

St. Thomas, Steven Long, and Private Self-Defense

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IN CONCLUDING his book *The Teleological Grammar of the Moral Act*,¹ Steven Long says it presents “in one dense theoretic reflection St. Thomas’s teaching regarding the natural teleological grammar governing the constitution of the object and species of the moral act.”² It is the word “dense” that I mean to stress. It contrasts, to my mind, with the word “primer” that Long uses in his introduction to the book: “why a speculative primer is necessary.”³ I would not like to use this presentation of the moral act and its object as an introduction in a classroom. Let it be understood that I regard it as a valuable exercise for specialists, *inter doctores*, and am most grateful to Long for providing it.

Even though it is not meant to be a presentation of St. Thomas’s texts (and, of course, with Thomas, has as ultimate end the truth of the matter), I would have been happier if certain elements of Thomas’s own analysis and vocabulary had been adhered to. For example, there is hardly any use of Thomas’s vocabulary distinguishing between “interior act” and “exterior act.”⁴ Again, while Thomas notes a certain language concerning the goodness and badness deriving from the object of the act, in *Summa theologiae* I–II, q. 18, a. 2, as “in its genus,” he explains carefully that “genus” here is being used for “species.”⁵ Long calls this throughout the

¹ Steven A. Long, *The Teleological Grammar of the Moral Act* (Naples, FL: Sapientia Press of Ave Maria University, 2007).

² *Ibid.*, 83.

³ *Ibid.*, viii.

⁴ Thomas uses this distinction so primarily that it is structural for his presentation of *Summa theologiae* I–II, qq. 18–20.

⁵ Cf. *ST* I–II, q. 18, a. 2: “[P]rima bonitas actus moralis attenditur ex objecto convenienti; unde et a quibusdam vocatur bonum ex genere; puta, uti re sua.” “[T]he first

book “generic” goodness. I would have much preferred “specific.” This is especially so since St. Thomas, in *ST I–II*, q. 18, a. 7, a most important text for the Long project, presents the species taken from the *end* as the *genus*, relative to the species taken from the object of the exterior act.⁶

Let me say that I am in complete accord with Long on the importance of natural teleology in morals.

I am going to limit myself in the present note to indicating my disagreement with Long concerning St. Thomas on private self-defense. I see the need to indicate two points: first, that for a private citizen to kill anyone deliberately is an act falling on undue matter, that is, is intrinsically bad; and, secondly, I reject the Long treatment of the difference between intention and choice.⁷

To begin with the latter point, Long’s position is that we must carefully distinguish between the intention and the choice. If we do that, we can say that the killing is not intended, but it is chosen. Only this approach, he holds, admits the full description of the act performed. Morally, it is a case of justified homicide.⁸

I disagree with Long’s views of both intention and choice. I see them in what we might call a “mirror-image” opposition. That is, where he stresses Thomas’s sign, in the reply to objection 3 of *ST I–II*, q. 12, a. 4, that the two are distinct, namely, that one can have the intention of the end and not yet have determined the means, I wish to call attention to the *entire* reply to the objection. The topic of the article is whether it is one act of the will whereby one intends the end and wills that which is

goodness of the moral act is noted from the suitable object; hence, it is called *by some people* ‘good by virtue of its genus,’ for example, to make use of what is one’s own.”

And later in the same article we have: “[I]ta primum malum in actionibus moralibus est quod est ex obiecto, sicut accipere aliena. Et dicitur malum ex genere, genere pro specie accepto, eo modo loquendi quo dicimus humanum genus totam humanam speciem.” “[T]hus, the first badness in moral actions is what is from the object, for example: to take what belongs to someone else. And it is said to be ‘bad from its genus,’ using [the word] ‘genus’ for ‘species,’ in that way of speaking by which we call the entire human species ‘the human genus.’”

⁶ Cf. *ST I–II*, q. 18, a. 7 (ed. Ottawa 816b26–30): “[D]ifferentia specifica quae est ex fine, est magis generalis; et differentia quae est ex obiecto per se ad talem finem ordinato, est specifica respectu eius.” “[T]he specific difference that is from the end is more general; and the difference that is from the object essentially ordered towards that end is specific relative to it.”

⁷ Cf. Long, *Teleological Grammar*, 47–51.

⁸ Long contends that “killing is not absolutely speaking an act under negative precept, but is only under negative precept where it does not fall under the form of just punishment, the form of just war, or the form of just defense” (51).

ordered to the end; the objector, wishing to negate this, notes that the act of the will bearing on what is ordered to the end is choice, and that choice and intention are not the same. This requires that Thomas explain the distinction between intention and choice. We read:

[I]t is to be said that a movement which is one as to the subject can differ intelligibly in function of beginning and end: for example an ascent and a descent; as is said in *Physics* 3 [202a19–22].⁹ Therefore, in this way, inasmuch as the movement of the will bears on that which is ordered towards the end, inasmuch as it is ordered towards the end, it is choice. However, the movement of the will which bears upon the end, inasmuch as it is acquired through that which is towards the end, is called “intention.” It is a sign of this that the intention of the end can exist even when those things which are ordered towards the end, the objects of choice, have not yet been determined.¹⁰

What I mean to insist on is the basic description of the two acts, in the comparison to the two opposite movements over the same route. In the picture of the two acts in their perfect condition, *both include the end and the means*, but in inverse order.

Why is this? It is because the will intending is the cause of the will choosing. The will is a self-mover. As willing the end, *it moves itself* to will the means.¹¹ It is intention *precisely inasmuch as the order to the means is introduced*, no matter how indeterminately. Thus, in distinguishing intention from simple willing and enjoying, all three of which are acts of the will willing the end, intention is presented as follows:

In a third way the end is considered according as it is the terminus of something which is ordered to it; and thus intention relates to the end:

⁹ Aristotle is teaching that the motion is in the moveable thing, even though it is the actuality of the mover. Thus teaching and learning are one event, one actuality, though they differ intelligibly, in that the event is teaching as “the actuality of X in Y” but is learning as “the actualization of Y through the action of X.” *The Basic Works of Aristotle*, edited and with an introduction by Richard McKeon (New York: Random House, 1941).

¹⁰ *ST* I–II, q. 12, a. 4, ad 3: “Ad tertium dicendum quod motus qui est unus subiecto, potest ratione differre secundum principium et finem, ut ascensio et descensio, sicut dicitur in III *Physic*. Sic igitur in quantum motus voluntatis fertur in id quod est ad finem, prout ordinatur ad finem, est electio. Motus autem voluntatis qui fertur in finem, secundum quod acquiritur per ea quae sunt ad finem, vocatur intentio. Cuius signum est quod intentio finis esse potest, etiam nondum determinatis his quae sunt ad finem, quorum est electio.”

¹¹ Cf. *ST* I–II, q. 9, a. 3.

for it is not merely from this that we are said to “intend health,” viz. that we will it, but rather that we will *to arrive at it through something else*.¹²

It is understandable, then, that *in the beginning* the means be indeterminate, but the intention is the driving force of the *deliberation*, the act of reason under the direction of the intending will. Consider the way Thomas answers an objector who notes that St. John Damascene calls deliberation an “appetite” (Thomas’s own position being that deliberation is substantially a cognitive act):

[W]hen the acts of two powers are ordered one to another, there is in each something that pertains to the other power; and so either act can be given a name from either power. But it is evident that the act of reason directing as regards things which are for the goal [*in his quae sunt ad finem*], and the act of the will tending towards those things in accordance with the rule of reason, are ordered to each other. Hence, in [that] act of the will, which is choice, there appears something of reason, viz. the order; and in the deliberation, which is the act of reason, there appears something of will, as matter, because deliberation is about those things which a man wills to do; and *also as source of movement* [*sicut motivum*], because by the fact that the man *wills the end*, he is moved to deliberate about those things which are for the end. And so the Philosopher says in *Ethics* VI [1139b4] that “choice is appetitive intellect,” that he may show that both concur for choice; and so also Damascene [*De fide orthodoxa* II.22 (PG 94.945)] says that “deliberation is inquisitive appetite,” that he may show that deliberation in a way pertains both to will, concerning which and *starting from which there is inquiry* [*circa quam et ex qua fit inquisitio*], and to the inquiring reason.¹³

What I stress in this text of Thomas is his care in distinguishing *two different roles of will*, one as prior and one as posterior to deliberating reason, and the entirely *causal* nature of the analysis. There is a series and very explicitly so.

We see in the *De malo* 6, on free choice, how the very freedom of choice is explained by the fact that the will uses as its proper instrument deliberating reason, which can come to opposite conclusions concerning contingent matters.¹⁴ Intending will and deliberating reason are the

¹² ST I, q. 12, a. 1: “Tertio modo consideratur finis secundum quod est terminus alicuius quod in ipsum ordinatur, et sic intentio respicit finem. Non enim solum ex hoc intendere dicimur sanitatem, quia volumus eam, sed quia volumus ad eam per aliquid aliud pervenire.”

¹³ ST I-II, q. 14, a. 1, ad 1. My emphasis.

¹⁴ Deliberation is not a *demonstrative* inquiry, but one allowing of coming to opposite conclusions. Since this is the *proper* means by which the will moves itself, the

causes of the choice. The intending will is the mover of the choosing will. Accordingly, we must expect that in the beginning the intention will aim at means which are still indeterminate. However, with the conclusion of its servant, deliberating reason, the intention is perfect, and intends the means which are the matter of choice. No wonder, then, that Thomas, in presenting the difference between intention and choice, includes *the willing of end and means* in both, but in a different order.

Let us now reread *ST* II–II, q. 64, a. 7. That I am going to come to a different conclusion than Long stems, I would say, from my reading of the question as a whole. By the time I arrive at article 7, I am convinced that “a private citizen kills a human being,” as the description of a moral act (not of an inculpable accident,¹⁵ nor as a purely physical description of an event) is *per se malum*, that is, in its very nature against reason.¹⁶ Article 2¹⁷ has established that a criminal can be the object of a good act of homicide;¹⁸ however, the *agent* of such an act cannot be a private person, but must be someone responsible for the common good (a. 3). Nor (a. 4) can that agent be a cleric (no matter what responsibility for the common good he has).¹⁹

movement which it imparts to itself is not necessarily this or necessarily that (not even “to choose” or “not to choose”). We read: “Cum igitur uoluntas se consilio moueat, consilium autem est inquisitio quedam non demonstratiua set ad oppositam uiam habens, non ex necessitate uoluntas se ipsam mouet.” Thomas Aquinas, *Quaestiones disputatae de malo*, in *Opera omnia*, t. 23 (Rome/Paris: Commissio Leonina/Vrin, 1982), lines 377–81.

¹⁵ Cf. *ST* II–II, q. 64, a. 8.

¹⁶ On the role of reason in morals, cf. for example, *ST* I–II, q. 18, a. 5; also I–II, q. 1, aa. 1 and 3, and q. 18, a. 10; also q. 20, a. 1, concerning the goodness or badness of the exterior act in particular.

¹⁷ We must not fail to notice the wonderful teaching of *ST* II–II, q. 64, a. 1, asking whether one may kill plants and animals: “[N]ullus peccat ex hoc quod utitur re aliqua ad hoc ad quod est.” “[N]o one sins from the fact that he makes use of some thing for that for which it exists.” Long is certainly right to feature natural teleology.

¹⁸ Can we speak of “a good act of homicide?” It is a fact that the Latin word “homicidium” is often best translated as “murder;” however, I note in, for example, *ST* II–II, q. 64, a. 7, ad 3, that the judge passing a just sentence is spoken of as having to do with an “actum homicidii . . . absque peccato,” an act of homicide involving no sin. Certainly in English we use the word as meaning “killing a human being,” whether justifiably or culpably.

¹⁹ Long, in his earlier article “A Brief Disquisition Regarding the Nature of the Object of the Moral Act according to St. Thomas Aquinas,” *The Thomist* 67 (2003): 45–71, in footnote 28 (pp. 65–66), refers to the ad 3 in *ST* II–II, q. 64, a. 7, concerning the irregular condition of a cleric who kills someone in good self-defense. Long’s argument there is based on the Church’s doctrine of the “irregularity” that stands in the way of, for example, someone being ordained to the

Nor (a. 5) can one kill oneself, that is, be the agent of one's own death (even if one is responsible for the common good). After these views of the killable man, namely, the threat to the common good, and the appropriate agent for such a killing, we come (a. 6) to the case of the innocent person. Is he a killable object? Not for any reason.

It is only at this point in the sequence of articles that we have put before us that puzzling character, the attacker of the private citizen. No judgment will be made as regards his state of soul,²⁰ but the person attacked has the right to take the necessary steps to save himself, even though this sometimes must result in the death of the attacker.

The preceding article 3,²¹ forbidding the killing of the criminal by a private person, makes clear the reason for this: the killing of the criminal is for the sake of the common good only, and thus it is for those responsible for that good to make the necessary judgment about the criminality of the criminal. Its ad 2 should be especially considered:

priesthood. Long's main thesis is that one cannot leave killing out of the description of the moral object of the act of private self-defense. The irregularity mentioned in II-II, q. 64, a. 7, ad 3 arises from one's *association* with homicide, and falls even upon people who are committing no sin, such as a judge passing a sentence of death (who becomes ineligible for ordination) (cf. *Sent.* IV, d. 25, q. 2B, ad 2), or a cleric in a blameless act of private self-defense (ibid., ad 3). On the other hand, it does *not* fall upon someone accidentally killing someone, provided that it does not take on a voluntary aspect by occurring when one is involved in illicit activity or is negligent (ibid., ad 3). The issue is that those who represent Christ at the altar, Christ who did not resist, are not suitably imitating him when they become involved in even blameless killing. It does not seem to me that this sort of "association" with killing should be used to determine the correct analysis of the difference between good and bad private self-defense. I think that the meaning of ST II-II, q. 64, a. 7 is that the private self-defender must have as moral object "the violence that suffices to save my life" and not "lethal violence to save my life," that is, that the lethality as such "happens" to the moral description. There seems no reason why the Church could not judge that even such association with homicide in a voluntary act constituted an unsuitable mode of representing Christ.

²⁰ While his act is in the nature of a sin, the private citizen faced with the attack cannot make even the sort of judgment of the attacker that the public authority can. I notice, however, that Cajetan conceives of the attacker as a sinner: Thomas de Vio, Cardinal Cajetan, *Commentaria Cardinalis Caietani*, super ST II-II, q. 64, a. 7, at para. 2, in Sancti Thomae Aquinatis, *Opera Omnia* (Rome: ex Typographia Polyglotta S. C. de propaganda fide, 1882 ss.), T. 9, p. 74.

²¹ I am repeating here some things said in my review of Flannery. Cf. my review article: "Acts Amid Precepts: The Aristotelian Logical Structure of Thomas Aquinas's Moral Theory" by Kevin Flannery, S.J., (Washington, DC: Catholic University of America Press, 2001), *Nova et Vetera* 5 (2007): 431-44, at 438-43.

The man who is a sinner is not naturally distinct from just men. Therefore, there is need of the public judgment, in order to discern whether someone is to be killed for the common welfare.

The insistence is on the need for right discernment concerning the public need and the moral condition of the accused, in inflicting such great harm on a person.²² This need for public judgment throws great light on the situation of the private self-defender. His act simply cannot be a killing of the attacker as a malefactor.

How important, then, in the whole sequence of question 64, is article 6, the absolute rejection of all killing of the innocent! We read:

[T]he human individual [*aliquis homo*] can be considered in two ways: in one way, just in himself; in the other way, by comparison to something else. Considering a man just in himself, it is not licit to kill anyone, because in anyone, even a sinner, we ought to love the nature which God has made, and which by killing is destroyed. But, as was said above, the killing of the sinner is rendered licit by comparison to the common good, which is destroyed by sin. But the life of just [people] is conservative of and promotes the common good, because they are the more principal part [*principalior pars*] of the multitude. And so it is in no way licit to kill the innocent.²³

First it is noted that we have the obligation to love the nature that God has made and which is destroyed by killing: thus *no one, just or sinner, is a killable object, just in himself*.²⁴ Secondly, it is noted that the public authority

²² The question on homicide leads off the discussion of vices violating the justice of exchange, and in particular involuntary exchanges: this is to say that some harm is visited upon one's neighbor against his will, either as to deed or word, and among deeds, those that harm the person or the associate of the person, or the property. Homicide comes first as maximally harming one's neighbor. Cf. *ST* II-II, q. 64, prologue.

²³ *ST* II-II, q. 64, a. 6: "Respondeo dicendum quod aliquis homo dupliciter considerari potest, uno modo, secundum se; alio modo, per comparisonem ad aliud. Secundum se quidem considerando hominem, nullum occidere licet, quia in quolibet, etiam peccatore, debemus amare naturam, quam deus fecit, quae per occisionem corrumpitur. Sed sicut supra dictum est, occisio peccatoris fit licita per comparisonem ad bonum commune, quod per peccatum corrumpitur. Vita autem iustorum est conservativa et promotiva boni communis, quia ipsi sunt principalior pars multitudinis. Et ideo nullo modo licet occidere innocentem."

²⁴ It is to be noted that the argument is not from the viewpoint of justice here, but rather of love of the human being. Already in *ST* II-II, q. 64, a. 5, ad 1, as to suicide, Thomas replies to an objector who argued that since one cannot be unjust to oneself, suicide is not a sin, as follows: "Ad primum ergo dicendum quod

can kill the public enemy. This brings out the enormity of the crime of a public authority that would take the life of the good citizen: since the innocent primarily constitute the community (which is essentially a school of virtue),²⁵ killing the innocent, we can well conclude, is analogous to amputating the head to save the arm.²⁶

It is with these premises in view that we come to the self-defender. He is faced with an attacker, but has no right to judge that attacker to be a criminal, a public enemy: no right to kill a criminal. Nor has he any right to kill an innocent human being. He has no right to kill at all.

But he does have a right! He has the right to preserve his own life against the attacker by a use of suitable means. He does not have the right to take as means of saving his own life the killing of the attacker, but he does have the right to use the saving means, even if they must result in the death of the attacker. Let us review the text.

homicidium est peccatum non solum quia contrariatur iustitiae, sed etiam quia contrariatur caritati quam habere debet aliquis ad seipsum. Et ex hac parte occisio sui ipsius est peccatum per comparisonem ad seipsum. Per comparisonem autem ad communitatem et ad deum, habet rationem peccati etiam per oppositionem ad iustitiam.” “To the first it is to be said that homicide is a sin, not merely solely because it is contrary to justice, but also because it is contrary to the charity that one ought to have towards oneself; and in that regard the killing of oneself is a sin relative to oneself. However, as compared to the community and to God, it also has the nature of sin by opposition to justice.”

The commandments to love God above all and one's neighbor as oneself are prior to, and foundational for, the ten commandments (which are in the realm of justice): cf. *ST* I-II, q. 100, a. 3, ad 1. While “charity” strictly speaking refers to the supernatural love of God and one's neighbor, nevertheless that supernatural love is an elevation of our natural love of God, ourselves, and our own kind: cf. *ST* I, q. 60, a. 5. I think also of Thomas's citation of Augustine at *ST* II-II, q. 154, a. 12, ad 1, where Augustine speaks of the “society” which ought to obtain between us and God, the author of nature.

²⁵ See the essay “St. Thomas, John Finnis, and the Political Good,” ch. 17 in my book *Wisdom, Law, and Virtue* (New York: Fordham University Press, 2008), 286–90.

²⁶ As I noted in my essay on the death penalty, in *Wisdom, Law, and Virtue* (587, n. 39), it is astounding that Germain Grisez translated *principalior pars* as “the majority”! Cf., G. Grisez, “Toward a Consistent Natural-Law Ethic of Killing,” *American Journal of Jurisprudence* 15 (1970): 64–96, at 67. No wonder, then, that he found Thomas's argument “muddled”! This *quantitative* reading shows that he was far from Thomas's conception of the political society even when professing to read Thomas. It is like saying that the head is “the majority” of the human body. The old English Dominican translation has “chief part” of the community, which is quite good. The more recent one has “the bulk of the people,” which is as bad as Grisez's “majority.” Thomas is saying, in keeping with his amputation simile, that one does not amputate the sort of part which is the head.

It never ceases to amaze me that St. Thomas can make a case in so few words: here the body of the article has only 232 words! We begin with the point that will determine the ultimate lesson.

Nothing prevents there being two effects of one act, only one of which is within the intention, the other being outside the intention. Now, moral acts obtain their species in function of that which is intended, not from that which is outside the intention, since that is incidental, as is clear from things said earlier.²⁷

Here is the crucial issue for the judgment: what is within the intention, what is without?

Next, we have the application to the case of someone defending himself against an attacker menacing his life:

Therefore, from the act of someone defending himself two effects can issue, one being the preservation of his own life, the other the killing of the attacker. Therefore, this act, from the fact that the preservation of one's own life is intended, does not have the note of the illicit, since it is natural for each person that he preserve his own life as much as possible.²⁸

This first step of application merely considers the act from its life-preserving side, and judges its moral acceptability in that respect, based on its natural foundation.

Next we address the problem of means. We read:

Nevertheless, an act issuing from a good intention can be rendered morally unacceptable if it is not proportionate to the end. And so if someone in order to defend his own life uses greater force than is necessary, it will be morally unacceptable. However, if moderate force is used, it will be permissible defense: for, according to the laws: "to repel force with force is permissible with the moderateness of blameless care."²⁹

²⁷ *ST* II-II, q. 64, a. 7 (1762b37-44): "Respondeo dicendum quod nihil prohibet unus actus esse duos effectus, quorum alter solum sit in intentione, alius vero sit praeter intentionem. Morales autem actus recipiunt speciem secundum id quod intenditur, non autem ab eo quod est praeter intentionem, cum sit per accidens, ut ex supradictis patet." The backward reference is to q. 43, a. 3 and I-II, q. 72, a. 1 according to the Ottawa editors.

²⁸ *Ibid.* (1762b44-52): "Ex actu igitur alicuius seipsum defendentis duplex effectus sequi potest, unus quidem conservatio propriae vitae; alius autem occisio invadentis. Actus igitur huiusmodi ex hoc quod intenditur conservatio propriae vitae, non habet rationem illiciti, cum hoc sit cuilibet naturale quod se conservet in esse quantum potest."

²⁹ *Ibid.* (1762b52-1763a8): "Potest tamen aliquis actus ex bona intentione proveniens illicitus reddi si non sit proportionatus fini. Et ideo si aliquis ad defendendum

Here, the act is characterized as issuing from the intention, the intention being good. That act, issuing from the good intention, can be disorderly because of a lack of proportion to the end. We are considering the case where in fact a death occurs. Excessive force, compared to the end of self-preservation, will render the act immoral. Moderate force will not.

We continue:

Nor is it necessary for [one's own] salvation that a man forego moderate defense in order to avoid the killing of someone else, because a man is more obligated to care for his own life than for the life of another.³⁰

This, one might say, is the note needed in the context of the theology of supernatural charity (it is a point that particularly occupies Cajetan in his commentary on this article).

Lastly we read:

But because to kill a human being is not permitted, save by public authority for the common good, as is clear from things already said, it is immoral for someone to intend to kill a human being in order to defend himself, unless it be someone invested with public authority, who, intending to kill someone in his own defense, relates this to the public good: as is clear in the case of a soldier fighting against enemies, and in the case of the servant of the judiciary fighting against bandits. Still, even these sin if they are moved by private desire.³¹

Here we have the whole reason for the particular approach in this article. Our portrait thusfar, it turns out, is of the *private* self-defender. This, in fact, is the first time that the issue of the private status has been mentioned (at least in the body of the article). And with it comes a whole alternate picture of an act of self-defense, an intention (1) "to kill the attacker in order to save oneself." This is in contrast with the former

propriam vitam utatur maiori violentia quam oporteat, erit illicitum. Si vero moderate violentiam repellat, erit licita defensio, nam secundum iura, vim vi repellere licet cum moderamine inculpatae tutelae."

³⁰ Ibid. (1763a8–12): "Nec est necessarium ad salutem ut homo actum moderatae tutelae praetermittat ad evitandum occisionem alterius, quia plus tenetur homo vitae suae providere quam vitae alienae."

³¹ Ibid. (1763a13–24): "Sed quia *occidere hominem non licet* nisi publica auctoritate propter bonum commune, ut ex supradictis patet; illicitum est quod homo *intendat occidere hominem ut seipsum defendat*, nisi ei qui habet publicam auctoritatem, qui, intendens hominem occidere ad sui defensionem, refert hoc ad publicum bonum, ut patet in milite pugnante contra hostes, et in ministro iudicis pugnante contra latrones. Quamvis et isti etiam peccent si privata libidine moveantur." Emphasis mine.

picture, namely, (2) “to use the appropriate means to save oneself.” In (1) the killing is within the intention, whereas in (2) the killing is outside the intention, incidental.

What is described in the case of (1) appears to relate to the point taught in *ST* I–II, q. 12, on intention, at article 2. It is asked there whether intention is only of the *ultimate* end. The answer is no. It relates to an end as a terminus. But there can be intermediate termini on the way to the ultimate terminus. And these can be intended. Thus, in the case we are discussing, the soldier can intend to serve the common good by preserving his life by killing the enemy.

Let us review the Cajetan analysis of this criticized by Long. We read:

In the seventh article of this same question 64, understand well the distinction in the text, i.e. that the relating of the killing of someone else to the conservation of one’s own life can be done in two ways: firstly, as a means to an end; secondly, as a consequent item deriving from the necessity of the end. And as is said in the text, it makes a great difference which way it is. For both the end and the means to the end fall within the intention: as is clear in the case of the medical practitioner who intends health through a potion or a diet. However, that which is a necessary consequence of the end does not fall within the intention, but arises as remaining outside the intention: as is clear as regards the weakening of the sick person which follows from the healing medication. And according to these two modes, diversely, the public person and the private person can licitly kill. Thus, the public person, say a soldier, orders the killing of the enemy as a means to an end subordinated to the common good, as is said in the text; whereas the private person does not intend to kill so as to save himself, but rather intends to save himself, and is not going to forsake his own defense even if the death of the other person must follow from his defense. And thus, the latter does not kill, save *per accidens* [through attachment], whereas the former essentially kills. And thus for that the public authority is needed, but not for the other.³²

³² Cajetan, *Commentaria Cardinalis Caietani*, super *ST* II–II, q. 64, a. 7 (para. 1), in Sancti Thomae Aquinatis, *Opera Omnia*, T. 9, p. 74: “In articulo septimo eiusdem quaestionis sexagesimaequartae, intellige bene distinctionem litterae, scilicet quod dupliciter potest referri occisio alterius ad conservationem vitae propriae: primo, ut medium ad finem; secundo, ut consequens ex necessitate finis. Et ut in littera dicitur, multum interest altero modo se habere. Nam et finis et medium ad finem cadunt sub intentione: ut patet in medico, qui intendit sanitatem per potionem vel dietam. Id autem quod consequitur ex necessitate finis non cadit sub intentione, sed praeter intentionem existens emergit: ut patet de debilitatione aegroti quae sequitur ex medicina sanante. Et iuxta duos hos modos diversimode occidere potest licite persona publica, et privata. Nam persona publica, ut miles, ordinat occisionem hostis ut medium ad finem subordinatum bono communi, ut in littera

Now, this seems to me exactly what St. Thomas has in mind. What does Long say about it? We read:

Clearly here “intention” is used univocally whereas it is analogical as between the end (whose intention is prior to and the condition of the choice of means) and the object (which is “intended” only because of this prior moving of the will toward the end which is that which is strictly speaking intended).

Here, Long seems to be criticizing Cajetan’s conception of intention: Cajetan used it “univocally” of means and end whereas it is really to be applied analogically of means and end. I confess I do not see any fault in the text of Cajetan.³³

I would say that we should focus on what Thomas says. Everything moves along smoothly until it becomes a question of the private person “intending to kill a human being in order to save himself.” This is the picture of a genuine intention and an immoral one. In such a scenario, we are dealing with the same physical act as we were before, but the outcome of killing has been placed in a finalist role, one *subservient* (and thus a *means*) to the ultimate end of the saving of my life. This transformation is admissible if one is a soldier, having an end beyond the saving of one’s own life, namely, the common good.

There is nothing wrong, then, with the approach, except for the fact that the private person has no right to kill. The scenario is rectified if, instead of intending the death as an end subservient to the saving of my life, I merely intend the end of the saving of my life by the appropriate means.

I do not see any “univocal” use of “intention” as regards ends and means. I take it that speaking of “analogy” of intention as said of ends and means, one refers to the priority and posteriority involved. The intention is of the end through the means; thus the end is primarily intended and the means for the sake of the end.

I see no attempt to make the word “intention” bear on the means in an independent way. What I do see is that when a private person “intends

dicitur: persona autem privata non intendit occidere ut seipsum salvet, sed intendit salvare seipsum, non destitutus a sui defensione etiam si alterius mortem ex sua defensione oporteat sequi. Et sic iste non occidit nisi per accidens: ille autem per se occidit. Et propterea ad illud requiritur publica auctoritas, ad hoc non.”

³³ Long, at page 52, note 8, introduces the views of Vitoria, who contends that one can “will to kill” [*licet velle occidere*] since the “willing” so described is choice, not intention; I see no room in Thomas’s presentation for such a “will to kill” on the part of the private self-defender. Of course, one can use the harquebus if it is the only life-saving means one has, and one wills, chooses, to do so.

to kill a human being in order to save oneself” (as St. Thomas describes the forbidden act), one has a more involved intention, one that includes two termini, one for the other, though the same physical act is understood as the means used.

Cajetan can speak of the death as an intended “means” because it is taken as an intermediate terminus between the act and the end which is the saved life.

Long is right that what Thomas describes as a forbidden intention, Cajetan speaks of as a means to the end which is the saved life. However, the two descriptions are true and in accord with the doctrine of *ST* I–II, q. 12 on intention.

I come, then, to the view that in self-defense the act of the private and the public agent can be physically the same, resulting in the particular case in the death of the attacker. However, there are two different morally good acts. The private agent intends as an end his own survival, and the external act of force is the one necessary to effect that result. (The killing is incidental, belonging to the physical act as such.) The public agent, performing the same physical act, intends the killing of the attacker in order to save his own life, in the interest of the common good (his exterior act, as a moral act, is formally a killing).

The fact that the one physical act can have two different moral descriptions should not surprise. We see it in *ST* I–II, q. 1, a. 3, ad 3 concerning capital punishment and murder. We see it in the case of marital intercourse and adultery.³⁴ In the present case, we have two different good moral acts, public and private, both with the same physical description (in the particular case where private self-defense results in the death of the attacker).

Conclusion

Again, physically the act by which the public servant saves himself and the act by which the private citizen saves himself can be identical; the difference is that the former intends the lethal means as lethal whereas the latter intends the lethal means only as self-saving.

³⁴ Cf. *De malo*, q. 2, a. 4, ad 6: “[A]ctus qui secundum se sunt boni, differunt specie ab actibus qui sunt secundum se mali, prout sunt actus morales, licet forte non differant specie prout sunt actus naturales, ut patet de his duobus actibus, cognoscere suam et cognoscere non suam.” Emphasis mine. “[A]cts that are intrinsically good differ specifically from acts that are intrinsically bad, inasmuch as they are moral acts, though admittedly they may not differ specifically inasmuch as they are natural acts: as is clear in the case of these two acts: to know carnally one’s own and to know carnally someone not one’s own.”

I am saying that this is the sort of difference we are dealing with. We are confronted with acts which are naturally the same. However, they are morally different.

I do not see this as licensing redescriptions in an arbitrary way. This, I would say, is the importance of *ST II-II*, q. 64, a. 7, ad 4 concerning the attempt to make fornication a means of self-defense. Long has rightly insisted on the foundation of morals in natural teleology. It happens that the violence needed to save one's life from an attacker is physically identical, in some cases, with the violence needed if one intends to kill the attacker.

I see myself as giving an adequate description of the moral act concerned, with the chosen means as designed precisely for what is intended by the interior act of the will, namely the saving of myself. What is not intended as a means is the death, though it is necessarily included in the physical act sometimes.

Long contends that "killing is not absolutely speaking an act under negative precept, but is only under negative precept where it does not fall under the form of just punishment, the form of just war, or the form of just defense."³⁵

It seems to me that if that were true, there would be the same account for the private citizen and the public servant. There would be no need of a special account.

What St. Thomas has taught is that it is never right to kill an innocent (*ST II-II*, q. 64, a. 6). There is no judgment of the attacker in a self-defense as being a criminal. Hence, to kill this human being is not an available morally good act.

Rather, what is available to the private citizen who is attacked is the act of self-defense. This act is naturally the application of force on the attacker. The force to be applied is the force that will effectively stop the attack. It happens that sometimes only lethal force is adequate. It is chosen, not as a killing act, but as an appropriate use of force in self-defense.

My remarks touch only one point in Long's valuable book, albeit an important one. He is clearly right to oppose arbitrary redescription in dealing with difficult ethical problems, and it is a most helpful task he has undertaken in attempting judgments on the various difficult cases.

Addendum

I should provide a scenario for a case of virtuous private self-defense ending in the death of the attacker. I believe it is helpful to enter into the mind of

The good private person *does not intend the killing* and the right description of the exterior act as a moral act is "applying the necessary saving force." It is in itself a good act, because the person has the natural right to self-defense and uses the natural means of self-defense, and intends only his own survival.

³⁵ Long, *Teleological Grammar*, 51.

the self-defender as he works out his choice of action. What form will his deliberation take?

Some of Long's cases seem to have influenced my imagination. The killer has just killed two people in plain view with a machete. I am in a small indentation in the face of a cliff, and he has now begun to approach me on a rope bridge across a chasm. He is plainly coming to kill me. What can I do? The only possibility is to cut the rope securing the rope bridge he is using to come at me. I can just reach the rope end with scissors I have in hand. Only cutting that rope will put him out of action. Of course it will kill him. However, all I want is to put him out of action to save my life.

That the result will be his death is physically obvious. I have no desire that he die; my aim is to use the available saving means. N-V

