calculus, we tend to deviate from natural law.”⁶³ In fact, he goes so far as to attribute some of the decline of natural law thinking to a preference for eschatological urgency:

The canonical formulations of black natural law do not begin by attacking specific laws. . . . They begin by reflecting on how human nature is distorted by institutions, laws, and social norms. . . . The black natural law tradition emphasizes the need for practical wisdom and patience in the implementation of natural law.⁶⁴

The emphasis on political prudence certainly accords with Aquinas’s own thoughts about how to apply natural law to the concrete conditions of any political order. One of the worries is about unintended consequences of attempts at social engineering. At one point, Aquinas speaks of the difficulty of setting aside the “customs of a whole people” (*ST* I-II, q. 97, a. 3, ad 2). The ineradicable role of custom leads Aquinas in the direction of a sustained, detailed prudential engagement with particular regimes. In circumstances where the people is not virtuous, law forbids only “the most grievous vices” and its goal is to move the people to virtue, “not suddenly but gradually” (q. 96, a. 2, ad 2). The assumption of this article, which asks whether human law represses all vice, is that human law does indeed seek to inculcate virtue. The purpose of human law is to lead to virtue, not suddenly, but gradually. Aquinas worries that an overzealous imposition of virtue can lead citizens to despise the laws and thus “from contempt” to “break into evils worse still” (ad 2).

Aquinas also thinks we are obligated to obey legitimately established laws, even in some cases unjust laws.⁶⁵ We are here touching upon the question that provoked King to compose his *Letter from a Birmingham Jail*. King is arguing in part that the injustices he is opposing are not inconveniences, but rather the kind of “grievous vices” that Aquinas thinks the law is bound to forbid. King disobeys currently existing law while being willing to accept the penalty for the violation. Natural law can also make us

⁶³ Lloyd, *Black Natural Law*, 145.

⁶⁴ Lloyd, *Black Natural Law*, 146–47.

⁶⁵ *ST*, I-II, q. 96 (On the Power of Human Law), especially a. 4, “Does the Human Law Bind in Conscience?”

aware of corrupt customs; as Aquinas notes, bad customs can erode awareness and implementation of the natural law. There is an overlap here with Lloyd's suggestion that natural law reasoning "begins by reflecting on how human nature is distorted by institutions, laws, and social norms."⁶⁶ According to Lloyd, King is arguing that truths evident from a higher and more fundamental law inform and guide "social movement organizing" aimed at countering, alleviating, and eliminating unjust practices.⁶⁷

Religion, Natural Law, and Hospitality

One question that surfaces occasionally in Lloyd's book and quite regularly in discussions of Thomistic natural law is the extent to which natural law is in fact a theological teaching. It is of the essence of law that it be promulgated. Thomas holds that the natural law is promulgated through creation itself,

⁶⁶ Lloyd, *Black Natural Law*, 146.

⁶⁷ Lloyd, *Black Natural Law*, 147. There is a larger question lurking here, too large to be explicitly included in this paper, concerning what role experience and knowledge gained through centuries of political practice play in the current theory and practice of Thomistic political thought. It is of course an assumption of this essay that the study of quite varied political practices, virtuous or vicious, is not only possible but also salutary and necessary. For an affirmative argument, grounded in the Thomistic claim that politics is about the realization of unchanging human ends or goods which are realized prudentially in different ways in different contexts, "humans must conduct any political arrangement with a freedom toward institutions" and thus be open to learning from the experience of political life; see William McCormick, *The Christian Structure of Politics: On the De Regno of Thomas Aquinas* (Washington, DC: Catholic University of America Press, 2023). McCormick says further: "Just as the church must be ambivalent toward temporal arrangements, . . . so, even within political life, humans must approach political forms with the prudence and humility of a student, acknowledging that they, both legislators and communities, always have more to learn" (218). The most important set of experiences in the Catholic reflection on these matters is that of Bartolomé de Las Casas, *In Defense of the Indians* (Ithaca, NY: Northern Illinois University Press, imprint of Cornell University Press, 1992). Also see Lewis Hanke, *All Mankind is One: A Study of the Disputation Between Bartolomé de Las Casas and Juan Ginés de Sepúlveda in 1550 on the Intellectual and Religious Capacity of the American Indian* (Ithaca, NY: Northern Illinois University Press, 1994). Alexis de Tocqueville is also relevant here, as he contrasts ancient and modern slavery, noting, in a way that complements Douglass's reflections on the incompatibility of slavery with education, that modern slavery aims at the mind, not just the bondage of the body. See *Democracy in America*, trans. George Lawrence (New York: Doubleday, 1969), 361. Even closer to our time, the American Catholic experience of anti-Catholic prejudice, particularly after Catholics became a target of the Ku Klux Klan, led the Knights of Columbus in the 1920s to commission a series of books, including Du Bois' *The Gift of Black Folk: The Negroes in the Making of America*, as well as books on the role of the Jews and those of German nationality in the making of America.

as God creates human beings with inclinations to ends congruent with their nature. Yet, the notion of creation need not be explicitly invoked in order to understand the basic precepts. I take it that Lloyd's reading of the modern African American natural law tradition concurs with Aquinas's view that the precepts of the natural law are accessible, however imperfectly, through reflection on human nature.

Another way to pose this question is to wonder about the extent to which the recognition and implementation of the natural law rests upon participation in religious communities.⁶⁸ In principle, this would not be necessary, and yet in the African American tradition, it is difficult to conceive of the rich articulation and development of natural law apart from the formative influence of the Black churches. The claim is palpable in the life and work of King. Lloyd argues that the radical King is the religious King, that his deepest insights are found in his early, explicitly theological reflections on justice and that he moved away from the explicit use of scriptural themes only because he felt the need to reach a more secular audience.⁶⁹

The connection is also prominent in Cooper, who ties natural law to the recognition of the presence of the image of God in every human being. Du Bois' account is generally more secular, but he concludes *The Souls of Black Folk* with a moving reflection on the sorrow songs. Du Bois finds in the tradition of the songs sung by slaves an undaunted faith in, and hope for, justice—a fundamentally religious impulse.⁷⁰

⁶⁸ Formation in practices that train us to remember and be grateful for divine generosity enable us to transcend cultural assumptions about scarcity and move to models of abundance. The importance of abundance is evident in Martin Luther King's sermon "Our God is Able" (kinginstitute.stanford.edu/king-papers/documents/our-god-able), as well as in Aquinas's suggestion that divine mercy is the most powerful sign of God's omnipotence (see *ST II-II*, q. 30, a. 4). As the Thomist Josef Pieper comments: "The just man who . . . realizes that his very being is a gift, and that he is heavily indebted before God and man, is also the man willing to give where there is no strict obligation. He will be willing to give another man something no one can compel him to give" (*A Brief Reader of the Virtues of the Human Heart*, trans. Paul C. Duggan [San Francisco: Ignatius Press, 1991], 24).

⁶⁹ In his introduction to *The Radical King* (Boston: Beacon, 2015), Cornel West writes: "Like his great contemporary, Dorothy Day, . . . Dr. King understood radical love as a form of death—a relentless self-examination in which a fearful, hateful, egoistic self dies daily to be reborn into a courageous, loving, and sacrificial self. For both Day and King, this radical love flows from an imitation of Christ, a response to an invitation of self-surrender in order to emerge fully equipped to fight for justice in a cold and cruel world of domination and exploitation" (xvi).

⁷⁰ By ending with the barely articulate yearnings of the slaves, Du Bois unsettles assumptions about rationalist enlightenment, even as he counters the interpretation of his own

Thomas's distinction between acquired and infused virtue might lead us to think that attention to the virtue of mercy in a discussion of natural law is unwarranted. After all, Aquinas subordinates mercy to the supernatural virtue of charity. Yet, Aquinas cites Cicero, a pagan author, as an authority on mercy; so, he recognizes natural versions of the virtue as well. Moreover, the duty to assist those in need is entailed by the natural virtue of justice, as is clear from Aquinas's discussion of conditions for and the limitations to private property.⁷¹ In response to the question whether it is lawful to steal in cases of necessity or dire need, he responds in the affirmative with a qualification. Since the goods of the earth are intended for the well-being of all, rightful ownership of property is not absolute or unlimited. In such cases, taking what is needed is not in fact theft. Noting that this teaching is part of the natural law, he writes,

Whatever certain people have in superabundance is due, by natural law, to the purpose of succoring the poor. For this reason, Ambrose . . . says, and his words are embodied in the Decretals (Dist. xlvii, can. Sicut ii): "It is the hungry man's bread that you withhold, the naked man's cloak that you store away, the money that you bury in the earth is the price of the poor man's ransom and freedom." (*ST* II-II, q. 66, a. 7, corp.)

The obligation to assist those in need is part of the natural law; such a duty is not limited to extreme cases, however. Aquinas thinks that one of the purposes of the individual possession of goods is so that we can assist others: "Since . . . there are many who are in need, while it is impossible for all to be succored by means of the same thing, each one is entrusted with the stewardship of his own things, so that out of them he may come to the aid of those who are in need" (corp.).⁷²

work as elitist. The "historical knowledge" embodied in the spirituals "reverses the flow of knowledge and power" from any kind of elite and "the black masses." As Appiah puts it, "the Enlightenment and the counter-Enlightenment contended in the breast of one man" (*Lines of Descent*, 163).

⁷¹ It is worth noting that the pagan world had a sense of the obligatory bonds of hospitality, bonds that are based simultaneously in a recognition of the vulnerability of all human beings and in divine will. See Steve Reece, *The Stranger's Welcome: Oral Theory and the Aesthetics of the Homeric Hospitality Scene* (Ann Arbor: University of Michigan Press, 1993). Also see Hittinger, "Natural Law and Wisdom Traditions," on the bonds of solidarity.

⁷² The best discussion of Aquinas on property and economics is Mary Hirschfeld,

In contemporary philosophy, MacIntyre sees in our shared dependence the basis for an obligation that he calls “just generosity”—that is how he translated *miser cordia*. The virtue highlights the “care that we ourselves need from others and the care that they need from us” in a world where the goods of body and soul are tenuous and subject to deterioration and loss. Just generosity is in play in communal relationships that engage our affections; they extend “beyond the long-term relationships of the members of a community . . . to relationships of hospitality to passing strangers.”⁷³

As the theologian Romano Guardini, who had an influence on Popes Benedict XVI and Francis, notes, the virtues needed to succor what MacIntyre calls just generosity are rooted in a “personal encounter in human need.”⁷⁴ An indispensable virtue for someone who offers kindness to another is that he should have “reverence for the one who receives.”⁷⁵ Otherwise, the receiver might experience humiliation and become resentful. In the very act of showing *miser cordia*, there is equality and reciprocity, not just dependence of the receiver on the giver. Those who present themselves to us as in need of mercy remind us not so much of our superior position but of our shared condition, characterized for all human persons by fragility and mortality.⁷⁶

N.V

Aquinas and the Market: Toward a Humane Economy (Cambridge, MA: Harvard University Press, 2018).

⁷³ Alasdair MacIntyre, *Dependent Rational Animals* (Chicago: Open Court, 1999), 126. See also *Intractable Disputes about the Natural Law: Alasdair MacIntyre and Critics*, ed. Lawrence Cunningham (Notre Dame, IN: University of Notre Dame Press, 2009). The book includes an opening essay by MacIntyre, numerous responses, and then a final essay by MacIntyre. The volume was occasioned by a request from Cardinal Ratzinger (before his elevation as Pope Benedict XVI) to Notre Dame president John Jenkins for Notre Dame to bring together scholars to examine the question of unifying moral principles (see the preface by Lawrence Cunningham, vii). For a comparison and contrast between MacIntyre and Ratzinger, see Gerald McKenny’s essay in the volume, “Moral Disagreement and the Limits of Reason: Reflections on MacIntyre and Ratzinger,” which addresses Ratzinger’s position on 195–226 and MacIntyre’s response on 331–35.

⁷⁴ Romano Guardini, *Learning the Virtues That Lead You to God* (Manchester, NH: Sophia Institute, 2013), 143.

⁷⁵ Guardini, *Learning the Virtues*, 144.

⁷⁶ See Paul Ricoeur, *Oneself as Another*, trans. Kathleen Blamey (Chicago: University of Chicago Press, 1992), 191–92.