

The Perspective of the Acting Person and the Nature of Practical Reason: The “Object of the Human Act” in Thomistic Anthropology of Action¹

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The Notion of “Object of the Human Act” and the Perspective of the Acting Subject

THE PASSAGE in *Veritatis Splendor* no. 78 that clarifies the concept of the “object” of a human act is widely acknowledged as decisive for the central argument of the encyclical, which reaffirms “the universality and immutability of the moral commandments, particularly those that prohibit always and without exception intrinsically evil acts.”² In accordance with the tradition, but referring explicitly to St. Thomas Aquinas, the encyclical states that “the morality of the human act depends primarily and fundamentally on the ‘object’ rationally chosen by the deliberate will.” The text adds: “In order to be able to grasp the object of an act that specifies [an] act morally, it is therefore necessary to place oneself *in the perspective of the acting person*.” By the term “object,” the encyclical does not designate “a process or an event of the merely physical order, to be assessed on the basis of its ability to bring about a given state of affairs in the outside world.” According to *Veritatis Splendor*, “objects” of human acts are not mere “givens,” that is, “things,” realities, or physical, biological, technical, or juridical structures; nor are they bodily movements and

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² John Paul II, Encyclical *Veritatis Splendor* (VS), no. 115.

the effects caused by such movements; nor is the object of a human act a simple “physical good” or “non-moral good,” as is, for example, a human life or a possession. Rather, the “object” of a human act is always the object of an act of the will and, as such, the encyclical affirms, a “freely chosen behavior”: It is a type of action, as, for example, “to kill an innocent person” or “to steal.”

For this reason, a few lines later the text of the encyclical adds: “[The] object is the *proximate end* of a deliberate decision that determines the act of willing on the part of the acting person.” The object of an act must therefore be understood as *the end of an act of the will*, and thus as a practical good, presented by reason to the will. Consequently, in the moral context, no opposition exists between the notions of “object” and “end.”³ The object is, precisely, a *particular type* of end, that is, that toward which, primarily and fundamentally, the act of the will from which an action originates tends: the act of choice or *electio* of an act or of a concrete behavior. This means that it is impossible to describe the object of a moral act without considering it as object and content of an act of choice of the will, full of moral significance, or rather as a good toward which the elective act of the will tends. Thus, the object is necessarily already formulated by reason. As the object of an interior act of the will, it is, in the words of St. Thomas, a “good understood and ordered by reason”⁴ or, put differently, “the intelligible content that morally specifies a deliberate choice.”⁵ As a “good understood and ordered by reason,” the object also includes in itself an intentional structure, given that it is characteristic of reason to be ordered to an end. Understood in this way, the object of a human act is, precisely, its primary and fundamental intentional content: The object indicates what one does when one does something, and for this reason it also indicates, in a basic and fundamental way, *why* one does what one does, given that a human act cannot be understood as a specific kind of act without the end to which it is directed: *quantum aliquis intendit tantum facit*: “what someone intends, that he does.”⁶

³ This has been clearly shown by Servais Pinckaers in his classic essay *Le rôle de la fin dans l'action morale selon Saint Thomas*, in Pinckaers, *Le renouveau de la morale* (Tournai: Casterman, 1964), 114–43 (originally in *Revue des Sciences philosophiques et théologiques* 45 (1961) : 393–421). I am very indebted to this article, despite the presence of some weaknesses and ambiguities, which I will speak of later.

⁴ *Summa theologiae* I–II, q. 20, a. 1, ad 1: “bonum apprehensum et ordinatum per rationem.”

⁵ E. Colom and A. Rodríguez Luño, *Scelti in Cristo per essere santi. Elementi di Teologia morale fondamentale* (Rome: Apollinare Studi, 1999), 127.

⁶ De malo 2, 2, ad 8. For some comments on this passage see John Finnis, “Object and Intention in Aquinas,” in *The Thomist* 55 (1991): 1–27.

Despite its clear Thomistic character, the notion of the “object” of a human act as I have just described it is not accepted by all adherents of Aquinas’ moral theology. Indeed, to conceive the object of a human act in the way expounded above is in contrast with another vision that would also base itself on St. Thomas. It is true that the relevant texts in Thomas are not always clear, and the terminology adopted in them not always coherent. This is because Thomas never treated, in an explicit and systematic way, the question that interests us today: What is a “moral object”? What exactly are we speaking of when we speak of the object of a human act?

Thomas provides us with a systematic exposition of everything that qualifies—at all levels, and not only from a philosophical perspective, but especially theologically—the human act as morally *good* or *evil*. In this context the “object” appears as the element that confers on the human act its primary and fundamental moral specification. As for his theory of action, it essentially serves this ethical-normative purpose. Conversely, he ignores a systematic exposition of certain questions that we today call “meta-ethical.” These are not ethical questions, but rather questions *about* ethics, in part pertaining to action theory (e.g., our question regarding the significance of the term “object” of a human act).

One can find various elements for responding to such questions spread throughout St. Thomas’s works. His doctrine on the topic is implicit, in the sense that while he certainly employs identifiable meta-ethical presuppositions, he nevertheless does not construct a theory from them: Precisely this causes a lack of clarity and at times confusion. One must also admit that, from the *Scriptum super libros Sententiarum*, through the *De malo* to the *Summa theologiae*, St. Thomas’s thought is characterized, if not by contradictions, at least by a notable evolution and maturation. Nevertheless, the *Scriptum* on the Sentences of Peter Lombard is very useful for understanding the genesis and the substructure of the thought—certainly more mature, but also expressed more synthetically—of the *Summa theologiae*.

It would not seem to me excessive to say that *Veritatis Splendor* itself invites us to further clarify some of these meta-ethical presuppositions of St. Thomas’s moral theology, and to do so without fearing to affirm things that St. Thomas had not yet said, or to say them in a different way, without ever, of course, ignoring what he actually did say. The encyclical also recommends a direction, that is, that of integrating the point of view of the subject, the perspective of the acting person, more explicitly in the understanding of the human act and the evaluation of its morality. This approach, in a certain sense more “personalistic,” means, as we have seen, to understand the object of a human act as an end of the will, as action

or behavior inasmuch as it is the object of an elective act of the will. This is what Aquinas himself does, although to recognize it one must read the texts in the light of questions, which, for Thomas, at least it seems, did not yet exist.

The Object, a “Thing” or an Action?

The lack of explicitness and clarity on St. Thomas’s part regarding what is the object of an act can be illustrated by such typical phrases as “the primary evil in moral actions is that which is from the object, for instance, *to take what belongs to another*,”⁷ or “the evil act *ex genere* is that which falls upon inappropriate matter, like *to take that which belongs to another*.”⁸ We find no effort here by St. Thomas to clarify whether the object, or the referred-to *inappropriate matter*, is the “*res aliena*,” or rather the action itself, “*accipere/subtrahere rem alienam*.” According to the perspective we are considering, suggested in *Veritatis Splendor* no. 78, we would have to say that precisely *the act* of “to take what belongs to another” would be the object chosen by the will. Nevertheless, it could be objected that the object we are seeking is not *the act* of “to take what belongs to another,” but rather the *object of this act* (of the “taking”), that is, the thing itself “which belongs to another.” The object of a human act, in this case, would not be an action, but the thing or reality toward which a particular act is directed.⁹

This last interpretation, however, contains difficulties that in my view are not easily overcome. In the first place, the terms “to act,” “action,” “act,” etc. are used throughout the discussion with not a little ambivalence and confusion. Are we considering the human act as chosen, willed, and voluntarily carried out? Or those elements of the act that are external and observable behavior? A second difficulty is that a *res aliena* simply cannot, as such, morally qualify a human act. This would be the case, however, if the *res aliena* itself were that which we call “the object of a human act.” The confiscation of a stolen item by the police, for example, so as to restore it to its owner, has the same *res aliena* as its “matter” as did the original theft, and yet we are dealing with two acts that are different precisely *because of their object*. The difference seems to derive, therefore, not from the “thing” taken, nor from the fact that it “belongs to another,” but from the

⁷ ST I–II, q. 18, a. 2: “primum malum in actionibus moralibus est quod est ex obiecto, sicut *accipere aliena*.”

⁸ *De malo* 2, 4 ad 5: “actus autem malus ex genere est qui cadit supra indebitam materiam, sicut *subtrahere aliena*.”

⁹ This is what, at first glance, ST I–II, q. 110, a. 1 seems to suggest, as well as the various statements that the “*materia circa quam*” of the action is identical with its object.

difference in the act of “taking” of this “thing”: from the diversity of will and intentionality, respectively, implicit in the act.

Analogously, “to observe an eagle” and “to kill an eagle” are two different acts because of their objects; this would be inexplicable, however, if the object of the two acts were the eagle itself. In a certain sense it is true that both the *res aliena* and the eagle are “objects,” but not of a human act; they are rather the object of bodily movements or the acts of specific organs. But these latter, in themselves, cannot be morally qualified; they are not, in fact, human acts, which always proceed from a deliberate will. The eagle as object of a visual act of the eye, or of a physical movement that causes the destruction of its life, is not considered to be “the object of a human act,” but only of a series of events or physical processes. In the act “to kill an eagle,” the eagle is certainly the object that specifies the physical act as “eagle-cide”; but this does not further specify it as “just,” “unjust” or “indifferent”—that is, it does not specify it *morally*.¹⁰ We, however, are seeking that object that specifies an act morally.

Precisely because we are speaking of the object of a human act, this object cannot be isolated from the context of voluntary action, which depends on reason.¹¹ This is obviously Aquinas’s perspective, as well. When he speaks of the object that morally specifies an act, he always speaks of the object of a moral (i.e., voluntary) act, which is synonymous with “human act.”¹² As early as the *Scriptum* on the Sentences it is clear that, just as the acts of natural agents are specified according to the “forms” that are their principles, so human acts are specified by their respective “form”: This, Aquinas points out, is a form of the *will*. “The form of the will, however, is the end and the good which is its object and which is what is willed.”¹³ We must ask ourselves therefore what St. Thomas says when he speaks of the object of the *will*: He does not treat here simple elements of exterior acts like particular movements of the body or acts of other faculties, even if such an act (for example, an act of sexual copulation) possesses a natural finality inscribed in it.

Thomistic theory concerning the will and its object is found in questions 19 and 20 of the *Prima secundae*, which treat of the goodness and evil,

¹⁰ Cf. *De malo* 2, 4.

¹¹ *ST* I–II, q. 1, a. 1: “Illae ergo actiones proprie humanae dicuntur, quae ex voluntate deliberata procedunt.”

¹² *ST* I–II, q. 1, a. 3: “. . . idem sunt actus morales et actus humani.”

¹³ *In Sent. II*, d. 40, 1, 1: “Forma autem voluntatis est finis et bonum, quod est eius obiectum et volitum.” Subsequently, in the *Summa theologiae*, we find the same perspective: I–II, q. 1, a. 1: “Obiectum autem voluntatis est bonum et finis. Et ideo manifestum est quod principium humanorum actuum, in quantum sunt humani, est finis.”

respectively, of the interior act of the will (intention, choice) and of the exterior act commanded by it (acts of other powers or organs, or bodily movements, chosen and carried out under the rule of the will).¹⁴ It will be useful here to carry out a more detailed exposition of this theory.

The Exterior Act as Object of the Will According to St. Thomas (I–II, 19 & 20)¹⁵

Aquinas generally distinguishes the object of the interior act of the will, that is, the end, from that which he sometimes calls the “object of the exterior act.”¹⁶ The “object of the exterior act,” he says, is to the end as matter is to form. This object of the exterior act is “that on which the exterior action is brought to bear”¹⁷ and which gives to the act its primary goodness.¹⁸ More decisive, however, is the specification that derives from the end that the will proposes. For this reason “the species of a human act is considered formally with regard to the end, but materially with regard to the object of the exterior act.”¹⁹ Thomas then offers an example that shows that he speaks here of an act that is “composed” of the choice of a means, made with the intention of an end. The example demonstrates this: “[H]e who steals that he may commit adultery, is strictly speaking, more adulterer than thief.” The result, then, would seem to be as follows: For Thomas, the

¹⁴ The Thomistic notion of “exterior act” is not to be confused with that of an external, visible act carried out with bodily organs. “Exterior acts” are those acts of the will that the will does not carry out by itself, that is, in an “elicited” way, (*velle, intendere, eligere, uti*), but by making use of another power, commanding its act. The exterior act is therefore the action of another power as it is commanded by the will; for example an (voluntary) act of knowing something; or also an act of the will commanded by another act (“elicited”) of the will; but, certainly, exterior acts are also properly “external,” bodily acts (to walk, to speak, to kill, sexual acts, etc. as commanded by the will). The examples used below will refer exclusively to such external bodily acts and behaviors, which could cause the impression—which would be mistaken—that these are identical with the “exterior act.”

¹⁵ For what follows see Martin Rhonheimer, *Natural Law and Practical Reason: A Thomist View of Moral Autonomy* (New York: Fordham University Press, 2000: originally *Natur als Grundlage der Moral* [Innsbruck-Wien: Tyrolia Verlag, 1987]; Italian ed.: *Legge naturale e ragione pratica. Una visione tomista dell'autonomia morale* [Roma: Armando, 2001]; Spanish ed.: *Ley natural y razón práctica: una visión tomista de la autonomía moral* [Pamplona: EUNSA, 2000]).

¹⁶ Cf. *ST* I–II, q. 18, a. 6.: “. . . id autem circa quod est actio exterior, est obiectum eius.”; cfr. also *ibid.* 7: “. . . obiectum exterioris actus dupliciter potest se habere ad finem voluntatis. . . .”

¹⁷ *ST* I–II, q. 18, a. 6: “id circa quod est actio exterior”.

¹⁸ *ST* I–II, q. 18, a. 2: “prima bonitas actus moralis”.

¹⁹ *ST* I–II, q. 18, a. 6.

object of the will is the end; the object of the exterior act, on the other hand, are particular bodily movements or acts of other powers by which one carries out an act, as well as those things to which such bodily movements and acts are directed. A "theft," for example, would be a type of exterior act with its proper object. This object would not be the exterior act itself, but that to which that act is directed; in the case of a theft, the *res aliena*. "To choose to steal" would be precisely to choose particular bodily movements that take a *res aliena* from its owner; and the exterior act of taking would be evil based on its object: the *res aliena*.

This analysis, however, is mistaken, for two reasons. The first is that a *res aliena* as such is neither good nor evil. How then could it alone specify the physical act of taking as a morally evil act? Some moralists in the past said that the act is morally evil based on a "transcendental relationship" of the physical object to the moral norm, according to which the act is unjust. If this were the case, however, the evil *ex obiecto* would be completely extrinsic, an explicative model being proposed that is more legal than moral, that is, an act would be evil because it is contrary to the moral norm, rather than vice versa. The second reason the analysis is mistaken is that it implies that the exterior act (i.e., the bodily movements in question) would be, immediately and as such, an end of the will. This, however, is simply impossible, and indeed is contrary to one of the most fundamental principles of Thomas's theory of action, that is, the principle that "the will cannot desire a good *that is not previously apprehended by reason*."²⁰ This proposed solution, then, ignores the fundamental, constitutive, and normative role of practical reason, which for St. Thomas is the proper, immediate, and intrinsic rule of the goodness and evil of human acts.

Accordingly, Thomas states that the goodness or evil in acts of the will depends generally on the object,²¹ because the object is presented to the will by means of reason, which is the principle and the measure of the goodness in human acts.²² For this reason, he adds, the goodness of the will depends on reason exactly in the measure in which it depends on the object.²³ Indeed, the goodness and evil of acts depend *solely* on the object,

²⁰ ST I-II, q. 19, a. 3, ad 1: "... appetitus voluntatis non potest esse de bono, nisi prius a ratione apprehendatur."

²¹ ST I-II, q. 19, a. 1: "... bonum et malum in actibus voluntatis proprie attenditur secundum obiecta."

²² Ibid., ad 3: "... bonum per rationem repraesentatur voluntati ut obiectum; et in quantum cadit sub ordine rationis, pertinet ad genus moris, et causat bonitatem moralem in actu voluntatis. Ratio enim principium est humanorum et moralium actuum. . . ."

²³ ST I-II, q. 19, a. 3: "... bonitas voluntatis dependet a ratione, eo modo quo dependet ab obiecto."

because that which specifies the will is the end, but every object of the will is precisely also an end.²⁴ In other words, any act of the will, and therefore also the act that chooses a concrete action, is specified by that which is called an “object,” which is essentially also an *end* of this act of the will. This end, however, is a good rendered present and desirable to the will by means of reason, the principle of human acts.

The coincidence between *objective* determination and *rational* determination of the will, heavily emphasized by St. Thomas, is of decisive importance for the subject we are discussing.

The first important result is that, when human action is considered *formally*—according to that which is of its essence, that is, as action proceeding from a deliberate will²⁵—“the object of a human act” is precisely the exterior act itself, or, said with more precision, it is the content, the intelligible significance, of the exterior act of the will. For this reason, the question treated in the (following) 20th question now becomes crucial: *From where does the goodness (or the evil) of the exterior act originate?* Does it originate perhaps from that which, as we have seen, Thomas at times calls the “object of the exterior act,”²⁶ which then would finally be that object which confers on the human act its primary and fundamental moral specification? Curiously, there is no article in question 20 that asks “if the goodness of the exterior act depends on its object.” In fact, in the entire question the term “object of the exterior act” does not appear again. Rather, Thomas states that as the exterior act is ordered, through the intention, to an ulterior end, its goodness or evil derives precisely from this act of the will (i.e., from the object of the intention). This corresponds to what had been said earlier.²⁷ We would now expect the assertion that the goodness or evil of the exterior act, in itself, derives precisely *from its object*. But this is not the case. Thomas continues: “The goodness or malice which the exterior act has of itself, on account of its being about due matter and its being attended by due circumstances, is not derived from the will, *but rather from reason*.”²⁸ For this reason, adds Thomas, “if the goodness of the exterior act is considered inasmuch as it is ordered and

²⁴ ST I-II, q. 19, a. 2: “. . . bonitas voluntatis ex solo uno illo dependet, quod per se facit bonitatem in actu, scilicet ex obiecto”; *ibid.*, ad 1: “. . . quantum ad actum voluntatis, non differt bonitas quae est ex obiecto, a bonitate quae est ex fine, sicut in actibus aliarum virtutum.”

²⁵ ST I-II, q. 1, a. 1.

²⁶ For example, ST I-II, q. 18, aa. 6 and 7.

²⁷ ST I-II, q. 18, a. 6.

²⁸ ST I-II, q. 20, a. 1: “Bonitas autem vel malitia quam habet actus exterior secundum se, propter debitam materiam et debitas circumstantias, non derivatur a voluntate, sed magis a ratione.”

understood (“apprehended”) by reason, it is prior to the goodness of the act of the will.”²⁹ In other words, the goodness of an act of choice, as well as of the voluntary execution of the exterior act (the *usus*), depends on its object, which is the exterior act; the goodness of this latter, however, does not depend, in turn, on an object of its own, but on an “ordinatio et apprehensio rationis” in virtue of which the exterior act becomes properly the object of a human act, a practical good that morally specifies the act of the will, that is, the will’s elective act, and along with it the act carried out on the basis of this choice.³⁰

²⁹ Ibid.: “unde si consideretur bonitas exterioris actus secundum quod est in ordinatione et apprehensione rationis, prior est quam bonitas actus voluntatis.”

³⁰ Precisely in this context, Pinckaers (*Le renouveau de la morale*, 135) has fallen into what seems to me a significant contradiction. Initially, he says that the object of the exterior act (according to him, in the case of theft, “the good of another as desirable”) confers on the act its first moral specification, “qui le constitue en son essence sur le plan moral.” But immediately afterward he adds: “Cependant l’objet de l’acte extérieur n’a de valeur morale que si la volonté le prend pour le but de son mouvement.” It is not possible, however, that the object of the exterior act confer the first moral specification on the act and, simultaneously, that this act, without it being grasped by the will as an end, not yet possess any moral significance. The cause of what seems a strange contradiction is certainly the failure to include the constitutive function of reason for the object in the analysis. A few pages further on (140), Pinckaers states, surprisingly, that the *finis operis*, which according to him coincides with the *finis proximus* of the will, is not “une donné purement objective,” but “déjà une œuvre de la raison humaine.” This seems to indicate that Pinckaers, in fact, had not forgotten the constitutive role of reason in the formation of the object. The problem is that at this point Pinckaers asserts that this “finis proximus” (or “finis operis”) is not the object that confers on the human act its first moral specification: “Cet objet, c’est la *materia circa quam* qui de soi préexiste et s’impose à l’intention qui dirige l’action; ce sont les matériaux, antérieurement à tout projet de construction.” This unfortunate metaphor taken from technology (also used later by Pinckaers in his book *Ce qu’on ne peut jamais faire. La question des actes intrinsèquement mauvais. Histoire et discussion* [Paris: Cerf, 1986]: 108ff.) seems, however, to contradict that which the author had said on p. 135 (as has been mentioned), that is, that the exterior act receives from the object of the exterior act, that is from the “*materia circa quam*,” “une spécification morale première.” In my opinion, Pinckaers read St. Thomas exactly as I did, but is guilty of a significant confusion in terminology. The exterior act or the “*materia circa quam*”—which St. Thomas identifies with the object that morally specifies the act—is not an aggregate of “pre-existent matters” on which the will then confers its moral significance in a “creative” way, an impression which Pinckaers’s statements could give, but a “good understood and ordered by reason,” presented by reason to the will as an objective datum, a practical proposal or good, already bearing moral significance, but, obviously, “une œuvre de la raison,” a “work of reason,” a “forma a ratione concepta” (cf. note 35). If Pinckaers had more closely analyzed St. Thomas’s texts regarding on

It seems significant to me that, in the context of this more analytical discussion, the term “object of the exterior act” does not reappear. From this perspective, in which the human act is considered as a properly *voluntary*—that is, chosen—act and, therefore, from the perspective of the person who acts, it is precisely the exterior act itself, in its intelligible essence, which shows itself to be “object.” What is chosen is not, therefore, the *res aliena*, but *accipere rem alienam*: an intelligible proposal, presented to the will as a good and as a proximate end. And this object is what we call a “theft.” In the order of execution, this object—which is a proposal of action, an *intentio voluntatis* directed to a way of acting, conceived by reason—confers on the sum of bodily movements of which the exterior act of the theft is composed its primary and fundamental moral specification as a particular type of act; and chosen in this way, the exterior act “to take that which belongs to another against his will” causes a disorder in the will of the person who so chooses: It renders him unjust. The object causes such a disorder, obviously, because the *res aliena* is not “appropriate matter” for an act of taking it from someone against his will.³¹ We can say that *materially considered* this *res aliena* with all its related circumstances is the object of the act. But an object cannot be understood only materially; its formal part must be included as well. If for Aquinas the object of an act of seeing is not the thing, but the color that makes it visible,³² the object of an action such as a theft cannot be properly the “thing which belongs to another,” but rather this “thing which belongs to another” taken under its formal aspect of being a practical good, that is, a practical aspect, *to be indicated with a verb that expresses an action*.³³ For this reason—and this is the decisive point—

the one hand the relation between “exterior act”/“object”/“materia circa quam,” and on the other hand, reason, he would have in my opinion been able to give a more coherent form to his excellent and praiseworthy initial intuition of re-evaluating the perspective of the acting subject, of voluntariness, and of finality in the understanding of human action.

³¹ Cf. *ST* I-II, q. 18, a. 10: “. . . tollere alienum habet speciem ex ratione alieni, ex hoc enim constituitur in specie furti.” The fact that the thing taken is “alien”—or rather the “ratio alieni”—is not the object, but a circumstance, which is understood “a ratione ordinante ut principalis conditio obiecti determinantis speciem actus” (ibid.).

³² Cf. for example *ST* I, q. 1, a. 7: “. . . sicut homo et lapis referuntur ad visum inquantum sunt colorata, unde coloratum est proprium obiectum visus.” In other words: the object of the act “to see Peter” is not “Peter,” but “Peter under the aspect of his visibility.”

³³ Cf. Theo G. Belmans, *Le sens objectif de l'agir humain. Pour relire la morale conjugale de Saint Thomas* (Vatican City: Libreria Editrice Vaticana, 1980), 175ff. I owe much to Belmans's studies. Servais Pinckaers, *Le rôle de la fin dans l'action morale*, 135,

only in the context of an action, that is, of an ulterior finalization, can such “matter” appear as “inappropriate” matter. In itself, a *res aliena* is neither “appropriate,” nor “inappropriate.” It becomes so only in relation to specific desires, choices, and corresponding modes of acting. To establish and to know such a relation is exclusively the work of reason, which in this way informs the will, conferring the moral species on its act. For this reason an object is “evil” that is not in accordance *with reason*, and therefore “to take another’s property” is an “object in disaccord with reason.”³⁴

Because the morally relevant object of an exterior act is defined not in relation to the material elements to which it refers, but to these elements *as understood and ordered by reason*, St. Thomas says that as “the species of natural things are constituted by their natural forms, so the species of moral actions are constituted by forms as conceived by reason.”³⁵ In a more general way, Thomas affirms in the *Scriptum* on the Sentences that “the good proper to any human faculty is that which suits it according to reason, because that goodness derives from a certain ordered unification [*commensuratio*] of the act with respect to the circumstances and to the end, which unification reason performs.”³⁶ For this reason it is important to note that when St. Thomas speaks of the goodness or evil “*secundum se*” of the exterior act, he does not say that this specification comes from its “object,” but from its matter and its circumstances, which, nonetheless, are not *the object*, but the elements from which the object is “understood and ordered” by means of reason.³⁷

on the other hand says that the object of a theft is “le bien d’autrui apparu come désirable.” This is true in the sense that the aspect of being desirable means to think of the *res aliena* already as the matter of an exterior act insofar as this act is, precisely, an object of the will (and a good or an end for it). For this reason, the object is not the *res aliena* itself, but the action of taking it from its owner.

³⁴ ST I–II, q. 18, a. 5, ad 2: “. . . obiectum non conveniens rationi, sicut tollere aliena.”

³⁵ ST I–II, q. 18, a. 10: “. . . sicut species rerum naturalium constituuntur ex naturalibus formis, ita species actuum constituuntur ex formis prout sunt a ratione conceptae.”

³⁶ In *Sent. II*, d. 39, 2, 1: “. . . bonum autem cuiuslibet virtutis est conveniens homini secundum rationem: quia talis bonitas est ex quadam commensuratione actus ad circumstantias et finem, *quam ratio facit*.” An explication of the term *commensuratio* as “unification in an ordered way” can be found e.g., in ST III, q. 2, a. 1. Cf. ST I–II, q. 71, a. 6: “Habet autem actus humanus quod sit malus, ex eo quod caret debita commensuratione. Omnis autem commensuratio cuiuscumque rei attenditur per comparisonem ad aliquam regulam, a qua, si divertat, incommensurata erit. Regula autem voluntatis humanae est duplex: una propinqua et homogenea, scilicet ipsa humana ratio; alia vero est prima regula, scilicet *lex aeterna*, quae est *quasi ratio Dei*.”

³⁷ ST I–II, q. 20, a. 3. We will return to this point briefly later on (the relevant texts are cited in notes 50, 51, and 52).

Our interpretation is confirmed by the response to the first objection of I-II, q. 20, a. 1. The objection claims, correctly, that the exterior act is the object of the interior act of the will and for this reason one normally says “to will to commit a theft [to will to take something that is another’s property], or to will to give an alms.”³⁸ Thomas’s response confirms this, but also makes it more precise. He replies: “the exterior action is the object of the will, inasmuch as it is proposed to the will by reason, *as a good understood and ordered by reason*.”³⁹ The exterior act, therefore, as the object of the will that chooses it, is a “*bonum apprehensum et ordinatum per rationem*.” For this reason it is not the “object” of the exterior act that is simply the cause of the primary goodness of the act, but rather reason, which forms what is “matter” in this exterior act into an object for the will—its *finis proximus*, on which the morality of human acts depends “primarily and fundamentally.” This proximate end is the intelligible content of a concrete way of acting, a “form conceived by reason.”

In this precise sense, the goodness of the will is caused by the goodness of the exterior act, which is its object. The exterior act, nevertheless, causes this goodness not as a performed act—not as an external behavior—but precisely as it is the object of an *intentio* of the will, that is, willed,⁴⁰ and therefore as the intelligible content of a concrete way of acting. This does not mean that Thomas would want to reduce the objective significance of the exterior act—making it indifferent *in itself*—to that which, in each case, “is willed,” thus reducing the object to an intention that is somehow separable from its material conditions.⁴¹ This would be, essentially, Abelard’s claim. Such an interpretation loses sight of the fact that the exterior act, as the object of the interior act of the will, is already a good understood and ordered by reason. For this reason, in the same passage just cited, St. Thomas affirms that the exterior act receives

³⁸ ST I-II, q. 20, a. 1, obj. 1: “Sed actus exterior est obiectum interioris actus voluntatis: dicimur enim velle furtum vel velle dare eleemosynam.” As is obvious, “velle furtum” is equivalent to “velle accipere rem alienam.” This *velle* is the act of choice, i.e., the *usus*, by which the act is carried out.

³⁹ Ibid., ad 1: “. . . actus exterior est obiectum voluntatis, in quantum proponitur voluntati a ratione ut quoddam bonum apprehensum et ordinatum per rationem: et sic est prius quam bonum actus voluntatis.”

⁴⁰ Cf. *In Sent. II*, d. 40, 1, 3: “. . . quia actus exterior comparatur ad voluntatem sicut obiectum, inde est quod hanc bonitatem voluntatis actus interior ab exteriori habet, non quidem ex eo secundum quod est exercitus, sed secundum quod est intentus et volitus.”

⁴¹ John Finnis, Germain Grisez, and Joseph Boyle use this passage in this way, citing it only partially, however, in their article “‘Direct’ and ‘Indirect’: A Reply to Critics of our Action Theory,” in *The Thomist* 65 (2001): 1–44, at 16.

its goodness not from the will, but “from the commensuration of the circumstances, according to which the exterior act is proportioned so as to attain the goal of man.”⁴² As we know, this *commensuratio* is a work of reason. This being the case, it follows that the “proposal” or proximate end, which is “the object,” is, certainly, that which is willed, but this willing cannot direct itself to other than what is presented by reason. The measure, therefore, according to which the exterior act is configured as a practical good and chosen by the will is not the will itself, or “that which the agent proposes,” but reason. We cannot define or redefine the objective significance of our actions in function of what we propose. Rather, that which an agent can reasonably propose (and consequently choose) in a given situation is understood by reason, not simply as a function of “proposals” or “intentions” that can be freely oriented by the agent, but subject to the concrete circumstances in which the choice is carried out, according to criteria of reasonableness inherent—in virtue of the natural law—in practical reason, criteria that are therefore also objective.⁴³

It will be useful to recall that for Thomas Aquinas, the *ratio* is not simply a knowing organ that “discovers” a moral rule, preexistent in nature, so as

⁴² *In Sent. II*, d. 40, 1, 3: “actus enim exterior bonitatem habet ex circumstantiarum commensuratione, secundum quam proportionatus est ad finem hominis consequendum. . . .”

⁴³ For this reason *ST I–II*, q. 18, a. 10 is important (cf. my *Die Perspektive der Moral. Philosophische Grundlagen der Tugendethik* [Berlin: Akademie Verlag, 2001], 135ff.), where Thomas lays out his doctrine of the formation of the object as “forma a ratione concepta,” showing how specific circumstances can at times become a “principalis conditio obiecti rationi repugnans” (cf. *ST I–II*, q. 18, a. 5, ad 4: “. . . circumstantia quandoque sumitur ut differentia essentialis obiecti . . .”). It seems to me that the action theory of Grisez/Finnis/Boyle ignores this decisive aspect of Thomistic doctrine. This becomes evident, for example, in their opinion (in “‘Direct’ and ‘Indirect,’” 30f.) that someone who blows up an airplane full of passengers only with the intention of collecting the insurance indemnity for the loss of the airplane *does not intend and therefore does not choose* the death of the passengers (because this is not his “purpose”—he would do it even if the airplane were empty), but only the destruction of the airplane (proximate end, object), with the ulterior intention of enriching himself; his act, according to these authors, is not therefore an act of “direct killing.” The death of the passengers would only be a collateral effect of the destruction of the airplane, an unintentional effect, even if, as the authors add, such a choice would be “gravely wrong,” as the collateral effect is foreseen and unjustifiable. I am certain that St. Thomas would not accept such a description of this choice. He would say, rather, that the circumstance of the presence of the passengers in the airplane is a “principalis conditio obiecti rationi repugnans,” which causes a “differentia essentialis obiecti”: the killing of the passengers, therefore, must be included in the description of the object; indeed, precisely this *would be* the object. The enrichment, on

to then apply it to action. Moral reason—practical reason—is itself a rule: It is “measure” of the morality of human acts, a natural rule, inherent in human nature and a participation in divine reason.⁴⁴ Participating in the light of the intellect, reason is not only regulated by the object of its speculative act—the being of things—but, as practical, and primarily as *lex naturalis*, reason itself regulates and directs the “naturalness” of human tendencies and inclinations to their *appropriate* end, an end that comprises part of an order that is not natural, but of reason. This is precisely the order *of reason*, which is the adequate expression of that which is natural for man in a properly *moral* sense. For this reason, as Thomas constantly affirms, morally speaking something is in conformity with man’s nature precisely to the degree in which it is in conformity with reason.⁴⁵ According to Thomas, this regulating task belongs to reason for a simple metaphysical or anthropological reason: Man is man because he has a rational soul, which is his substantial form. “For that is good for a thing which suits it

the other hand, would in reality be the ulterior intention for which the massacre of the passengers is chosen and voluntarily carried out. This repugnance to reason does not depend on the will, but is grasped by reason in its function of effecting the *commensuratio* of the various circumstances.

⁴⁴ Cf. *ST* I–II, q. 71, a. 6 (cited above in note 36). It is important to understand that the rule on which reason depends is not “nature,” but properly the eternal law, which is the divine reason itself. This accords with the Thomistic idea that the natural law—which is man’s natural reason, distinguishing good from evil—is a participation in the eternal law by the rational creature, an “*impressio divini luminis in nobis*” (*ST* I–II, q. 91, a. 2). Cf. Martin Rhonheimer, “The Cognitive Structure of the Natural Law and the Truth of Subjectivity,” *The Thomist* 67 (2003): 1–44; also in Italian: Rhonheimer, “La legge morale naturale: conoscenza morale e coscienza. La struttura cognitiva della legge naturale e la verità della soggettività,” in *Natura e dignità della persona umana a fondamento del diritto alla vita* (Acts of the Eighth General Assembly of the Pontifical Academy for Life, February 25–27, 2002), ed. Juan de Dios Vial Correa and Elio Sgreccia (Vatican City: Libreria Editrice Vaticana, 2003), 125–58.

⁴⁵ Cf. *ST* I–II, q. 71, a. 2: “. . . quod est contra ordinem rationis, proprie est contra naturam hominis inquantum est homo; quod est autem secundum rationem, est secundum naturam hominis, inquantum est homo. Bonum autem hominis est secundum rationem esse. . . . Unde virtus humana . . . intantum est secundum naturam hominis, inquantum convenit rationi: vitium autem intantum est contra naturam hominis, inquantum est contra ordinem rationis.” Again, in *ST* I–II, q. 18, a. 5: “In actibus autem humanis bonum et malum dicitur per comparisonem ad rationem.” Cf. *ST* I–II, q. 71, a. 6 (cited in note 36). For a correct understanding of Thomistic doctrine according to which the rule of morality is not “nature,” but reason, still useful is L. Léhu’s book, *La raison, règle de la moralité d’après Saint Thomas* (Paris: 1930). Stephen L. Brock, in his review of my book *Natural Law and Practical Reason* (*The Thomist* 66 [2002]: 313) has characterized my assertion that, according to St. Thomas, not nature but reason is the measure

in regard to its form; and evil, that which is against the order of its form. It is therefore evident that the difference of good and evil considered in reference to the object is an essential difference in relation to reason; that is to say, according as the object is suitable or unsuitable to reason. Now certain actions are called human or moral, inasmuch as they proceed from reason.”⁴⁶ “Nature,” therefore, is not the *rule* of the good and evil of any operation, but only that which determines what this rule of good and evil is in each case. In the case of human nature and human action, this rule is reason (nor is “nature” the rule in the case of “actions” of brute animals, but rather instinct and other sensual drives, which are of course *natural*, as reason, too, is natural for human beings). Thus, nature is not a “norm of morality,” but that which establishes this norm, the norm being reason.

4. The Object of the Human Act: A “Good Understood and Ordered by Reason”

We can summarize the point we have reached thus far with the following four points:

1. That which morally specifies a human act is, exclusively, the object of an interior act of the will (*electio*, *intentio*, etc.), and inasmuch as it is such an object.
2. The primary and fundamental object of the will, which confers on the act its primary goodness, is the exterior act as it is a “good understood

of morality, as “a disconcerting claim.” It is rather this characterization, made by a Thomistic scholar as expert as Brock, that seems to me disconcerting. This can perhaps be explained by the fact that Brock, like not a few other authors, creates a confusion between the question of the *ontological foundation* of the moral order (which is certainly “nature”), and that concerning the *way in which this natural foundation becomes practically effective and regulatory*. This latter is brought about, as St. Thomas never tires of repeating, precisely by means of reason, which, we must bear in mind, is also part of human nature—indeed reason is precisely human nature’s most formal determination, and consequently enters into its definition as its specific difference!—and knows the human good in a natural (spontaneous, necessary) way, promulgating the *lex naturalis*. Cf. Brock, *Action and Conduct: Thomas Aquinas and the Theory of Action* (Edinburgh: T&T Clark, 1998) where the constitutive role of reason in voluntary action is almost ignored, with the consequence of a certain “naturalization” of human action. (The three passages cited above from I–II, for example, are not mentioned in Brock’s book.)

⁴⁶ ST I–II, q. 18, a. 5: “Unicuique rei est bonum quod convenit ei secundum suam formam; et malum quod est ei praeter ordinem suae formae. Patet ergo, quod differentia boni et mali circa obiecta considerata comparatur per se ad rationem: scilicet secundum quod obiectum est ei conveniens vel non conveniens. Dicuntur autem aliqui actus umani, vel morales, secundum quod sunt a ratione.”

and ordered by reason.” It is therefore precisely the exterior act as the *intelligible content of a concrete action*, chosen by the will as a practical good, which is “the object of a human act”; for example, “to take from someone that which belongs to him.”

3. For this reason, the goodness of the exterior act does not depend, in its turn, on its “object,” but, as Aquinas affirms with emphasis and constancy, *on reason*. This is so because it is precisely reason, and reason exclusively, which proposes the exterior act, in the variety of its components, to the will as an intelligible good, which can then lead to an act of choice and a subsequent action. If one were to further seek an “object” of the exterior act itself as such, he would inevitably fall into physicalism. He would confuse that object on which the primary goodness of the human act depends with a series of natural tendencies, realities, and structures, which, though perhaps very significant morally, are not that which, as such, confers moral species on a human act.
4. Speaking *materially*, we can say that the various elements that compose the exterior act are like a “*materia circa quam*,” a matter around which the action develops and that specifies it as a particular *type* of action. Considered *formally*, however, that is, as the object of a human act and as an end—as the object, that is, of a voluntary act—this “*materia circa quam*” is the same exterior act as *bonum apprehensum et ordinatum per rationem*. Only in this way can the *materia circa quam* be understood as a moral object, and only in this way, as St. Thomas explicitly states, does it specify the act *morally*.⁴⁷ This shows that the “moral object” is not, for Thomas, properly an “object of the exterior act,” but always and exclusively the object of the interior act of the will and, for this reason, a *forma a ratione concepta*.⁴⁸

⁴⁷ Cf. *ST* I–II, q. 72, a. 3, ad 2: “obiecta secundum quod comparantur ad actus exteriores, habent rationem materiae circa quam: sed secundum quod comparantur ad actum interiorem voluntatis, habent rationem finium; et ex hoc habent quod dicitur speciem actui.”

⁴⁸ Cf. *ST* I–II, q. 18, a. 10 (cited above in note 35). This “flexibility” of the “*materia circa quam*” is also explained precisely by the fact that it is not a “*materia ex qua*,” that is, the matter of *which* something is made (cf. *ST* I–II, q. 18, a. 2, ad 2). The “*materia circa quam*” has different characteristics depending on whether it is considered only materially—in its relation to the exterior act—or as the proximate end of a voluntary act (*ST* I–II, q. 72, a. 3, ad 2; cf. previous note); in this latter case, the “*materia circa quam*” is precisely that which is called the object “et habet quodammodo rationem formae, inquantum dat speciem” (*ST* I–II, q. 18, a. 2, ad 2).

To call the moral object the “object of the exterior act,” as Thomas himself at times does, could therefore cause confusion; it would seem inconsistent with the exposition provided in I–II, questions 19–20.⁴⁹ According to that exposition, the exterior act does not properly “have” an “object” (in a moral sense), but the exterior act itself is considered to be the object morally, the *finis proximus* of the interior act of the will (i.e., the electio), and as such it morally specifies the human act. The expression “object of the exterior act,” however, ultimately means—including for St. Thomas—“the exterior act as a good understood and ordered by reason,” or “the rational and rationally ordered apprehension of the exterior act” (= of the *materia circa quam*, which as a good understood and ordered by reason is the “form” that morally specifies the act). For this reason, speaking of the good and evil, which at times the exterior act possesses *secundum se*, Aquinas does not say that this derives from its “object,” but from its “matter” and its circumstances.⁵⁰ These latter are not the object, but precisely the elements that, according to reason, are or are not a “principal condition of the object that determines the action’s species”⁵¹ (or an “essential difference of the object”⁵²), and which are conceived by reason as the moral species of the action. Precisely this rational comprehension of the exterior act, which contains a rational

⁴⁹ This problem goes unnoticed even in the accurate and brilliant exposition of St. Thomas’s doctrine on this subject by R. McInerny, *Aquinas on Human Action. A Theory of Practice* (Washington, DC: The Catholic University of America Press, 1992); for example when the author, although correctly, says: “The external, commanded act of the will can be good because of the kind of act it is, something determined by its object, for example, giving alms to the poor” (p. 98). “Giving alms to the poor” appears three times in this statement, each with a different meaning: once as “exterior act”; then as “object of the exterior act”; and finally as “type of act” (moral species). It is not that this is incorrect, but that it requires a further clarification so as to be comprehensible. McInerny’s clarification seems correct to me, because it points in the direction of understanding that the object of the external act is precisely this act as its matter and circumstances are understood and ordered by reason, which presents it to the will as a good.

⁵⁰ ST I–II, q. 20, a. 3: “Quando autem actus exterior habet bonitatem vel malitiam secundum se, scilicet secundum materiam vel circumstantias. . . .”

⁵¹ ST I–II, q. 18, a. 10: “Et ideo quod in uno actu accipitur ut circumstantia superaddita obiecto quod determinat speciem actus, potest iterum accipi a ratione ordinante ut principalis conditio obiecti determinantis speciem actus.” (This is the article that begins with the words “species moralium actuum constituuntur ex formis prout sunt a ratione conceptae.”)

⁵² ST I–II, q. 18, a. 5, ad 4: “. . . circumstantia quandoque sumitur ut differentia essentialis obiecti, secundum quod ad rationem comparatur: et tunc potest dare speciem actui morali. . . . non enim circumstantia faceret actum malum, nisi per hoc quod rationi repugnat”.

ordinatio of its various material elements, is the object of the act of choice and therefore of a human act.⁵³

This is necessarily so because, as has already been mentioned, it is not possible that the will refer immediately to the constitutive (material, circumstantial) elements of an “exterior act,” or to things or to the natural acts of specific powers, except through the *mediation of reason*.⁵⁴ Precisely for this reason the exterior act as such cannot have an “object” from which it receives its moral species—the search for such an object would end in an infinite regression. The “objects” proper to the exterior act (as considered materially, i.e., not as an intelligible good for the will) are found at the physical, pre-moral level (which, to repeat, does not exclude that they be significant and at times decisive for the morality of an act, as, e.g., the fact that something belongs to a particular person and a corresponding right of property exists, or that the sexual act is naturally ordered to the procreation of the human species).

Every deliberately chosen human act, on the other hand, already *necessarily* has an object at the moral level, because its object is this exterior

⁵³ It is correct, therefore, when Tobias Hoffmann in his article “Moral Action as Human Action: End and Object in Aquinas in Comparison with Abelard, Lombard, Albert, and Duns Scotus,” in *The Thomist* 67 (2003): 73–94, asserts that the “*materia circa quam*” is “what the agent is doing,” as “*uti re sua*” or “*accipere aliena*” which are good or evil objects (or acts) according to their “proportion to reason.” It must be added, however, that reason not only judges concerning the goodness of the object, but also formulates or constitutes it cognitively, in the sense that only before reason can it appear as *this kind of object*.

⁵⁴ Here is where the fundamental error of the so-called “teleological ethics” (consequentialism, proportionalism) is found, all of which assume, in one way or another, that the will can refer in an immediate way to an exterior act and to its elements (to goods, i.e., called “ontic,” “non-moral” or “pre-moral,” “physical”), without this also implying a moral specification of the will. For example, according to the adherents of “teleological ethics,” “to kill a human being” would only be to physically cause the death of a man (to cause a non-moral evil), which, according to the totality of the circumstances and foreseeable consequences, can be considered morally right or wrong. In reality, however, the will chooses the action “to kill a human being” not as though it were simply the (physical) cause of an evil that is equally physical, but as a “good understood and ordered by reason,” as the intelligible content of an action which already implies a rational configuration, full of moral significance, of the various “physical goods and evils” implicated in the action. This rational configuration is what morally specifies the act of the will as just or unjust; it specifies it, precisely, independently of the foreseen consequences and of other, perhaps worthy, intentions. I refer here to my book *Die Perspektive der Moral*, which, among other things, is intended as a systematic refutation of so-called “teleological ethics,” and to Martin Rhonheimer, “Intentional Actions and the Meaning of Object: A Reply to Richard McCormick,” in *The Thomist* 59 (1995): 279–311.

act itself, as a “good understood and ordered by reason.” To deny this is to fall into physicalism. Traditionally, to avoid this danger, it was customary at this point to resort to the *Deus ex machina* of the mysterious “transcendental relation of the physical object to the moral norm.” This solution, however, more juridical than moral, hindered a proper understanding of the *intrinsic* constitution of the moral object, and therefore also of the goodness or evil that human acts intrinsically possess on the basis of their object. To avoid the necessity of recourse to this *Deus ex machina* or—like those who were aware of the inadequacy of this “legalistic” solution and rebelled against it—to avoid ending up in proportionalism or consequentialism (which are nothing other than variations of the same ethical-normative extrinsicism), one must place himself “in the perspective of the acting person,” conceiving the object of a human act as the proximate end of the will, i.e., as an “object rationally chosen by the deliberate will” on which “primarily and fundamentally depends” the morality of the human act (*Veritatis Splendor* no. 78).

At this point we must state clearly that we have yet to resolve any of the problems of normative ethics, i.e., of the argumentative foundation of specific moral norms.

To object, then, that what has been said so far accomplishes nothing, is tautological and, as has been claimed, of “little explanatory value,” and that the ethical-normative problem has merely been “put off,” would seem to me to express a certain *ignoratio elenchi*, an ignorance of the problem we have been treating so far.⁵⁵ We have attempted to clarify the notion of the “object” of a human act as “it causes goodness and evil in the will”; we have not yet, however, spoken of that which is the proper task of normative ethics, which is how to discern whether this or that act is morally good or evil.

Action theory, which is properly what we have been dealing with to this point, is not asked to resolve normative problems, even if the method of resolving such problems depends in a decisive way on the theory of action one uses to such an end; in the present case it depends on the notion of “moral object,” employed in the normative task of ethics.

The theory of action proposed here, firmly based in the thought of Thomas Aquinas, is properly an *anthropology* (or *metaphysics*) of action, and

⁵⁵ This is the criticism of my position by Alberto Bonandi, “Dieci anni di teologia morale con ‘Veritatis Splendor’”. Aspetti della ricezione dell’enciclica,” in *La Scuola Cattolica* 131 (2003): 22f. In my opinion, Bonandi in his critique confuses action theory with normative ethics, and fails to differentiate between their respective tasks; nor does he seem to understand well the importance of the former for the latter.

not merely a logical analysis of practical reason. The correct understanding of the object of a human act, moreover, is also the key for resolving the difficult question of so-called “intrinsically evil” acts, because what causes problems of comprehension is not so much the objective evil of certain acts, but precisely the notion of their being *intrinsically* evil.

The consequence of what has been shown so far is that to understand the notion of the “object” of a human act, it is necessary to understand the fundamental role—decisive from the anthropological point of view—of practical reason in human action. Whoever looks for an “object of the exterior act” as an *external, observable behavior*, will end by reducing the human act to its non-moral elements, in a crude physicalism that ignores the regulating and morally ordering role of reason. To ignore the decisive role of reason for the constitution of the objective moral significance of human actions flaws not only action theory, but also loses the “moral perspective” itself, that of action guided by a “rational appetite,” the will. It forgets that goods and evils in a moral sense are not “ontic” or “physical” goods like “human life,” “death,” “property,” “the conception of a new life,” and so on, even though these are morally of great importance; but that moral goods and evils are rather *actions* and their corresponding choices, such as “respect human life,” “kill an innocent person,” “take that which belongs to someone against his will,” “transmit human life.” The objects that morally specify such actions are not “human life,” “another’s property,” or “the conception of a new life,” but precisely the respective actions *inasmuch as they are the intelligible contents of concrete ways of acting*, “goods understood and ordered by reason,” and willed as such: In this way these actions are the proximate end, the “object,” of the will, and it is precisely this object that confers on the human act its primary and fundamental moral specification.

The perspective set forth here maintains, to return to our earlier example, that an external behavior considered physically (bodily movements like, for example, a sexual copulation, or the act that causes the contents of a safe to disappear) becomes an “object” for the will, and therefore causes moral good or evil in the will, in correlation with certain of the behavior’s characteristics that are comprehensible only by reason, such as the “circumstance” that one is dealing with one’s own safe or with that of another. The *res aliena*, or more specifically, the circumstance that the *res* in question is another’s property, and the corresponding juridical-moral fact of the existence of the other’s right, is in no way “the object” of a theft, but a circumstance that, before reason, shows the *res* to be *indebita* (“inappropriate”) with respect to the physical action of taking it from its owner. The characteristic of being *materia debita* or *indebita* does not

derive from an ulterior object of the physical act, but from reason in its aspect of being a rule, or, in other words, from the exterior act considered as a “good understood and ordered by reason,” from the intelligible content of a concrete type of action.

It is clear that we are speaking of a “reason” that is not a rule only in the formal sense. It is a reason, rather, permeated with axiological content, a content that derives from the fact of reason being a faculty integrated into the being of a human person, constituted in a substantial unity of body and spirit. It is not reason (or the intellect) that knows, but the person who knows *by means of* reason. Even more important, however, is the fact that reason can be the rule of that which is just or unjust because reason itself depends on its own principles, *on the natural law*. This latter, according to St. Thomas, is “the light of natural reason, whereby we discern what is good and what is evil,” because it is essentially a “*naturalis inclinatio ad debitum actum et finem*,” “a natural inclination to the (*morally*) appropriate act and end.”⁵⁶

To understand the moral configuration of an exterior act, the object of a choice of the acting subject, we must affirm therefore that it does not depend simply on natural acts, but neither does it depend on the will of the subject. Rather, it depends on reason, which, as the discursive part of the intellect, is also as intellect and practical reason precisely that cognitive faculty that not only orders our actions, but also fundamentally opens us to the truth of our being, in this way establishing the practical truth of our actions, which is the “truth of the subjectivity” of the person who acts.

Kevin Flannery has raised the criticism that such an emphasis on the contribution of the subject, or rather of the human understanding (“the mind’s contribution”), in the constitution of the object of a human act would be “difficult to reconcile with Thomas Aquinas,” and that at times would lead to “the exclusion of that which is outside the mind.”⁵⁷ This objection that can be responded to easily using the words of authors who are under no suspicion of subjectivism.⁵⁸ Moreover, the criticism seems so

⁵⁶ ST I–II, q. 91, a. 2. *Veritatis Splendor* twice cites (nos. 12 and 40) the concise Thomistic formulation of *In duo praecepta caritatis et in decem legis praecepta expositio*, Prologus I: “. . . lex naturae (. . .) nihil aliud est nisi lumen intellectus insitum nobis a Deo, per quod cognoscimus quid agendum et quid vitandum. Hoc lumen et hanc legem dedit Deus homini in creatione.” Cf. the above-mentioned articles (note 44).

⁵⁷ Kevin Flannery, review of my book *Die Perspektive der Moral*, in *Gregorianum* 83 (2002): 591–94; at 592.

⁵⁸ For example Ralph McInerny, *Aquinas on Human Action*, 101f.: “The human voluntary act will be good, insofar as will is measured by reason. . . . Anything that the mind judges to be good, sees as good, is thereby brought under the

odd to me that it may be due to a simple misunderstanding on Flannery's part. This misunderstanding probably consists in the assumption—false, in any case—that what is constituted and ordered by reason is not “objective,” is not always rooted in extra-mental reality, and indeed, that it excludes “that which is outside the mind” and depends on the arbitrariness of the subject. In reality things are not this way, and to say so presupposes an anthropology and a conception of the mind different from the Aristotelian concept according to which “the intellect is always correct; the appetite, on the other hand, and the sensible imagination can be either correct or not correct,”⁵⁹ an anthropology equally reflected in the Thomistic expression according to which, “corrupt reason is not reason.”⁶⁰

common formality of goodness. . . . Mind's grasp of the good is the measure of the will's goodness.”

⁵⁹ Aristotle, *De Anima* III, 10, 433a 27–28.

⁶⁰ *In Sent. II*, d. 24, 3, 3 ad 3: “. . . ratio corrupta non est ratio”. Cf. on this subject *Die Perspektive der Moral*, 146ff. (“Der anthropologische Primat der Vernunft”), and in more detail in Rhonheimer, *Praktische Vernunft und Vernünftigkeit der Praxis. Handlungstheorie bei Thomas von Aquin in ihrer Entstehung aus dem Problemkontext der aristotelischen Ethik* (Berlin: Akademie Verlag, 1994), 155–72, and passim. Like not a few Thomists, Flannery apparently works with a somewhat “inverted-Cartesian prejudice” in the sense of dualistically—and in this very sense Cartesian—assuming that the “objective,” the “natural,” and the “truthful” are equal to what is “outside the mind,” whereas what is “inside the mind” (or the mind itself) is “subjective,” “non-natural,” and the mere representation of truth. Even if such an inverted Cartesianism seems to be a very common Neo-Scholastic scheme, I hardly think that it agrees with Aquinas's way of thinking. For him, as for Aristotle (and in another way also for Plato), the human mind—especially the active intellect, which is to intelligible truth as light is to the visibility of things—is part of man's nature and therefore, in a basic ontological way, it is “nature” as well. In clarifying the concept of the “natural,” both the distinction into intra- and extra-mental reality and that into reason and nature seem to me to be of little use, and anthropologically misleading. The intellect and its proper object—intelligible reality—are, for the human person, as natural as any of his natural inclinations. It is, therefore, strange to assume that the proper objects and goods of extra-mental (or non-mental) natural inclinations (such as the natural object and goals of, for example, the sexual inclination or the inclination to self-preservation) should be more “natural” and “objective” than the inclinations, objects, and goods that naturally spring from the mind (or the intellect, or “natural reason”), such as, for example, the concept of “the just” or “the due” (which, as a concept of the good and formally, is purely “mental”, i.e., not to be found in extra-mental reality). So, nothing excludes that there is a “mind's contribution” which is both natural and entirely objective, without there being any problematic “subjectivism” or aprioristic transcendentalism. On the contrary, a concept of “naturalness” that excludes the “mind's contribution” would not seem to be an idea of “human naturalness” at all. If we consider the human person both anthropologically and ethically as

It is correct, therefore, to hold that the object of a human act is the act itself. This is not logically contradictory,⁶¹ since it is this act taken precisely as object: as the proximate end of the will, that is, as the intelligible content of a concrete action, a good that can be and is in fact chosen, and not as an act “done” in the order of execution.⁶² The object is the exterior act, as the object of the interior act of the will.

The exterior act itself is a good, known and ordered by reason and as such “presented” to the will, which can also be considered, as such, in abstract. This consideration would be precisely the description of the act in its “objective” significance, at the level of its “object.” This significance is not a naturally preexistent “given”: it is a species, *a ratione concepta*, just as at the universal level the natural law, like every law, is “something constituted by reason,” a “work of reason.”⁶³

5. Practical Reasonableness and Finality: The Intentional Structuring of the Object

An important consequence derives from the fact that the object of a human act is configured by reason: The exterior act itself, presented by reason to the will as object, as proximate end, and therefore as a practical good, must already include an intentional element that can define it as a “human act” or “human action.” An action without its proper and intrinsic finality is inconceivable. Speaking of human acts, “the end is not

part of the “outside” or “objective” world, we must include in this consideration the mind and the intellectual powers of man—otherwise such a consideration would reduce man to his pure animality. (We will see later how this bears upon the concept of “natural law” as a moral law.)

⁶¹ As Kevin Flannery claims in his review of *Die Perspektive der Moral*, and likewise Alberto Bonandi, 23. Both seem to think that I am saying that the object of an act of choice is the choice itself, which would in fact be absurd.

⁶² It could be that I have confused Flannery by my statement (somewhat embarrassing, I admit, but marginal) that the object of an act of seeing is not the “thing” that is seen, but rather the act of “seeing this thing.” This is certainly true if we consider the act of seeing as an exterior act, that is, as commanded by the will, which is to say as a human act. If we consider it, rather, as a natural act of the vision, it cannot be said that the object of this act of seeing something is the act itself of seeing the thing. The object of the act of seeing would be rather the “thing seen under the formal aspect of its visibility” (for St. Thomas: “the thing as colored”; cf. note 32 above). Flannery seems to construct his entire criticism around this imprecision, which is entirely marginal to my argument. The argument is based, rather, on the fact that the will refers to extra-mental realities as goods and ends (for example, to another person’s watch) only by means of a judgment of reason, and as a “good understood and ordered by reason.”

⁶³ ST I–II, q. 94, a. 1: “. . . lex naturalis est aliquid per rationem constitutum, sicut etiam propositio est quoddam opus rationis.”

altogether extrinsic to the act, because it is related to the act as principle or terminus.” It is a characteristic property of an act not only that it proceeds from a principle, but also “ut sit ad aliquid,” it “tends toward something.”⁶⁴ It is therefore not possible to dissolve an exterior act into a collection of material elements, devoid of order or finality, without dissolving it, ultimately, as an action. The exterior act, as the intelligible content of a concrete action, as the object of the will and a practical good, is precisely a *coherent and unified proposal* that confers significance on a particular aggregation of bodily movements; it is, therefore, precisely that which explains why one does what one does. An exterior act, the object of a choice, can be described as such an object only by including an intentional element in the description. It is, in fact, reason’s proper task to order something to an end.⁶⁵

We again see that, in order to be able to describe an object in this way, we must put ourselves in the perspective of the acting person. Only thus can the object be grasped as the *end* of a choice, and as *a good to be pursued*. Aquinas confirms this when he says that there are exterior acts that can be per se ordered to the end of the will, such as “to fight” is per se ordered to “victory”; and there are other acts that are ordered *per accidens* to an end, as when “to rob” is ordered toward “the giving of alms.”⁶⁶ “To fight” is a series of exterior movements that can be understood as a human act—and as that particular human act—only in virtue of the end of “victory.” Indeed, the term “to fight” itself is incomprehensible—it simply doesn’t make sense—without a reference to “victory” as its end. The object-basis

⁶⁴ ST I–II, q. 1, a. 3, ad 1: “. . . finis non est omnino aliquid extrinsecum ab actu; quia comparatur ad actum ut principium vel terminus; et hoc ipsum est de ratione actus, ut scilicet sit ab aliquo, quantum ad actionem, et ut sit ad aliquid, quantum ad passionem.”

⁶⁵ ST I–II, q. 90, a. 1: “. . . rationis enim est ordinare ad finem, qui est primum principium in agendis. . . .” The fact that this is equally valid both at the universal level (the law) and at the level of the specification of individual acts is important for the comprehension of the unity of practical reason.

⁶⁶ ST I–II, q. 18, a. 7: “. . . pugnare per se ordinatur ad victoriam . . . accipere rem alienam per accidens ordinatur ad dandum eleemosynam.” Thomas says here that “pugnare” (“to fight”) is “the object of the exterior act,” which is per se ordered to the end of the will (victory). This mode of expression is a simplification, because to understand the expression “pugnare,” we must already include in it the notion of an end (to win), otherwise this “pugnare” would simply not be a “pugnare.” Rather than to speak of an object of the exterior act, it would therefore be better to say “the object qua exterior act” (or “the exterior act as object”), which would be the exterior act conceived by reason, ordered to an end, and as such presented to the will as object.

of the act of fighting is therefore defined by “why one does what one does,” by that which the agent intends by what he is doing exteriorly.⁶⁷

To see this more clearly, let us return to our example of the theft. A theft, in the Thomistic tradition, is defined as “taking another’s thing secretly.”⁶⁸ We have already seen that the object of this act is *not* the “*res aliena*.” Moral objects are *practical* goods, and therefore *actions*, and must be expressed linguistically not with a noun, but with a verb (or with the latter’s respective nominization). To be able, therefore, to describe the act in question and to identify its object, we must also indicate a primary and fundamental “why” that which is done, is done. This is equally valid for the definition of the theft: In the expression “covert appropriation (or taking),” such a “why” is implicit.⁶⁹ This becomes clear by reflection on the term “appropriation” (or “taking”): In fact, from a “physical” or merely “technical” point of view, the act of theft can be carried out in various ways. With the words “appropriate” or “take,” however, we are not designating the act at this physical level. Rather, these words signify a *specific way* of “taking” something from another: to physically take it *for a particular end*, for example, to steal it from someone. “To steal an amount of money from Paul” is more than “to cause the fact that an amount of money pass physically from Paul to John”; it is to cause this fact with the intention of removing the money from the discretionary power of Paul, its owner, so as to make it pass into John’s discretionary power (a complex structure, objectifiable only by reason; according to St. Thomas’s expression, this is precisely a “*forma a ratione concepta*”).

With this in mind, imagine two different people who, with an artist’s skill, remove the watch attached to Mrs. Jones’s wrist. One does it merely to entertain the public, or to play a small joke on Mrs. Jones; the other is a pickpocket and commits the same physical action so as to steal the watch from its owner and use it for his own purposes. The two people have performed two acts, which, while identical at the physical or natural level, are different at the moral level. The two acts have a different object. Nevertheless, in both acts the watch is identical and, from the point of view of bodily movements or technique, the external act is also identical. The same relationship also exists between the watch and its wearer, that is, it is her legitimate property; for the agent, therefore, it is a *res*

⁶⁷ Cf. the well-known example of G. E. M. Anscombe in her book *Intention*, 2nd ed. (Oxford: Basil Blackwell, 1963, 35) of a person lying on a bed. To know “what he is doing,” we must know “why” he is doing what we see him do: for example, to rest, to do Yoga exercises, etc.

⁶⁸ *ST* I-II, q. 66, a. 3: “*occulta acceptio rei alienae*.”

⁶⁹ Cf. G. E. M. Anscombe, *Intention*, 34f.

aliena. The intentionality implicit in the bodily movements of the agent, however, is different: For this reason, the movements proceed from *different choices*. A simple external observer of this act—without knowing any of the other circumstances—would not be able to distinguish the two actions from the moral and therefore “objective” point of view, since he does not know the content of the agent’s choice: From the point of view of an external observer the two acts would be identical. Only by placing oneself in the perspective of the person who acts does it become possible to understand the difference in the acts, which is in fact a difference in choice: The goods pursued in each of the actions are different, as is the *finis proximus*. In other words: only in the perspective of the acting person does the exterior act, the observable behavior, appear also in its significance as the “object” of a human act.

In order to make this fact even more explicit, we must make our definition of the object “a theft” more precise. The object of a theft is to “secretly take something that is another’s property *so as to appropriate it*.” It seems obvious, for Aquinas, that this is understood, given that by the use of the word *acceptio* he certainly does not intend to refer merely to the aggregate of physical movements that cause a local transfer of a thing from its rightful owner to another person. The expression *acceptio* must therefore be understood as including the intentionality to really appropriate the *res aliena* in question—in such a way that it changes owners, against the will and right of the original owner—and not merely to “take it” in a physical sense.⁷⁰

⁷⁰ One can object that my description of the act in question is simply mistaken. According to this objection, we must begin from the physical action “to take something from someone,” which would then be morally specified by its object: If the object is a *res aliena*, then the taking is illicit and we are dealing with a theft. For this reason, the objection concludes, the object does not include the exterior act, but only the thing to which this action is directed, in this case the “*res aliena*.” The objection does not seem to me, however, to be conclusive. It presupposes that we can describe the action of “taking something from someone” without making reference to an intentional element, that is, at a merely physical level. This, however, is not possible. *Physically*, the act of taking is no different than, for example, “to cause, by means of a series of bodily movements, the fact that a watch moves from one place to another” (for example, from Mrs. Jones’s arm into Mr. Brown’s pocket). In this case, however, even if the watch in question were a “*res aliena*,” we cannot yet say whether we are dealing with a theft or with a trick; indeed, Mr. Brown could even be a policeman who is confiscating the watch—a “*res aliena*”—which had been previously stolen from Mrs. Smith, and is now being retrieved from Mrs. Jones. If we describe, however, the acting of taking not physically, but as a human act, then it is impossible to describe it without including the “thing” that is taken. This would mean that to describe “to take something from someone,” we must already include the notion

“To place oneself in the perspective of the acting person” means to understand that to *choose* a type of action or behavior—or rather a series of physical or bodily movements—and therefore to carry out a human act, one must *will* this action as a *good*. To describe the object of a human act, therefore, we must also include in the description the *will* with which it is chosen and executed. Given that the action is an end of the *will*, the intervention of reason is necessary, as Aquinas never tires of repeating. It is reason, and only reason, that presents to the will, and therefore also to the act of choice (the *electio*), its object.⁷¹ How, then, could it be possible for reason to present a series of bodily movements as a good to the will—such as “to take a watch from Mrs. Jones’s arm in a certain way”—if not under the aspect of an end? Indeed, reason must objectivize these movements under the *ratio formalis*—the formal aspect—of a “why one does what one does,” for example, “appropriation” or “to entertain an audience.” This good is not already “given” with the external behavior, nor is it in some way “included” in the external behavior; the behavior, considered in itself, could have various meanings. It is precisely for this reason that St. Thomas asserts, as has already been mentioned, that the species of human acts are not, like the species of natural things, constituted by natural forms, but by “forms conceived by reason.” From this it follows that to describe the

that this “something” be a “*res aliena*”; otherwise the concept of “taking” would automatically fall back to the physical level of simply “causing, by means of a series of bodily movements, the fact that . . . etc.” In this way, the objection falls into a vicious circle. Even if we add to “take something” the element “to appropriate this thing for oneself” we arrive at the same result: The description of the act of “appropriation” includes even more clearly an intentionality. Without this, the act would be, again, nothing other than to “cause, by means of a series of bodily movements, the fact that . . .”; including the intentionality of “appropriating” the thing in question already includes the fact that the thing is a “*res aliena*.” One could object that it is possible that we are dealing with something that is not (yet) anyone’s property, and therefore we are not dealing with a theft (but an act of “original appropriation”). This is true, but shows that in that case the term “appropriation” is used twice, each time with a different meaning: in the second case it no longer includes the element of “taking of something from someone against his will, etc.” With this we arrive at the result, already recognized, that the existence of a “*res aliena*” is, certainly, an indispensable condition for a concrete action to be a theft, but it is not a sufficient condition. We cannot conclude: Since an act of original appropriation, given that there is no “*res aliena*,” is not a theft, an act of appropriation is a theft *only* because it includes a series of bodily movements that are directed toward a “*res aliena*” (which would then be the object that morally specifies this act). This is a *non sequitur* that obscures the circular character of the argument.

⁷¹ Cf. the texts cited above: ST I–II, q. 19, a. 1, ad 3; I–II, q. 19, a. 3 and ad 1; but also I–II, q. 13, a. 1.

object of a human act as chosen by the will, we must describe it in its *rational structure* (as intelligible content at the practical level, as a proposal of action), which, as is obvious, also includes its primary and basic intentionality, which defines it as the object of an *act*.

These statements can be misunderstood, unfairly, as subjectivism leading to arbitrariness, arguing that this perspective makes the moral value of any action depend on the arbitrariness of the person who acts, directing his intentions in each situation toward what he wants. In my opinion, however, this criticism misses the point, since it ignores the decisive fact that every act of the will necessarily depends on reason. Nothing can be willed unless reason presents it to the will as a good, and the judgments of reason regarding the good can be evaluated precisely according to criteria of reasonableness, that is, objectively and therefore not arbitrarily. “Reason is not an arbitrary measure of the will.”⁷² “To take and appropriate to oneself a watch that belongs to another” is something *objectively* unjust in the sense that it is precisely reason that grasps the necessary relationship of injustice between “another’s property” and “taking it from him against his will” so as to appropriate for oneself the thing in question; it is also reason, and reason only, in its speculative as well as in its practical function, which grasps the link between the thing and its owner, that is, the right of property, the difference between “mine” and “yours.” Practical reason comprehends all of this, on the basis of its own principles formulated from the natural law, as contrary to justice—for example, as contrary to the golden rule—and therefore as an evil to avoid. For this reason, the intentionality rooted in practical reason does not “create” the injustice of this or that theft; this intentionality only causes that certain movements of the body would be, in fact, a theft. All of this is knowable only by reason, and it is reason that proposes this ordered aggregate of bodily movements and circumstances to the will, as a good to be pursued.⁷³

We see therefore how, *for reason*, there exists a non-arbitrary connection between the material elements of the exterior act, its objective moral species as a “theft,” and its consequent valuation as “unjust.” Equally, there exists, *again for reason*, a non-arbitrary connection between an act of sexual copulation and its specification as good or evil, as, for example, “an act of infidelity” or “an act of conjugal love.” This connection is under-

⁷² Ralph McInerny, *Aquinas on Human Action*, 102.

⁷³ The first principle of the natural law expresses this structure of the “bonum faciendum et prosequendum”; this is found also at the level of the concrete act, which is always presented to the will as “bonum faciendum et prosequendum”; cf. *ST* I–II, q. 94, a. 2.

stood by reason on the basis of its natural principles—the natural law—according to which reason orders the act proper to the sexual inclination and its natural end to its morally just end, that is, according to the circumstances that are significant for reason, such as, for example, whether or not the act is with one's own wife.⁷⁴

A possible objection is that the inclusion of a prior—and constitutive for the object—intentionality in the notion of the object of a human act ultimately means to render irrelevant, for the object's description, whatever does not proceed from this intentionality, and is rather “pre-configured” by factors independent of the actor, such as the natural structures and properties of the “things” or realities around which the action is performed. Kevin Flannery, for example, has criticized my assertion that “to swallow X” (where X is, for example, a morphine capsule) is not, as such, a practical good and therefore cannot be understood as the object of an act, precisely because a morphine capsule as such cannot be a good for the will, and therefore cannot even be chosen. To choose “to swallow X,” I wrote, it is necessary that there exist a primary and fundamental “why” one does this, as for example “to take a means for alleviating pain.”⁷⁵ With this, objects Flannery (who seems to want to sustain that it is precisely “to swallow X,” as such, that is the object of the act “to swallow X so as to alleviate pain”), the practical sphere would be isolated from the very sphere to which we apply descriptions such as “to swallow X,” that is, from the physical sphere, from the nature of things.⁷⁶ Which is to say, the connection would be lost between the natural properties of morphine (its narcotic effects) and its being a good chosen to the end of alleviating pain.

This criticism, as well, seems to me to express a difficulty that results from failing to notice the constitutive role of reason in the constitution of the moral object, and therefore from a different (or entirely lacking?) anthropology of action. With the assertion, that “to swallow X” is not yet the description of an object of a human act, but that this object is “to swallow X so as to alleviate pain,” we in no way separate the realm of praxis from the realm to which we apply the description “to swallow X”—that is, the connection is not severed between the natural properties of the morphine (its narcotic effect) and its being a good chosen for the end of alleviating pain—and this for the simple fact that to be able to choose “to swallow X so as to alleviate pain,” reason must understand the link between “X” and “alleviate pain”; it must know that “X,” because of its specific (narcotic) effect, is a preparation suitable for alleviating pain.

⁷⁴ Cf. *De malo* 2, 4.

⁷⁵ Cf. *Die Perspektive der Moral*, 101.

⁷⁶ K. Flannery, *Review of Die Perspektive der Moral*, 591.

Knowing this identical information, however, it is also possible that one choose “to swallow X” to get high on drugs! This latter act would be different *on the basis of its object*, even though the external act of “to swallow X,” as well as the “X” itself, are identical in both cases. This, in my view, proves that “to swallow X” is not the object in the moral sense, but the action considered at a merely physical level, and therefore not as a practical good, that is, not as an object of the will.⁷⁷

At this point, one could nevertheless object that the above example of taking the watch is poorly chosen, since the external behavior (the removal of the watch from Mrs. Jones’s wrist) can in fact be understood as the object of an act that is morally *indifferent*, which becomes evil only through the successive intention of the unjust appropriation; because of this, according to the objection, my argumentation becomes pointless. This objection seems unconvincing to me, however, given that, as has already been shown, the behavior described in our example can be described as a human act, as an act chosen and voluntarily carried out, if and only if we include a specific intentionality in the description. This makes clear that such an intentionality is not an *ulterior* or *subsequent* intention by which an act, in itself already morally defined on the basis of its proper object, becomes ordered as a means, but rather it is this basic intentionality that defines the act, precisely, as a *human* act (= an act proceeding from a deliberate will). A different case, and a case of an act that is truly *indifferent* “*ex obiecto*,” chosen as a means in view of an ulterior end, would be that of one who chooses to “take a walk *with the intention* of preserving his health.” “To take a walk” is an act, definable as a human act, which can be considered to be morally indifferent: It is a type of bodily movement or bodily behavior—“walking”—chosen in view of what we typically call a “walk,” for example, “to go for a walk”; the term “a walk” itself means: “An act which is the effect of walking without hurry and without fixing a particular destination in advance, so as to move a bit, to enjoy oneself. . . .”⁷⁸ Here also the basic intentional element is not lacking in the description of the act and of its objective significance. “To take a walk” is more than simply (physically) “to

⁷⁷ This unfolds in what is called a “practical syllogism,” in which, by means of theoretical judgments (assertions of facts) one infers, from a higher-level practical judgment, a successive, more-concrete practical judgment, to the point of arriving at the choice of an action, and to the action itself. We will speak of this briefly at the end of this study.

⁷⁸ “Atto, effetto di camminare, senza affrettarsi e senza prefiggersi una meta particolare, per fare un po’ di moto, svagarsi. . . .” (Nicola Zingarelli, *Vocabolario della Lingua Italiana* [11th edition], entry *passaggio*, 1345). In Italian the word “camminare” indicates the physical act of “walking,” while “passeggiare” means “to take a walk.”

walk”: It is a specific type of “walking,” which as intelligible content can be chosen by the will as a good and an end. We can distinguish “to take a walk” from other types of human acts, which, from the point of view of the bodily movements involved, are exactly the same, but which are chosen for a different intrinsic end: for example, from the action “to walk to work.” One who performs this latter action does not “take a walk with the intention of going to work,” for the simple reason that precisely what he does not do is “take a walk.” Rather, he has chosen, and carries out, a different action: He takes a *trip* (he “walks to work”). “To take a trip” and “to take a walk” are two human acts that are indifferent, but distinguished by their respective objectives; their intelligible content, capable of being chosen by the will, is different. What cannot be done, however, is to describe the external behavior alone—the bodily “to walk”—as a human act, without making reference to an intentionality of the type “take a walk,” “take a trip,” or something else of this nature (e.g., “make a pilgrimage”). This demonstrates that these bodily movements are not yet the object of a human act, but only the physical elements and requirements of an act, not yet rationally ordered to an end and for this reason not yet morally qualifiable. The same can be said about “to raise an arm,”⁷⁹ which is an act of greeting, or one indicating departure, but never simply “to raise an arm.” This latter, as such, cannot be chosen. There would not be an intentional basic-action, and therefore no action at all. Nor can it be chosen only so as to falsify the theory of action just proposed, because in that case “to raise an arm” would again be something more than simply “to raise an arm”: It would be “to raise an arm so as to demonstrate that my affirmation is in error.”

Something similar is valid also for a sexual act: The simple natural end of sexual copulation between a man and a woman—procreation—is not the object that provides such an act with its primary and fundamental *moral* characteristic. I do not want to say here that the moral object of a sexual act has no relation to its natural end. But to grasp the moral object of the sexual union between man and woman, something more is necessary, something that only reason can conceive as a good, and propose to the will as an end to be pursued. “Marriage” is not a “natural” fact or finality, in the sense of being pre-existent independently of the ordering act of human reason and of subsequent acts of the will. The objective significance of human sexuality is understood only in the context of the auto-experience of the subject as a being constituted in a unity of body and spirit, of the experience of the other not merely as a body or a

⁷⁹ I have used this example, taken from Wittgenstein’s “Philosophische Untersuchungen,” to illustrate the notion of “intentional basic-action,” in my judgment very important in *Die Perspektive der Moral*, 96ff.

“sexual partner,” but as a person, “equal to me,” and of the sexual act itself as a relationship of love between two *persons*.

It is equally true, however, that between the act “to play a trick” and “to remove another’s watch from the arm to which it is attached,” or between “to take a walk” and “to walk,” there is a different relationship than between “the marriage act” and “the natural end of sexuality.” We will speak of this shortly. The only thing I want to point out here is that, just as with “to play a trick,” “the marriage act,” in its specific configuration (as an act of love and special friendship, of affective union between two persons, open to the transmission of life), is not simply an object “given” by nature, but something in whose configuration also enters the intentionality of the acting person. As an act of love and fidelity between two persons—as an act of persons—sexual union presupposes an intentionality on the part of the persons who perform this act. This intentionality certainly assumes the natural finality of the sexual act, but it also transforms, regulates, and orders it, in accordance with the requirements of reason, to the end of love between persons and of the procreation of human life. Only within the order of reason can the circumstance that the agents either are, or are not, married—that is, mutually bound in an indissoluble union—present itself as a decisive circumstance for distinguishing, on the basis of their object, the marriage act from an act of fornication. The fact of not being married becomes, therefore, a “principal condition of the object . . . opposed to reason.”⁸⁰ Considered, on the other hand, outside the order of reason, the sexual act cannot be morally qualified as “good” or “evil,” even if it fulfills its natural finality of being the cause of the conception of human life.⁸¹

It would, of course, be equally possible to describe the action of “taking the watch” without making reference to a “why” or to a particular intention of the agent. But in this case, one would be describing this action not as a human act, deliberately chosen and morally qualifiable, but only an event or a physical process. In this case, therefore, the act would not be described from “the perspective of the acting person,” and therefore as an act or behavior that is *chosen*, the “proximate end” of an act of the will, informed by reason that orders the external behavior to this end, presenting it as a (practical) good to the will. If we remain at the merely physical level, we would not be able to understand why *Veritatis Splendor* affirms, in accordance with the entire Thomistic tradition, that the “morality of the act depends primarily and fundamentally” on such an

⁸⁰ *ST* I–II, q. 18, a. 10: “. . . principalis conditio obiecti rationi repugnans.”

⁸¹ *ST* I–II, q. 18, a. 5, ad 3.

object. We observe, moreover, that *Veritatis Splendor* does not say merely that the morality depends on the “object,” but that it depends “*on the object rationally chosen by the deliberate will.*” With this expression, everything contained in this passage of the encyclical is synthesized at the outset: Such an object is the intelligible content of a concrete type of action that is presented by reason to the will as a good, as the proximate end of the will’s elective act, that is, of the choice of a concrete action.

6. The Intentional Constitution of the Object and the “Ethical Context”; the Example of Lying

If we compare no. 78 of *Veritatis Splendor* with the exposition of the *Catechism of the Catholic Church*, published a year prior to *Veritatis Splendor*, on the theme of the “sources of morality,”⁸² it is clear that the Catechism takes a somewhat different approach on the matter, one based more in the classical tradition of the manuals, with a clear opposition between “objective” and “subjective.” Compared with the Catechism’s approach, that of *Veritatis Splendor* seems innovative in various respects, even if there is not yet consensus on the exact meaning and importance of the encyclical’s approach.

“The chosen object” of an action is defined by the Catechism as “a good toward which the will deliberately directs itself. It is the matter of a human act.”⁸³ To speak, in the Thomistic tradition, of the object as the “matter” of a human act is certainly correct in the sense that the object is called, precisely, “*materia circa quam.*” Nevertheless, we must not forget (as we have seen) that for Aquinas this *materia circa quam* has in a certain sense the character of a form, inasmuch as it confers on the act its species.⁸⁴ Human acts, however, receive their species from their end.⁸⁵ For this reason Thomas says that the *materia circa quam*—which is the object as exterior act—as it is considered formally, that is, as the object of an interior act of the will (which the act of choice is), possesses the character of an end, *and as such gives the act its species.*⁸⁶ It follows that for Thomas the “*materia circa quam*” is the end and the form of the act.

For precisely this reason, every object is also “matter,” in the same sense in which all that is capable of being ulteriorly determined by a form is

⁸² Cf. the CCC nos. 1750ff.

⁸³ CCC no. 1751.

⁸⁴ *ST* I–II, q. 18, a. 2, ad 2: “. . . habet quodammodo rationem formae, in quantum dat speciem.”

⁸⁵ *ST* I–II, q. 18, a. 6.

⁸⁶ Cf. yet again *ST* I–II, q. 72, a. 3, ad 2: “obiecta, secundum quod comparantur ad actus exteriores, habent rationem materiae circa quam; sed secundum quod comparantur ad actum interiorem voluntatis, habent rationem finium; et ex hoc

also “matter.” The object, which confers on the act its first moral species, is susceptible of being informed by successive ends to which this act is ordered by the will, that is, by an “intention” in the strict sense (as distinct from the choice [*electio*] of the means to an end). The object is not, however, “matter” in the sense of a material element of an act which, considered in itself, would as yet be lacking any finalization whatsoever on the part of the subject. This, as we have seen, is not possible, given that the object of the act is the object of an act of the will—the act of choice—and therefore, as voluntary, depends on a previous *ordinatio* on the part of the practical reason of the acting subject: It includes the intelligible content of the constitutive voluntariness of this act.⁸⁷

The distinction between “object” on the one hand and “end” on the other can therefore cause misunderstanding, because the object is the “*finis proximus*” of the act of choice [*electio*], and the “end” to which the intention tends is the “object” of the act of intention [*intentio*]. Nor can it be said that, unlike the end followed by the intention, the object is something that *does not* proceed from the acting person.

In particular, the following statement of the Catechism could cause confusion: “In contrast to the object, the intention resides in the acting subject.”⁸⁸ With this statement, what is valid generally for human action at all levels is attributed to the intention alone. In our example, the difference between the two objects “a trick” and “a theft” is constituted by what the Catechism seems to attribute exclusively to the intention: by a different “movement of the will,” a different “[orientation to] the good anticipated from the action undertaken.”⁸⁹ But it is precisely *this*—a particular movement of the will and an intentional orientation toward a good—that we find also at the level of the object of the action itself, and without which we cannot describe this object. Otherwise, we would not be dealing with a human act, morally qualifiable on the basis of its object.

In discussing intrinsically evil acts, however, the *Catechism of the Catholic Church* itself confirms the approach suggested by *Veritatis Splendor* and the interpretation that we have proposed here: to describe, at the moral level, the object of some types of actions that are categorized as

habent quod dant speciem actui”; cf. De malo 2, 4 ad 9: “Finis proximus actus idem est quod obiectum, et ab hoc [actus] recipit speciem”; ST I–II, q. 73, a. 3, ad 1: “obiectum, etsi sit materia circa quam terminatur actus, habet tamen rationem finis, secundum quod intentio agentis fertur in ipsum. . . . Forma autem actus moralis dependet ex fine.”

⁸⁷ E. Colom and A. Rodríguez Luño, *Scelti in Cristo per essere santi*, 127.

⁸⁸ CCC no. 1752.

⁸⁹ Ibid.

morally evil, neither can the Catechism do without a reference to an intentional element, constitutive for the object of these actions.

The Catechism defines the act of contraception, for example, using the words of the encyclical *Humanae Vitae*, as any “action which, whether in anticipation of the conjugal act, or in its accomplishment, or in the development of its natural consequences, *proposes, whether as an end or as a means*, to render procreation impossible.”⁹⁰ Masturbation is defined as “the deliberate stimulation of the genital organs *in order to derive sexual pleasure*.”⁹¹ For the description of the act of lying, also traditionally considered to be an intrinsically evil act, the Catechism refers to St. Augustine’s *De mendacio*: “A lie consists in speaking a falsehood *with the intention of deceiving*.”⁹² The following number adds: “To lie is to speak or act against the truth in order to lead someone into error.”⁹³

It is not possible here to analyze the objects of these types of behavior.⁹⁴ It will be useful, however, to further specify some aspects of lying, which will also be important for an exegesis of St. Thomas. It is common opinion that on this point Aquinas differs notably from St. Augustine’s position. The difference is, however, not as great as is customarily claimed. For St. Thomas, as well, to tell a lie includes not only to say what is false, but also an *intentio voluntatis* to say what is false, the *voluntas falsi enuntiandi*,

⁹⁰ CCC no. 2370: “actus qui [. . .] id tamquam finem obtinendum aut viam adhibendam intendat, *ut procreatio impediatur*” (emphasis added).

⁹¹ CCC no. 2352: “voluntarium organorum genitalium excitationem, *ad obtinendam ex ea veneream voluptatem*” (emphasis added).

⁹² CCC no. 2482: “. . . enuntiatio falsa] *cum voluntate ad fallendum prolata . . .*” [emphasis added].

⁹³ CCC no. 2483: “Mentiri est contra veritatem loqui vel agere *ad inducendum in errorem*” (emphasis added).

⁹⁴ Concerning contraception, see my analysis in “Contraception, Sexual Behavior, and Natural Law. Philosophical Foundation of the Norm of *Humanae Vitae*,” in *Humanae Vitae: 20 anni dopo. Atti del II Congresso Internazionale di Teologia Morale Roma* (9–12 novembre 1988) (Milan: ARES, 1989), 73–113; also published in *The Linacre Quarterly* 56 (1989): 20–57, and in an expanded version in German as *Sexualität und Verantwortung. Empfängnisverhütung als ethisches Problem* (IMABE Studie Nr. 3) (Vienna: Verlag IMABE—Institut für medizinische Anthropologie und Bioethik, 1995); in Italian in *Sessualità e responsabilità: la contraccezione come problema etico*, in Rhonheimer, *Etica della procreazione. Contraccezione—Fecundazione artificiale—Aborto* (Milan: Edizioni PUL—Mursia, 2000), 15–125 (Spanish edition *Ética de la procreación* [Madrid: Rialp., 2004], 27–131). See my “Contraccezione, mentalità contraccettiva e cultura dell’aborto: valutazioni e connessioni,” in R. Lucas Lucas, ed., *Commento interdisciplinare alla «Evangelium vitae»* (Pontifical Academy for Life, Italian edition eds. E. Sgreccia and R. Lucas Lucas) (Vatican City: Libreria Editrice Vaticana, 1997), 435–52.

the “will to say what is false,” which includes the intention to say something that is contrary to what one has in mind.

Thomas expressly says that the act of “manifesting the truth” is an act of reason, which joins a sign to something signified.⁹⁵ Even animals, which do not possess reason, manifest something signified by means of signs, but these “do not intend to manifest anything.”⁹⁶ As the manifestation of the truth is a moral act, Thomas continues, it must be voluntary and depend on an intention of the will.⁹⁷ For this reason, he says, the intention of a disordered will can refer either to the declaration of the untruth itself, or to the effect of deceiving someone;⁹⁸ this second *intentio*, the *intentio fallendi*, according to Thomas, is not part of the *ratio mendacii*, but only of its perfection, which is the effect of deceiving. But even the object of the *ratio mendacii* in the proper sense includes an *intentio voluntatis*, that of declaring what is false. With this, Thomas obviously means that lying is lying merely by the will to say what is false, without there being necessary an explicit intention to deceive someone. What, however, causes difficulties in Thomas’s position—and that seems to make St. Augustine’s definition preferable—is to understand how someone could will to lie without also willing to deceive the person to whom one lies. Perhaps St. Thomas would not claim that this is possible; he says only that formally, that is, essentially, lying must be defined without this second intention, and that the first suffices. It seems more logical, however, to include the *intentio fallendi* in the definition of lying or, said otherwise, to consider the will to say what is false and that of deceiving as a single *intentio voluntatis*, constitutive for an act to be a lie according to its object.

In any case, when the Catechism says in the following no. 2485 that “by its very nature, lying is to be condemned,” which is to say it is per se evil and not only due to circumstances or ulterior motivations, this refers to a “nature” of the object which includes a basic intentionality, whether

⁹⁵ ST II–II, q. 110, a. 1: “. . . est rationis actus conferentis signum ad signatum.”

⁹⁶ Ibid.: “. . . non tamen manifestationem intendunt. . . .”

⁹⁷ Ibid.: “Inquantum tamen huiusmodi manifestatio sive enuntiatio est actus moralis, oportet quod sit voluntarius et ex intentione voluntatis dependens.” Although St. Thomas says in the following sentence that the object of the *manifestatio* or *enuntiatio* is “the true or the false,” he speaks there of the power moved by the will, and not of the object of the act *qua* a human act. This latter object is the object of the “voluntas falsi enuntiandi,” that is, a “collatio” of a *signum* to a *significatum* that is properly an act of reason and includes a corresponding intentional structure, without which it could not be an object for the will that chooses this act.

⁹⁸ Ibid.: “Intentio vero voluntatis inordinatae potest ad duo ferri: quorum unum est ut falsum enuntietur; aliud quidam est effectus proprius falsae enuntiationis, ut scilicet aliquis fallatur.”

it be to will to deceive (Augustine), or at least the will to intentionally say what is false (Thomas).⁹⁹

The most important point, however, and one that is often ignored, seems to me to be that for Aquinas, lying by its nature is not only contrary to the nature of linguistic acts and to the truth, but it is also a *violation of justice*. To say what is false so as to mislead is unjust, because it violates another's right, that of living in community with one's fellow men on the basis of a mutual trust. By their nature, linguistic acts are communicative acts, the object of the virtue of truthfulness.

According to Aquinas, the duty to manifest the truth with one's linguistic acts derives from the fact that "it would be impossible for men to live together, unless they believed one another, as declaring the truth one to another."¹⁰⁰ This speaks of a "moral duty" based on the fact that human honesty requires that one manifest the truth to others in his use of language,¹⁰¹ that is, that he not abuse the proper nature of language that consists in the manifestation, by means of words, what one has in mind. This is the virtue of truthfulness, which is part of justice; we can call it "communicative justice."

Contrary to an exegesis that seems to me to concentrate too unilaterally on article 3 of I-II, q. 110, I believe that for St. Thomas lying is evil, not because it is contrary to the nature of language, but because it is opposed to the virtue of truthfulness, to communicative justice.¹⁰² The fact that words, as Thomas affirms, are by nature signs of what one has in

⁹⁹ It is important to specify "to *intentionally* say what is false," since simply "to say what is false" (a mere *falsiloquium*) would not be a lie even for St. Thomas (even if the "falsiloquium" were voluntary, as in the case in which someone voluntarily says something false, thinking however that it is true: He says what is false, but he does not say it *intentionally*). Also if ST II-II, q. 110, a. 1 says that the "false" and the "true" are the *object* of linguistic acts, this object is not yet the object that specifies morally. This latter occurs only when "to say what is false" becomes an object of the will. Thomas calls this the "falsitas formalis." We can describe it as "the will to manifest with linguistic acts something that is contrary to what one has in mind." Such a "will to say a falsehood" is necessarily the will to carry out a linguistic act (an exterior act in the material, physical sense) *with the intention* to manifest something that is contrary to what one has in mind. This is already very close to the Augustinian "intentio fallendi," which shows that the differences, in the end, are practically insignificant.

¹⁰⁰ ST II-II, q. 109, a. 3, ad 1: "Non autem possent homines ad invicem convivere nisi sibi invicem crederent, tanquam sibi invicem veritatem manifestantibus."

¹⁰¹ Ibid., a. 3, corpus: "... debitum morale, in quantum scilicet ex honestate unus homo alteri debet veritatis manifestationem."

¹⁰² ST II-II, q. 110, a. 1; the virtue of truthfulness is treated in the preceding question, 109.

mind is not the reason for which lying is *evil*, but that for which *every* lie is evil.¹⁰³ But it is also clear that for Thomas “to say what is false”—a *falsiloquium*—can be a lie (in the moral sense) only inasmuch as it is opposed to the virtue of truthfulness. “Formal untruthfulness” or “the will to tell a falsehood,” in which according to Thomas lying consists, is evil precisely because such a will is opposed to the virtue relative to *veritas*: truthfulness.¹⁰⁴ The finality of the virtue of truthfulness constitutes, therefore, the “ethical context” in relation to which lying acquires its objective identity as a particular type of linguistic behavior and, therefore, also its specification as a morally evil act. One who “lies,” however, in the context of a scientific experiment so as to test a lie detector or during a party game in which lying figures as part of the game, clearly does not sin, even if he does do something contrary to the nature of language!

Precisely for this reason the following two cases are completely different: (1) those who told representatives of the Gestapo, searching for Jews so as to deport them, that there were no Jews in the house; and (2) the case of a person, for example, a functionary, a minister, a professor, or a father, who considers that in a particular situation their questioner does not have the right to know what he asks (or, which would be equivalent, that they themselves do not have the right to reveal that which the questioner wants to know) and who therefore thinks that he can licitly mislead his questioner with false answers or by responding “I don’t know.”¹⁰⁵ In this second

¹⁰³ ST II–II, q. 110, a. 3: “. . . malum ex genere. . .”

¹⁰⁴ For this reason article 1 of ST II–II, q. 110, where lying is defined as “voluntas falsum enuntiandi,” bears the title: “Utrum mendacium semper opponatur veritati.” This article establishes, therefore, the reason for which lying is a morally evil act. ST II–II, q. 110, a. 3, on the other hand, where Thomas speaks of lying as being contrary to the “nature of language,” is titled: “Utrum omne mendacium sit peccatum.” This latter article, therefore, does not deal with the question of what a lie is, and why it is morally evil, but rather why lying is *intrinsically*, always and without exception, evil: It is the “nature of language” itself—the natural and necessary relationship between *vox* and *signum*—which makes every act of “saying what is false,” performed with the will to say what is false, to be a lie, contrary to the virtue of truthfulness, and hence evil. A movement of the hand or an inclination of the head *can* also, according to the situation, be lies, but they aren’t always, because there is no natural link between a movement of the hand (or an inclination of the head) and their being a sign of a specific mental content. Given that words are *naturally* signs of what one has in mind, to profer words contrary to what one has in mind is an “actus cadens super indebitam materiam” (ibid.), an act whose matter is (in this case: by nature) inappropriate.

¹⁰⁵ Kevin Flannery arrives at the opposite result—according to my moral intuition in a way that is inadmissible—in his article “The Multifarious Moral Object of Thomas Aquinas,” in *The Thomist* 67 (2003): 95–118: “Thus, all lies are sins, even the notorious lie told to the Nazis who come to the door asking whether there

case, in the context of normal life, a “communicative community” exists between the people involved in which language fulfills its communicative function, and in which, given a “normal” situation or context, there exists a right that words spoken by one’s neighbor be expressions of truth, with a corresponding duty on the part of the neighbor. This is valid also for the case in which someone could, by lying, gain a great advantage or avoid a great disadvantage: A lie remains a lie, even if put forth with good intention. In the first case, on the other hand, a situation of war and aggression exists in which the social significance of linguistic acts is altered; to say what is false becomes an act of self-defense—and of the defense of others—not because “in this case” it is so, but because *objectively* there no longer exists between these persons a communicative community that could be damaged. For this same reason, neither can communicative justice be damaged in such a case. This latter is the reason why saying what is false, abusing language, is morally evil and is called “lying.”

What has been said so far can be summarized in the following two points: First, we cannot understand and define the object of a human act without including in this definition an intentional element that expresses the “why” one does what one (externally) does. Without such a “why” (a basic intentionality is configured by reason) we would be left with only the material elements of the action, not yet ordered by reason, and therefore incapable of being the “form” of an act of the will and of conferring on it, as an end, its moral species. This basic intentionality, which comprises part of the object is, not to forget, Thomistically speaking its “formal” part; as such it is the expression of a good, the “*finis proximus*” pursued in the action.¹⁰⁶

are Jews inside . . .” (109). Cf. Flannery’s critique of my position in his review (cited above) of my book *Die Perspektive der Moral*.

¹⁰⁶ For this reason it seems strange to me that Jean Porter would assert: “In some cases, the agent’s aim forms an essential component which must be taken into account, in order to determine the object of the action” (“The Moral Act in Veritatis Splendor and in Aquinas’s *Summa theologiae*: A Comparative Analysis,” in Michael E. Allsopp and John J. O’Keefe, *Veritatis Splendor: American Responses* [Kansas City: Sheed & Ward, 1995], 278–95; at 288). I do not see why this would be true only in “some cases.” Porter maintains this because she thinks that one who commits an adultery *does not want to commit an adultery, but to enjoy himself* (“what he wants is not to commit adultery, but to have a good time”), even if, in fact, he commits an adultery (cf. *ibid.*). For Porter, this would be the example of an external action whose object could be determined without reference to what the agent wills. This is false, however: One who (voluntarily) commits an adultery knows that it is in fact an adultery he is committing, *and therefore also wills to commit it*, that is, he *wills*—intends—“to unite sexually with a woman who is married to another” (even if, obviously, he does not do it “to commit an

Second, I want to accentuate the fact that such a basic intentionality can be formulated and acquire its moral significance only in relation to what we can call the “ethical context.” Outside the context of a proposal to have sexual relations with someone and, for this reason, to want to impede the possible procreative consequences of the act, the ingestion of a contraception would not be, in a moral sense, an act of contraception.¹⁰⁷ It would be, for example, an act of self-defense, if done to prevent the procreative effects of a foreseeable rape; or a therapeutic act, in the case of a woman who intends by doing so to regulate her rhythm; or it could be a measure taken by a woman athlete who wants to impede menstruation during the Olympics. If the ethical context changes, so does the basic intentionality, as well as the object of the act—even if, considered physically, the act is the same in each case. Even lying, as an act contrary to justice, can be defined only in relation to the ethical context of the “communicative community” and therefore as contrary to communicative justice.¹⁰⁸

7. Objective Evil and Intrinsic Evil: “Intrinsically Evil” Acts

Given that the object of a human act cannot be understood without the inclusion both of a primary and fundamental intentionality and of refer-

adultery”). Without the basic intentionality “to will to unite oneself sexually with a woman,” the bodily movements, commanded by the will and constitutive of sexual union between a man and a woman, could not be understood as a human act. The fact that the woman is the wife of another is not the object, but a *circumstance*, relevant, however, for the constitution of the object, and therefore to be included in its description; it is, in this case, a “*principalis conditio obiecti rationi repugnans*” (*ST* I-II, q. 18, a. 10): it makes the action of uniting sexually with this woman to be morally evil (because it is unjust), and that the action be what is called an “adultery.”

¹⁰⁷ Cf. Martin Rhonheimer, “Minaccia di stupro e prevenzione: un’eccezione?,” *La Scuola Cattolica* 123 (1995): 75–90 (reprinted in Rhonheimer, *Etica della procreazione*, 110–25).

¹⁰⁸ The notion of “ethical context” does not lead to subjectivism or arbitrariness, at least no more than does the notion itself of the “moral object” of an act. The latter is not simply a “given object,” and to know whether it is good or evil, virtuous or opposed to moral virtue, is not always easy, causes debates and at times diverging conclusions; nevertheless, all else aside, the identification of the object always includes a rational valuation. In the same way, an “ethical context” is also an *objective*, non-arbitrary datum, but not in the sense of something given naturally (like, e.g., meteorological facts concerning today’s weather), but as something to be ascertained rationally on the basis of the ends of the individual virtues (justice, temperance, courage, etc.), whose rule are the first principles of practical reason, known naturally, which are also called the “natural law.”

ence to its specific ethical context, the qualification of an act as “intrinsically evil” also presupposes that it be understood precisely as an intentional act, defined with reference to a specific ethical context. Such ethical contexts are conceivable only by reason, which gives them their specific moral configuration. This “ethical context” is always that of a particular virtue. In the case of lying, the virtue is justice; with contraception and masturbation, chastity. The moral virtues, nonetheless, are not defined without reference to anthropological truth, that is, to human nature, which is made known and imposes itself as a moral rule by means of *reason*, beginning with the natural law, which is the *ordinatio rationis* at the universal level and at the level of principles.

Certainly, in a particular sense of the term “intrinsically,” every evil act is *intrinsically* evil, given that it is not evil because it is prohibited, but prohibited because it is evil, precisely on the basis of its intrinsic and specific “moral nature.” This meaning of the term “intrinsically evil” is trivial, however, and pleonastic in the context of ethical theory. *Veritatis Splendor*, rather, clarifies the significance of this expression, saying in no. 80 that *intrinsically* evil acts are evil “always and per se, in other words, on account of their very object, and quite apart from the ulterior intentions of the one acting and the circumstances.” What does this mean?

The notion of “intrinsically evil act” does not include, according to the citation from *Veritatis Splendor*, the idea that, independent of the person who acts, there would be something evil “*in the action*,” considered as a natural datum by itself, and independent of any intentionality on the part of the subject who acts. Rather, according to the encyclical an act that is “intrinsically evil” is simply an act that is evil when considered *independently of ulterior intentions*. It seems therefore that according to *Veritatis Splendor* “intrinsically evil” is equivalent to “evil *ex obiecto*”; what would not be considered “intrinsically” evil would be an action that is evil only because of successive intentions (and perhaps circumstances) for which it is done, that is, actions that by their object are good or indifferent, but are made evil by the evil intention with which they are chosen (such as “to give alms with the intention of committing adultery”).

For every human action, as *Veritatis Splendor* no. 80 affirms, the possibility of distinguishing, in each case, an object (*finis proximus*) from ulterior ends for which this object is chosen is fundamental; and, consequently, to be able to morally qualify this object in a way independent from the *whole* that is the action and all the ulterior intentions. Such a possibility is the basis for refuting every type of “teleological ethics” (e.g., consequentialism or proportionalism), which claims that this distinction is not possible since, according to such ethics, we can know

what a person objectively does only if we take into consideration all ulterior intentions referred to non-moral goods and the consequences that foreseeably derive from the action.¹⁰⁹

Nevertheless, to read *Veritatis Splendor* in this way, in the sense that every act that is “evil on the basis of its object” would also be an “intrinsically evil” act, also seems unsatisfying, because the term “intrinsically evil act” commonly designates something more than simply “evil on the basis of its object.” With the words of the Catechism cited in no. 78 of *Veritatis Splendor*, “intrinsically evil” means that “there are certain specific kinds of behavior that are always wrong to choose, because choosing them involves a disorder of the will, that is, a moral evil.” But, to return to our example, the series of bodily movements that cause the watch to disappear from Mrs. Jones’s wrist are not a behavior the choice of which is always wrong, because that behavior can also be chosen to play an innocent trick, and therefore as an act that is good or at least indifferent. When, however, this choice is wrong, when it is in fact a theft, then the choice is evil *ex obiecto*. It seems, therefore, that if the argumentation until now put forth is universally valid and applicable to all human acts, then one must deny the existence of certain types of behavior “that it is always wrong to choose,” and reduce the notion of “intrinsically evil” to “evil *ex obiecto*.”

This would be a rather awkward conclusion, because the affirmation of the Catechism, repeated by *Veritatis Splendor*, that “there are certain specific kinds of behavior that are always wrong to choose, because choosing them involves a disorder of the will, that is, a moral evil” seems to indicate the contrary, that the malice of the “intrinsically evil” act is found, not at the level of the choice of a behavior, but rather in the behavior itself that is chosen: *Veritatis Splendor* seems to affirm that it is precisely this or that type of *external behavior* that causes the disorder in the will. It would be, therefore, precisely the behavior as such, in its pure “physical materiality,” which is the cause of the moral evil of the choice of this behavior and, therefore, the object that morally specifies the act.

It is obvious that such an interpretation would contradict not only the entire analysis proposed so far in these pages, but also the text itself of *Veritatis Splendor*, which immediately prior had affirmed that the object of an act “is the proximate end of a deliberate choice, which determines the act of willing on the part of the acting person.” We must therefore hold, with *Veritatis Splendor*, that that which is “always wrong” are not particular kinds of behavior, considered in their physical materiality, but

¹⁰⁹ Cf. Martin Rhonheimer, *Intentional Actions and the Meaning of Object*.

particular kinds of *choices of such behaviors*. Even the object of an intrinsically evil act can only be understood “putting oneself in the perspective of the acting person”; it is therefore the object of a choice, and, therefore, the object of a judgment of reason.¹¹⁰

The contrary affirmation holds that specific exterior behaviors *as such*, in their “physical materiality” or “natural structure”—for example, bodily movements, including insofar as they produce specific effects, such as “to kill a human being,” “to copulate with a human being of the opposite sex,” “to utter certain words” (“to speak”), “to walk,” “to detach a watch from a wrist,” and so on—can *immediately* and as these types of behavior materially considered, be morally wrong and, consequently, are capable of negatively specifying an act of the will, rendering it disordered and evil. We must emphasize here that such a claim would violate one of the basic principles of a Thomistic theory of action. Indeed, it would imply the necessity of formulating a thesis directly contrary to what St. Thomas, as has been shown above, explicitly teaches: that it is always reason that presents to the will its object.¹¹¹ An “external behavior,” an aggregate of “material” elements such as movements of the body, processes, effects caused by these cannot influence the will directly; they are not an “object” for the will, except through the mediation of a judgment of reason, as a *bonum apprehensum et ordinatum per rationem*.¹¹² The material elements of any behavior can be willed as a good and as an end only in the measure in which they are presented to the will as a totality ordered by reason,¹¹³ as a *bonum faciendum et prosequendum*.¹¹⁴ It seems, therefore, that we find ourselves back at the preceding argument. In a certain sense, this is true, but we return to this argument only so as to be able to take a step forward.

The conclusion is inevitable, in fact, that the “intrinsic evil” we are speaking of is none other than a case of “evil *ex obiecto*,” and that essentially it is precisely this. If this were not the case, we would destroy the fundamental determination of human action on the part of reason, and with that the very voluntariness and freedom of action, given that every

¹¹⁰ This is precisely what John Finnis states, with clarity and proficiency, in his study *Moral Absolutes: Tradition, Revision and Truth* (Washington, DC: The Catholic University of America Press, 1991), 67ff. What seems to be lacking in Finnis’s analysis is an emphasis on the constitutive role of reason in the formation of the object (and therefore of the intentional content of a choice).

¹¹¹ ST I–II, q. 19, a. 1, ad 3; q. 19, a. 3, ad 1 (cf. the text cited in notes 22 and 20).

¹¹² ST I–II, q. 20, a. 1, ad 1 (cf. the text cited in note 39).

¹¹³ ST I–II, q. 19, a. 3.

¹¹⁴ Cf. ST I–II, q. 94, a. 2.

voluntary act is specified by its object, and only by its object.¹¹⁵ This notwithstanding, a difference remains between the act of the theft of a watch or a trick (with the same watch)—and of any theft, for that matter—on the one hand, and a homicide, a lie, or an adultery on the other. This difference, intuitively grasped by all, is that in the case of the watch we are faced with a collection of elements that are in a certain sense accidental, artificial, and manmade (e.g., the watch itself is an artifact; wearing it on the wrist is, though very practical, a human invention; and the relationship of property between Mrs. Jones and the watch is circumstantial and proceeds from the will, for example, that of Mr. Jones who had bought the watch and given it to his wife—it is not, therefore, a natural and intrinsic characteristic of either the watch or of Mrs. Jones). In the case of lying or of contraception, on the other hand, we are dealing with “material elements” that are more “substantial” and intrinsically linked to the nature of the agent, in the sense that they are less disposable or accidental. They have to do with the “nature of man,” the nature of human sexuality, that of human language, and with natural inclinations that spring from the very being of the human person; we are also dealing with the essence of social relationships among people, these in a certain sense also being “natural,” not the mere fruit of invention, which, while perhaps useful, are more or less arbitrary. We are entering here the realm of specific natural conditionings of human identity, such as life and self-preservation, sexuality and its procreative function, language and its natural communicative function: a “nature” that is not an environment in which we find ourselves and that surrounds us, but that nature that each one of us is, and that constitutes and delimits the realm of fundamental human goods.

This being the case, I believe it is important to emphasize the following about our approach, according to which (1) the object of an act cannot be understood except by placing oneself in the perspective of the acting person; (2) this object always includes an intentional element; and (3) this intentional element must be understood with reference to a precise “ethical context,” which is the sphere of a specific moral virtue. Our approach does not exclude two things. First, it does not exclude that between certain natural data, such as the natural inclinations of the human person and their inherent finality, on the one hand, and the basic intentionality with which these inclinations are pursued, on the other, there exist a necessary and natural connection. Second, inversely, it does

¹¹⁵ Cf. again *ST* I–II, q. 19, a. 2: “. . . bonitas voluntatis ex solo uno illo dependet, quod per se facit bonitatem in actu, scilicet ex obiecto.”

not exclude that there are behaviors or ways of acting that it is not possible to choose *reasonably* with *any* intention. One is certainly free to choose the physical act of “laying down on a bed,” whether for the end of resting, to do a Yoga exercise, or to annoy someone: All of these are different human acts on the basis of their object. The same is not true, however, for a linguistic act: To articulate glottal sounds in the form of words includes, as it were, *in itself* a finality that tends to the expression of what one has in mind, that is, it is an act of communication. To engage in sexual intercourse and pretend that this act has nothing to do with an act that is by nature procreative means to choose and act in an unreasonable manner.¹¹⁶ There exist natural finalities that form a necessary presupposition for the reasonableness of any intentionality with which the corresponding acts are carried out.

In this regard, the objects of acts such as “to commit a murder,” “to lie,” “to commit adultery,” “to fornicate,” “to render infertile one’s own freely performed sexually acts,” are not formulated in the same way that the object of a theft is constituted. All of these acts have in common the fact that in them there exists a merely “material” plane—the action considered in its *genus naturae*—such as in a murder, the physical act of killing (that perhaps could be licit in a just war),¹¹⁷ in lying the act of saying what is untrue (that could be licit in the context of a game, in the theatre, in an experiment to test a lie detector); in adultery and fornication the sexual act as such (licit in marriage); in a contraceptive act the interference in the hormonal process (licit, for example, for therapeutic reasons, to regulate a woman’s rhythm, to avoid the procreative consequences of a foreseeable rape). But all of these differ from an act of theft by the fact that the “material elements” of a theft have nothing to do with “human nature,” they are not elements, structures, or natural data that have a relation to what the human person is. They lack a certain anthropological “anchoring.”

Even if a quantity of money is another’s legitimate property and it would *normally* be a theft to appropriate this money for oneself, it is thinkable that the same action, considered materially—the external “behavior”—could also be chosen licitly in particular circumstances, for example, in the case of extreme necessity or to save one’s life. In such

¹¹⁶ This is valid also for someone who intends to render such an act infertile; he does so precisely because he is dealing with an act that is by nature procreative.

¹¹⁷ On the various types of “killing” in St. Thomas and some problems in this regard, cf. Martin Rhonheimer, “Sins Against Justice (IIa IIae, qq. 59–78),” in S. J. Pope, ed., *The Ethics of Aquinas* (Washington, DC: Georgetown University Press, 2002), 287–303; particularly pp. 292 ff.

circumstances, says St. Thomas (in accordance with the theological and canonical tradition of his and later times), everything is common property: Even though the right of the owner remains, it becomes relativized in the measure of the neighbor's vital interests; consequently such an act, which normally would be a theft, no longer is, but is rather a licit act of the preservation of one's life.¹¹⁸ The act of taking a person's property from him against his will is evil due to the fact *that it is unjust*, but not due to the fact that it is (physically) "to take a quantity of money from its owner" (even if against his will); this latter behavior, in other well-defined circumstances (according to criteria of justice, grasped by reason in an objective manner), can also be not contrary to justice. A moral norm that says that "it is not licit to appropriate another's property to oneself" is therefore valid "*ut in pluribus*"; if it is formulated rather as: "it is illicit to steal," then it is valid *semper et pro semper*, given that it is already implied that some (well-defined) cases of "appropriating another's property" are not theft and, therefore, do not fall under this norm.¹¹⁹

Such a *mutatio materiae*, change of matter—not a change of intentionality, but a change of an important circumstance for the object, relativizing the right of property and with that, the significance of the external behavior—is not possible in acts like "to commit a murder," "to lie," "to commit adultery," "to fornicate" or "to practice contraception." Evil, therefore, not only *ex obiecto*, but *inalterably and always* "*ex obiecto*," are precisely those evil "*ex obiecto*" acts whose "*materia circa quam*" does not permit alteration, because constituted by something naturally given and constitutive for the nature of the human person, and inasmuch as this "given" is morally significant. A norm of the type: "[O]ne must never take another's property from him" is not sufficient—rather, one must add "one must never *unjustly* take;" conversely, the norm "one must never have sexual relations with a woman who is married to another man" is valid: The choice of this act, described in behavioral terms, is always objectively an act of infidelity and of injustice, contrary to the nature of conjugal love. What is constitutive for human nature cannot depend on circumstantial facts, as can, alternatively, property rights, because this would mean that the nature of the human person itself could change.

¹¹⁸ This is also due to the fact that the right to property is not absolute, in the sense that it is regulated by the higher principle that the goods of this earth are destined to the use of all.

¹¹⁹ For the validity "*ut in pluribus*" of the precepts of the natural law cf. *ST* I–II, q. 94, a. 4. The prohibitive norms, if they are formulated correctly, do not admit of exceptions, and St. Thomas applies validity "*ut in pluribus*" only to some (positively) prescriptive norms (his example is "*deposita sunt reddenda*").

With this we arrive at the conclusion that to affirm the existence of intrinsically evil acts is equivalent to affirming that there exists a nucleus of the human person, called “human nature,” which is unchangeable and as such also morally significant, because it formulates the ontological and cognitive presuppositions for the order of reason, which is the moral order.

8. The Principles of Practical Reason: The Natural Rule of the Objective Significance of Human Action

We have not, however, arrived at the end of the ethical-normative discourse. Indeed, we have yet to begin! The response just given is still inadequate, since, leaving things at this point, such an argumentation would finish in a pure naturalism. “To act against nature” (against the inclination to self-preservation, against the communicative nature of language and the social nature of man, against the natural meaning of sexuality) cannot be considered *morally evil*, as well, simply because it is contrary to something “natural.” To this point we have merely found an argument apt to show why some acts, as opposed to others, *and these acts always presupposed to be morally evil*, are so *intrinsically*. But the real ethical-normative question is: How does one know that these are precisely morally evil? From where, for example, come our notions of “just” and “unjust,” and how do we know if something is not only naturally given and therefore practically important—to be taken into consideration when we act—but also, as natural, *morally significant*? Why are many things that are not “natural,” or that even go against nature, such as, for a human being, to swim, to shave one’s beard, or to chew gum (frustrating the natural end of the jaws), not morally evil? It is only here that the task of normative ethics begins.

I stated above that, between the intentionality that constitutes the object and certain structures and natural givens, a connection exists that is not at the disposition of the agent. This means that we cannot reasonably choose any behavior we wish with whatever intentionality we wish, even if everything we choose we choose as a proximate end, this latter being precisely the object of the action. It is not rationally possible to chew gum with the end of feeding oneself; nor is it rationally possible to hit someone on the head with the purpose of healing his migraine. To claim to do so would be a sign of irrationality or even of insanity. Nor can two people of the same sex, even if moved by real affection and a bond of friendship, reasonably give fulfillment to their affection and express their friendship by means of acts involving the genital organs, because this would mean to err concerning the nature of the link between love and sexuality. That which we can *reasonably* will as the end of a concrete choice, doing specific

things, depends therefore not only on our subjective opinion or on our freedom, but in some cases also on natural preconditions, grasped by reason and understood as human goods.¹²⁰

Even though every “object” is in fact a type of intentionality—a “proposal”—we must not forget that these proposals are also naturally conditioned. The object of an act is not therefore only “what I want” or “what I propose to do”; rather, a materiality proper to the “physical” nature of the act is also present, a materiality that enters into the constitution of the object. In particular cases, this natural matter of the act can have a special importance for reason, due to the fact that we are speaking of a nature that doesn’t merely surround us, but that we ourselves *are*.¹²¹

There exists, in fact, a “nature” of language, of sexuality, and so on, a “nature” that nevertheless makes itself known, as a human good, only within the *ordo rationis*, which is the order of the moral virtues, which finds its fulfillment in the *ordo amoris*. Likewise, the natural inclination to self-preservation reveals its “nature” as a human good and as part of the *ordo rationis* within the totality of that which is the human person. This nature, of course, can also appear as a simple natural conditioning, as a limit of our human possibilities. But in this latter sense, “nature” is morally ambivalent and does not provide us with a practical orientation: It is natural for a man to walk, and not to fly, yet we can fly artificially, and we do not consider this morally evil, even though it goes against

¹²⁰ At this point one must speak of the notion of “sin against nature” and the Thomistic doctrine of “nature” as “praesuppositum” of the moral order, a theme amply treated in my *Natural Law and Practical Reason*, 94–109. Jean Porter, in her review of the English edition of this book (in *Theological Studies* 62 [2001]: 851–53), reproves me for having completely ignored St. Thomas’s teaching on the “moral significance of pre-rational nature” and on the “peccatum contra naturam.” Surprisingly, however, Porter completely fails to mention my ample treatment of the theme. I respond to the objections—unfounded—raised by Porter in my article “The Moral Significance of Pre-Rational Nature in Aquinas: A Reply to Jean Porter (and Stanley Hauerwas),” in *American Journal of Jurisprudence* 48 (2003): 253–80.

¹²¹ In this sense I agree with what Steven A. Long says in his article “A Brief Disquisition Regarding the Nature of the Object of the Moral Act According to St. Thomas Aquinas,” in *The Thomist* 67 (2003): 45–71: “The moral object of an act is the act itself—inclusive of its essential matter or integral nature—under the *ratio* of its order to the end sought; it is not solely and simply that *ratio* apart from the essential matter or integral nature of the act” (p. 50). I think, however, that Long has a too-narrow understanding of the significance of the term “intentio” in St. Thomas and, consequently, of the expression “praeter intentionem” (pp. 62ff.), something that cannot fail to have repercussions on his understanding of the structure of the object.

nature. The same is true for the act, also against nature, of having a kidney removed so as to give it to another person who needs one. In other cases, however, “nature” presents itself as a “good,” as that which is to be pursued and done, and to act against which would be to err *morally*. The object of the human act is precisely such a good, at the concrete and particular level. It is the task of practical reason to determine this. But practical reason, which is directed to particular goods, is regulated by its own principles. Some of these principles are “natural”: They are the principles of natural reason, also called the “precepts of the natural law.”

We now arrive at the decisive point: The practical reason that “forms” the object of an act is not a reason that lacks principles of its own. These principles are precisely the precepts of the natural law. The natural law is, simultaneously, the principle of praxis—it impels and motivates the subject to act—and the principle of morality, that is, the rule of the goodness of praxis. Analyzing St. Thomas’s exposition on the natural law we discover that, for him, nature and the constitution of this moral law correspond exactly, both at the universal level and at that of principles, to that which we have said about the constitution of the object of a human act. There is a strict parallelism. As the objects and the moral species of human acts are *formae a ratione conceptae*, the natural law is, like every law, *ordinatio rationis*, and as such “something constituted by reason” and a “work of reason.”¹²² The first precept of the natural law, which is based on the *ratio boni*—its character of being the object of appetite, tendency, and will, commands “*bonum est faciendum et prosequendum, et malum vitandum*.”¹²³ All of the other precepts of the natural law, which correspond to that which the practical reason naturally understands as the human good, are based on this practical principle.¹²⁴

These goods, naturally grasped by the practical reason as human goods, are the ends of the various natural inclinations, not, however—and this is important—as such, but precisely “regulated” by reason. The ends of natural inclinations enter as objects, therefore, in the successive unfolding and specification of practical reason: as objects and “goods of reason” and “for reason,” undergoing a respective *commensuratio* of reason itself.¹²⁵

¹²² ST I–II, q. 94, a. 1: “. . . lex naturalis est aliquid per rationem constitutum: sicut etiam propositio est quoddam opus rationis.”

¹²³ ST I–II, q. 94, a. 2.

¹²⁴ Ibid.: “Et super hoc fundantur omnia alia praecepta legis naturae: ut scilicet omnia illa facienda vel vitanda pertineant ad praecepta legis naturae, quae ratio practica naturaliter apprehendit esse bona humana.”

¹²⁵ For the concept of “good of reason” (*bonum rationis*) cf. my systematic study *Praktische Vernunft und Vernünftigkeit der Praxis*, 124–35.

Thus, they are understood—in the perspective of the human person who tends to the good and therefore becomes an acting subject, and at the level of the order of reason—as *human*, and not merely natural, goods, inasmuch as they are grasped by reason, as ends and goods of the *voluntas ut natura*, of the natural act of the will.

The natural inclination to self-preservation is, as a human good *apprehensum et ordinatum a ratione*, more than mere self-preservation: It is the will—that is, *rational* desire—to live, which is capable of opening itself to the demands of justice and love of neighbor (to the point, possibly, of giving one's life for him, something that is opposed to the natural inclination as mere *natural* inclination). The sexual inclination, which mutually attracts the sexes to each other, when understood by reason as a human good is more than mere sexuality, which by means of the sexual instinct and its gratification serves to propropagate the species: It is love between persons that becomes marriage, mutual donation and affective union, a faithful and indissoluble union in the service of the transmission of human life, which, nevertheless, a person may freely renounce for the sake of pursuing other goods. In the sphere of the natural inclination to live in community with one's neighbors, reason finds language to be a natural and indispensable means of communication, whose use against nature, presupposing the existence of a communicative community, would be an injustice and therefore *in itself* evil (i.e., “quite apart from the ulterior intentions of the one acting and the circumstances,” as is said in *Veritatis Splendor* no. 80).

The first practical and moral principles (the precepts of the natural law) develop in reference to these human goods: They are the source of man's self-understanding as human being and moral subject. This self-understanding is the necessary presupposition for every subsequent theoretical and metaphysical comprehension of what we call “human nature.” We all know, from our infancy and progressively thereafter, who we are as “human beings” and moral agents; we know this not because we have studied metaphysics and anthropology, but because we possess the reflected experience of our interiority, part of which is the natural law, which is none other than the entirety of the first principles of the practical reason, commanding us to pursue what is good for man and to flee the contrary evils.¹²⁶

These principles provide us with the fundamental notions of the specific virtues and of particular “ethical contexts,” without which understanding practical reason would remain without orientation. Therefore it

¹²⁶ On this topic I refer the reader to my systematic works on the theme: *Natural Law and Practical Reason*; *Praktische Vernunft und Vernünftigkeit der Praxis*; *Die Perspektive der Moral*.

belongs to this “natural law,” as well, to be the basis of the understanding of the distinction between “good” and “evil” in human acts. The natural principles of the practical reason—the precepts of the natural law—are therefore like a light that illuminates particular acts, rendering transparent that in them that is objectively good or evil.¹²⁷ The analysis of this can be conducted for every area of human action, for example, for the specific areas of sexuality, of truthfulness, and of respect for human life—analyses I have done in other works to which I refer the reader in the footnote.¹²⁸

The underlying idea in such analyses is to show that some kinds of behavior can never be reasonably chosen without contradicting some of the first practical principles that order human action to the human good. Such a contrariness consists precisely in a fundamental non-agreement of the practical judgment and the chosen action with correct desire, in a contrariness with respect to practical truth. The fundamental correctness of desire depends, however, on the natural reason, from which emanates the natural law. Precisely in this sense the words cited in *Veritatis Splendor* no. 78 are germane, that “there are certain specific kinds of behavior that are always wrong to choose, because choosing them involves a disorder of the will, that is, a moral evil.”

9. The Unity of the Practical Intellect and the Interrelationship between Subjectivity and Objectivity

At every level, whether at the level of the first practical principles, naturally understood, or at that of concrete acts and of their first moral specification

¹²⁷ This is not to be understood in the sense that from the principles it can be deduced how, in each situation, it is good to concretely act. The demands of concrete action, in the variable and complex circumstances in which human life takes place, cannot be deduced from any principle, but must be judged by prudence. The principles are, however, the foundation that makes it possible to evaluate the act of prudence and the concrete action according to criteria which are, precisely, moral, and which pertain to the ends of the individual moral virtues. In addition, the principles delineate the limits of the “morally possible,” that is, they determine what one may never do. In this sense, and only in this sense, the principles, formulated as universal prohibitive norms, also regulate concrete action—they are valid *semper et pro semper*—prohibiting the choice of specific concrete behaviors. Cf. M. Rhonheimer, “Praktische Prinzipien, Naturgesetz und konkrete Handlungsurteile in tugendethischer Perspektive. Zur Diskussion über praktische Vernunft und lex naturalis bei Thomas von Aquin,” *Studia Moralia* 39 (2001): 113–58.

¹²⁸ *Die Perspektive der Moral*, 303ff.; *Natural Law and Practical Reason*, 452–90; *Contraception, Sexual Behavior, and Natural Law*; *Etica della procreazione; Abtreibung und Lebensschutz. Tötungsverbot und Recht auf Leben in der politischen und medizinischen Ethik* (Paderborn: Verlag Ferdinand Schöningh, 2003).

by means of their object, we find the subjectivity and the objectivity of the practical reason intertwined: It is intellective acts that open the subject to the truth that, precisely as truth, is always also objectivity. Moreover, it is the intellect itself that also forms the nucleus of human subjectivity: It is the soul of the will, which is free precisely in the measure in which it is rational. Reason is not only openness to the truth, but also the root and cause of freedom.¹²⁹ In this way an objectivity is constituted that, ultimately, is nothing other than the “truth of subjectivity.”

The judgments of the practical intellect, nevertheless, should not be understood as simple applications of what is known by the speculative or theoretical intellect. Even if, as St. Thomas says, the intellect becomes practical by its extension to action,¹³⁰ this does not mean that practical judgments are extensions and applications of theoretical or speculative judgments. It means only that the intellectual *power*—and this is what Thomas speaks of when he speaks of “extension”—which is by its nature originally and per se speculative, becomes practical in the extension of its cognitive activity to the realm of action.¹³¹

This *extensio* is due to the fact that man is a being that tends to the good; in other words, to the fact that the intellect as a power of the soul is always integrated into the totality of the structure of a human person, which is itself a bundle of inclinations and natural tendencies that aim at a variety of goods that this same intellect grasps naturally, rendering them intelligible, as human goods, in the context of the totality of the human person and of the *ordo rationis* that corresponds to him. Because the intellect becomes practical, it is not *theoretical judgments* that are applied to praxis, but it is *the intellect as faculty* that applies itself to the sphere of praxis, generating in this sphere, however, judgments of a particular type—practical judgments—which possess a point of departure of their own. St. Thomas explicitly affirms this: As with the speculative intellect, the practical intellect also has its proper point of departure, its own first principle. Insofar as they are *practical*, practical judgments of the intellect are not derived from judgments of the speculative type.¹³²

To affirm that practical reason has its own point of departure and that practical judgments are not derived from theoretical judgments, as though the former were a simple application of the latter to action, is not to say that in the process of practical *reasoning*, composed of a series of judgments—what Aristotle calls the “practical syllogism”—theoretical

¹²⁹ ST I–II, q. 17, a. 1, ad 2; *De veritate* 24, 2.

¹³⁰ ST I–II, q. 79, a. 11: “Intellectus speculativus per extensionem fit practicus.”

¹³¹ Cf. for this Rhonheimer *Natural Law and Practical Reason*, 24ff.

¹³² Cf. ST I–II, q. 94, a. 2.

judgments do not intervene, along with perceptions and experiences of *facts*. In a practical syllogism, the minor premise, indeed, is not practical; but the major premise and the conclusion are.¹³³ What is important to maintain is that the practicality of reason is not reduced to a simple “application,” a “practical use” of theoretical judgments (which regard facts, the nature of man, etc.), but that it possesses, as St. Thomas clearly states, its own gnoseological and anthropological point of departure: the *ratio boni*. As being is the first object of the intellect as such, the process of the practical intellect begins with the *apprehensio* of the good (which, certainly, would not be possible without a prior cognition of being).¹³⁴ From this moment on, however, the logic of the practical reason follows its own course, with its own logic, an “autonomy,” which, to repeat, does not mean *independence* from the theoretical intellect, but precisely “auto”-“nomia.” This is clearly demonstrated in the natural cognition of fundamental

¹³³ In this sense it is true that: “Practical judgments draw on theoretical insights and theoretical insights motivate practical operations” (Romanus Cessario, *Introduction to Moral Theology* [Washington, DC: The Catholic University of America Press, 2001], 160). The example of the fish eaten by the author on the shore of Lake Geneva in the company of his Swiss friend (I confirm the exactness of the account) is also correct. I only want to highlight that a practical judgment is neither an application of a theoretical judgment, nor a simple inference from such a judgment. In its practicality it does not derive from any theoretical judgment, even if it can be derived from another practical judgment, of a higher order, *by means of* a theoretical judgment. We can examine his example, putting it in the form of a “practical syllogism”: 1. [Major premise, a practical judgment]: “It is good for me (i.e., I want to) to eat a delicious fish.” 2. [Minor premise, a theoretical judgment or sensible perception]: “This fish is delicious.” 3. [Conclusion, practical judgment and subsequent action]: “It is good for me (i.e., I want to, choose to) eat this fish.” The conclusion is not an application of the theoretical judgment “this fish is delicious,” but an *inference* from the first practical judgment by means of the theoretical judgment “this fish is delicious.” The process of the practical reason does not derive from an application of theoretical judgments, but is from its beginning practical. Structurally it is based on the first principle of practical reason, “one must do the good and avoid evil,” and from the other principles, which are immediately grasped by the practical reason in the totality of the natural inclinations of the human person. For the practical syllogism and the structure of the process of the practical reason cf. Rhonheimer, *Die Perspektive der Moral*, 108–15.

¹³⁴ Cf. *ST* I–II, q. 94, a. 2: “Sicut autem ens est primum quod cadit in apprehensione simpliciter, ita bonum est primum quod cadit in apprehensione practicae rationis, quae ordinatur ad opus: omne enim agens agit propter finem, qui habet rationem boni. Et ideo primum principium in ratione practica est quod fundatur supra rationem boni, quae est ‘Bonum est quod omnia appetunt.’ Hoc est ergo primum praeceptum legis, quod bonum est faciendum et prosequendum, et malum vitandum.”

human goods: They are originally known in the context of the unfolding of practical reason,¹³⁵ and only afterward, in the subject's reflection on this original internal moral experience, do they become the object of the theoretical intellect, which on the basis of this practical original experience progresses in the understanding of "human nature."¹³⁶

The fact that practical reason has its own point of departure means that the natural law, which contains the first principles of practical reason in the form of precepts, is, as has been mentioned, simultaneously both the principle of praxis—that is, stimulus and motivation of the subject toward action—and the principle of morality, that is, the rule of the goodness of praxis. The practical intellect, also, is always *intellect*, i.e., a cognitive faculty, although according to the structure of all imperative (or "prescriptive") acts, it would be "located" in an appetitive movement of the will.¹³⁷ The latter is in this way directed toward the truth of things. The practical intellect, also, is always the one and same human intellect whose natural object is properly the *truth of being*, even if, as practical intellect, it knows this truth under the "ratio boni," which is to say as an end, the object or the intelligible content of a tendency, a desire or a natural inclination.

The truth of the practical intellect is a "practical truth." Practical truth is, in the Aristotelian formulation, that truth that consists in the adequation of the judgments of practical reason with a right appetite. These practical judgments have as their object, as Aristotle never tires of repeating, a variable, contingent matter: the sphere of praxis, which is the sphere, not of the immutable order of being, but of that "which could also be differently." Some of these practical judgments, nevertheless, are *natural*: They have the character of *principles*, and as principles they do not refer to and are not measured by any superior appetite (except to that of the good in general). They are goods that refer—as St. Thomas affirms—in a non-derived, spontaneous way to the natural ends of the natural inclinations, grasping their intelligible content as human goods¹³⁸ (note the analogy with the object of the human act as "intelligible content of

¹³⁵ Cf. *ST* I–II, q. 94, a. 2 (cit. in note 124).

¹³⁶ In my opinion, *De veritate*, 1, 9 and 10, 9 is fundamental for this; cf. Rhonheimer, *Natural Law and Practical Reason*, 29f. (and notes 47 and 48).

¹³⁷ What St. Thomas says of the act that he calls "*imperare*" ("to command"), which is "*actus rationis, praesupposito actu voluntatis*" (*ST* I–II, q. 17, a. 1), generally applies here.

¹³⁸ Yet again *ST* I–II, q. 94, a. 2: ". . . ut scilicet omnia illa facienda vel vitanda pertineant ad precepta legis naturae, quae ratio practica naturaliter apprehendit esse bona humana." And further on: ". . . omnia illa ad quae homo habet naturalem inclinationem, ratio naturaliter apprehendit ut bona. . . ."

a concrete action”), which implies precisely a regulation on the part of reason: Human goods also, grasped by natural reason, are, as the objects of human acts, “goods understood and ordered by reason.”¹³⁹ The principles of practical reason—the natural law—express that which is “by nature reasonable,” a reasonableness that cannot be reasonably founded or ulteriorly demonstrated, precisely because it is the natural law itself that founds all practical reasonableness.¹⁴⁰ Combined in an original way in the natural law, therefore, are the subjectivity of the person who acts and the objectivity of the natural knowledge of human good, a knowledge understood and made explicit by means of a discursive process of the natural reason, to the point of arriving at a knowledge of the species of the concrete acts pertaining to the individual virtues and of acts opposed to them, which latter are therefore evil.¹⁴¹

“To place oneself in the perspective of the acting person” is necessary therefore not only for comprehending what constitutes the object of a human act, but also for the correct understanding of the principles of practical reason, which we also call the natural law. It is important to

¹³⁹ Ibid., ad 2: “. . . omnes inclinationes quarumcumque partium humanae naturae, puta concupiscibilis et irascibilis, secundum quod regulantur ratione, pertinent ad legem naturalem. . . .”

¹⁴⁰ Cf. Rhonheimer, *Die Perspektive der Moral*, 227ff.; Rhonheimer, “Praktische Vernunft und das ‚von Natur aus Vernünftige.‘ Zur Lehre von der Lex naturalis als Prinzip der Praxis bei Thomas von Aquin,” *Theologie und Philosophie* 75 (2000): 493–522.

¹⁴¹ In my opinion, what I have expounded in this paragraph was the basic idea, with which I agree completely, of J.M. Finnis, in his book *Fundamentals of Ethics* (Washington, DC: Georgetown University Press, 1983). My objections against Finnis’s criticism of the Aristotelian doctrine concerning the *ergon idion* can be found in *Praktische Vernunft und Vernünftigkeit der Praxis*, 53ff. In his debate with Finnis, and more generally against the differentiation between the theoretical and practical use of the intellect, Ralph McInerny commits the error—in my view significant—of confusing “practical knowledge” (of the moral subject) with “ethical reflection”: “Finnis, it seems, wishes to maintain that the end, the good, that guides ethical reflection is known in what he earlier called purely practical knowledge. . . .” (*Aquinas on Human Action*, 188). That which McInerny considers to be so fundamentally erroneous is, however, precisely what St. Thomas explicitly teaches in *ST* I–II, q. 94, a. 2. Speaking, on p. 155, of the “unwisdom of trying to separate as well as distinguish the theoretical and practical uses of the mind,” McInerny counters this “incipience” with the argument: “The practical syllogism incorporates speculative truths.” Nothing is more true than this, but this is not the question. Here we are speaking of the constitution of the “practicality” itself of a judgment, of the origin of the principles of practical reason, and of the constitution of a line of reasoning insofar as it is practical: These cannot be derived from the theoretical or speculative use of the intellect; they do not

emphasize that through the natural law, the human person is constituted simultaneously as a *practical* subject—an agent or actor—and as a *moral* subject. In precisely the measure in which the natural law—practical reason at the universal and natural level—is the principle of praxis, it is also the principle of morality. As *ordinatio rationis* it becomes the measure of the goodness of the pursuit of individual natural inclinations, and of all the specific acts that arise from these inclinations.

originate from a simple application of *theoretical judgments* to action, rather this process of practical reason is from its origin practical: It begins with the cognition of the precepts of the natural law, which is not only the principle of morality and the moral rule, but also the *principle of praxis*, because it urges and motivates the subject to action within the realm of the intelligibility of fundamental human goods, grasped by practical reason in the subjectivity of the person's natural inclinations. This is St. Thomas's teaching in *ST* I–II, q. 94, a. 2.