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Aquinas and the Kantian Principle of Treating Persons as Ends in Themselves

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By  
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# Aquinas and the Kantian Principle of Treating Persons as Ends in Themselves

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This dissertation addresses the question of whether and on what terms Aquinas would accept Kant's principle that one must always treat all persons as ends in themselves, and never merely as means. This question is of considerable interest given the wide contemporary acceptance of Kant's principle and yet it has, to my knowledge, never received as sustained a consideration as I will give it.

To answer this question I make a distinction between a *finis cuius* and *finis cui*. A *finis cuius* is an end in the sense of a value that is to be attained, and a *finis cui* is an end in the sense of someone *for whom* a value is to be attained. Aquinas holds that one must treat persons as ends in both of these senses. Nevertheless, no created person is a supreme *finis cui* or an ultimate *finis cuius*.

For Aquinas, God is the end of the natural law and all of the moral life is ordered towards Him. "Love God with all your heart" is the primary precept of the natural law. Aquinas does not mean that the whole moral life is ordered towards one's own personal

happiness with God. Such a view would involve always using other persons as mere means. Rather, God is to be loved as both the supreme *finis cui* and the ultimate *finis cuius*. God offers Himself to man as a common good and must be loved as such. This means that one must love other persons as fellow participants in the common good and as those for whom the common good is intended. This is to say that one must treat his neighbor as a *finis cui*.

Aquinas further holds that one must love one's neighbor as oneself, that is to say, with the love of friendship. This requires valuing the other person as a *finis cuius*—thus wanting to be in community with him—in addition to willing his good as a *finis cui*. Such love perfects a natural tendency purposefully implanted in man by God and is necessary if the community is to flourish.

This dissertation by Daniel P. Shields fulfills the dissertation requirement for the doctoral degree in philosophy approved by Tobias Hoffmann, Ph.D., as Director, and by Angela Knobel, Ph.D., and Michael Rohlf, Ph.D. as Readers.

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Tobias Hoffmann, Ph.D., Director

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Angela Knobel, Ph.D., Reader

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Michael Rohlf, Ph.D., Reader

*To my wife Rebecca, and to our child*

“Haec est differentia inter amicitiam honesti et delectabilis: quia in amicitia delectabilis, amicus diligitur propter delectationem; in amicitia autem honesti amicus diligitur propter seipsum, sed delectatio provenit ex consequenti. Ad perfectionem igitur amicitiae honesti pertinet ut aliquis propter amicum interdum abstineat etiam a delectatione quam in eius praesentia habet, in eius servitiis occupatus. Secundum igitur hanc amicitiam plus amat aliquem qui ab eo se absentat propter amicum, quam qui a praesentia amici discedere non vult etiam propter amicum. Sed si quis libenter vel faciliter a praesentia amici divellitur et in aliis magis delectatur, vel nihil vel parum comprobatur amicum diligere. Hos igitur tres gradus considerare possumus in caritate. Deus autem maxime propter seipsum est diligendus. Sunt enim *quidam* qui libenter, vel sine magna molestia, separantur a vacatione divinae contemplationis, ut terrenis negotiis implicentur, et in his vel nihil vel modicum caritatis apparet. *Quidam* verum in tantum delectantur in vacatione divinae contemplationis, quod eam deserere nolunt, etiam ut divinis obsequiis mancipientur ad salutem proximorum. *Quidam* vero ad tantum culmen caritatis ascendunt, quod etiam divinam contemplationem, licet in ea maxime delectentur, praetermittunt, ut Deo serviant in salutem proximorum; et haec perfectio in Paulo apparet, qui dicebat *Rom.*, IX, 3: *Optabam ego ipse anathema*, id est separatus, *esse a Christo pro fratribus meis*; — et *ad Philipp.*, I, 23–24: *Desiderium habens dissolvi, et esse cum Christo; permanere autem in carne necessarium propter vos*. Et haec perfectio est proprie praelatorum, et praedicatorum, et quorumcumque aliorum, qui procurandae saluti aliorum insistunt.” – *Quaestio Disputata de Caritate*, a. 11, ad 6.

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## Introduction

### *Background and Intention*

In today's world, few charges are so widely acknowledged as possessing significant moral force as the charge that a proposed action amounts to *using* someone or that someone's attitude towards others is one of *use*. The principle that one should never merely use others, but always treat them as ends in themselves—what I will refer to in this dissertation as the principle of humanity—is nearly universally recognized as valid in contemporary moral philosophy and culture, although it is variously understood. Some see it as doing nothing more than ruling out any action involving others who have not given their informed consent.<sup>1</sup> This is a weak reading of the principle of humanity. Weaker still, a utilitarian might perhaps understand it as doing nothing more than giving every person's happiness an equal weight in the utilitarian calculus. Even if their happiness must be sacrificed because it is outweighed by the happiness of a larger group, they have nevertheless still not been merely used, on this understanding, because their vote counted, so to speak.

On the other hand a stronger interpretation is given by Thomas E. Hill, Jr. in interpreting Kant, rightly as I believe. The principle, according to him, demands that one treat every person as having an unconditional value that cannot be exchanged for any other, so that the utilitarian calculus, which weighs the interests of people as if they had a kind of quantitative value, is in principle unacceptable.<sup>2</sup> It was Kant, in fact, who explicitly

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<sup>1</sup> For example, Thomas Mappes, "Sexual Morality and the Concept of Using Another Person," In *The Philosophy of Sex: Contemporary Readings*, 5<sup>th</sup> ed., ed. Alan Soble and Nicholas Power (Lanham, MD: Rowman & Littlefield, 2008), 229–48.

<sup>2</sup> Thomas E. Hill, Jr., "Humanity as an End in Itself," in *Dignity and Practical Reason in Kant's Moral Theory*,

formulated this principle and, so far as I can tell, is responsible for its prevalence in contemporary moral philosophy. Moreover, there has been a renewed interest in Kant's moral philosophy in recent decades, due perhaps principally to John Rawls and his students.<sup>3</sup>

In this dissertation I will investigate whether Aquinas too would accept the principle of humanity, and if so, how he would understand it. Aquinas is obviously not a contemporary moral philosopher. In fact, he lived and wrote over 500 years even before the time of Kant's flourishing, which, in turn, was over 200 years ago. Nevertheless, Aquinas' moral philosophy is still alive in contemporary debates, and has also undergone a kind of resurgence in recent decades.<sup>4</sup> It is therefore not without interest to know what he would think about this prevalent contemporary moral principle, especially as Kant understands it.

I will argue that Aquinas does indeed accept the principle of humanity. To clarify the sense in which this is true, I distinguish in this dissertation between three senses of end (*finis*): *finis cui*, *finis cuius*, and *finis quo*.<sup>5</sup> I will use these Latin terms in the following way:<sup>6</sup>

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(Ithaca: Cornell University Press, 1992), p. 38–57.

<sup>3</sup> Among Rawls' students who have produced well-known works on Kant are Christine Korsgaard, Thomas E. Hill, Jr., Barbara Herman, and Onora O'Neill. Other figures in this Kant renaissance are Allen W. Wood and Paul Guyer.

<sup>4</sup> Primary examples of this are the works of Alasdair MacIntyre and John Finnis, who are widely known even outside of Catholic circles.

<sup>5</sup> Aquinas distinguishes the concepts of end *cuius* and end *quo* in *Summa Theologiae* (hereafter *STh*) I-II, q. 1, a. 8, c. (*Sancti Thomae Aquinatis Doctoris Angelici Opera Omnia Iussu Editi Leonis XIII P. M.* (Rome: Commissio Leonina, 1882– ), t. 6, p. 16. The Leonine edition will hereafter be cited in the following format: Leon. 6:16): “As the Philosopher says in *Physics* II and in *Metaphysics* V, ‘end’ is said in two ways, namely ‘of which’ (*cuius*) and ‘by which’ (*quo*), that is, the very thing in which the notion of good is found, and the use or attainment of that thing. Just as if we said that the end of the motion of a heavy body is either a lower place as a thing, or being in a lower place, as use, and the end of the avaricious man is either money as a thing or the possession of money as use. (Sicut Philosophus dicit in II *Physic.* et in V *Metaphys.*, finis dupliciter dicitur, scilicet *cuius*, et *quo*: idest ipsa res in qua ratio boni invenitur, et usus sive adeptio illius rei. Sicut si dicamus quod motus corporis gravis finis est vel locus inferior ut res, vel hoc quod est esse in loco inferiori, ut usus: et finis avari est vel pecunia ut res, vel possessio pecuniae ut usus.)” All translations of Aquinas are mine, although I have consulted in most cases a published English translation, sometimes basing myself upon it. For the *Summa Theologiae* I have consulted, in particular, the translation of the Fathers of the English Dominican Province (*Summa Theologica* (New York: Benziger Brothers, 1948)), and, for I-II, q. 1–21, *Treatise on Happiness*, trans. John A. Oesterle (Notre Dame: University of Notre Dame Press, 1983). I do not think that

a *finis quo*, an ‘end by which,’ is an end in the sense of that activity or state by which one attains that object which he seeks, e.g., knowledge is that by which the geometer attains the Pythagorean theorem. I take *cuius* in *finis cuius* (‘end of which’) to be an objective, rather than a possessive genitive, as in, e.g., ‘to have the end or goal of money is to be a miser.’ A *finis cui*, an ‘end for whom,’ on the other hand, is that person for whom a *finis cuius* or *finis quo* is desired. Putting it all together, one can say that a geometer makes himself the end for whom he wishes to attain knowledge, which is the end by which he intends to attain the end or goal of the Pythagorean theorem. To give another example, a miser’s *finis cuius* is money; his *finis quo* is to possess money; his *finis cui* is himself. Money is the object he desires, possessing money is the attainment of his object, and he himself is the one for whom he wishes to obtain the object.

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Aquinas uses the term *finis cui* as a technical term, but the phrase and the idea I wish to convey with it are found in *Summa contra Gentiles* (hereafter SCG) III, c. 18 (*Liber de Veritate Catholicae Fidei contra Errores Infidelium*, ed. P. Marc, C. Pera, P. Caramello (Turin-Rome: Marietti, 1961), vol. 3, p. 22): “God, however, who is the first agent cause of all things, does not act in such a way that he acquires something by His action, but in such a way that He gives something bountifully by His action, for He is not in potency so that He be able to acquire something, but only in perfect act, from which He can give out. *Things are therefore not ordered to God as to an end for whom (finem cui) something is acquired, but so that by Him they may attain Him Himself in their own way, since He Himself is the end.* (Deus autem qui est primum agens omnium rerum, non sic agit quasi sua actione aliquid acquirat, sed quasi sua actione aliquid largiatur: quia non est in potentia ut aliquid acquirere possit, sed solum in actu perfecto, ex quo potest elargiri. *Res igitur non ordinantur in Deum sicut in finem cui aliquid acquiratur, sed ut ab ipso ipsummet suo modo consequantur, cum ipsemet sit finis.*)” For the *Summa contra Gentiles* I have consulted the translation of Anton C. Pegis, F.R.S.C., James F. Anderson, Vernon J. Bourke, & Charles J. O’Neil (Notre Dame: University of Notre Dame Press, 1975). Establishing *finis cui* as a technical term will make it easier to make sense of and explain Aquinas’ moral philosophy.

<sup>6</sup> When Aquinas distinguishes *cuius* and *quo* as two senses of *finis*, he is drawing on a distinction which Aristotle makes. In the Latin translation of Aristotle which Aquinas used, Aristotle says that *cuius causa*, ‘for the sake of which,’ is twofold, namely, *cuius* and *quo*, ‘of which’ and ‘by which,’ respectively. By speaking of *finis* in the sense of *cuius*, Aquinas probably actually has something like the phrase *finis cuius causa* in mind, ‘the end for the sake of which.’ But I will shorten this to simply *finis cuius*, using *cuius* as an objective genitive, as I explain, in order to avoid confusion with *finis cui*. For Aquinas speaks of the free man, as opposed to the slave, as being *sui causa*, ‘for his own sake,’ which implies that the free man is a *finis cui*, whereas the slave is ‘for him.’ See *Scriptum Super Libros Sententiarum*, lib. II (hereafter *In I/II/III/IV Sent.*), d. 44, q. 1, a. 3, ad 1 and below, chapter 3, section 2. For Aristotle, see *De Anima* II, 4, 415a28–b7, and b20–21: “[Δ]ιττωδες δὲ τὸ οὐ ἕνεκα, τὸ τε οὐ καὶ τὸ ᾧ.” See also Aquinas, *Sentencia Libri de Anima* II, cap. 7 (Leon. 45.1:95, 97) and Aristotle, *Metaphysics* XII, 7, 1072b1–3.

Aquinas holds that one must not subordinate other human beings to oneself as mere means to one's own perfection. For Aquinas, every human being exists for his own sake; each human being is an end *cui*, i.e., 'one for whose sake,' a beneficiary of creation, one whom God has in mind to benefit in creating and governing the world. Every human being is also an end *cuius*, although not an ultimate end *cuius*; human beings are not each other's ultimate end or goal to be attained. Nor, of course, would it make any sense to say that one human being was another's attainment of his end, i.e., an end *quo*. The natural law requires that one respect the radical equality among human beings by respecting the order of creation according to which all things other than men (and angels) exist for their sakes and every man exists for his own sake. It further requires that one love all other human beings, and that one orient oneself towards friendship with others.

One of the major targets of this dissertation is the egoistic rationalism interpretation, according to which Aquinas' moral philosophy is based on each person's pursuit of his own personal happiness as his ultimate goal. On this view, what is moral is what conduces to one's own personal happiness, and what is immoral is what keeps one from such happiness.<sup>7</sup> Virtuous behavior, such as temperance and justice, would be seen as merely forms of self-perfection. Such a view of morality is antithetical to the principle of humanity. I do not think that it does justice to Aquinas' moral philosophy, nor does the term 'egoism' provide Aquinas' moral philosophy with a very elevated tone.

That said, there are limitations to Aquinas' embrace of the principle of humanity. He does not allow its spirit to fully permeate his moral philosophy. His acceptance of some form

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<sup>7</sup> Scott MacDonald espouses a view like this in "Egoistic Rationalism: Aquinas' Basis for Christian Morality," in Michael Beaty, ed., *Christian Theism and the Problems of Philosophy* (Notre Dame: Notre Dame University Press, 1990): 327–54.

of natural slavery and his support of the death penalty both evidence a less than total commitment to the unconditional value of every human person. Immoral actions offend against a person's dignity, but Aquinas allows for too great a loss of dignity from immoral actions, and thus can justify things like natural slavery and the death penalty.<sup>8</sup> He also evidences, at times, an ambivalence in regards to people's legitimate autonomy, while at the same time providing a theoretical foundation for such respect. These issues will be discussed in the dissertation. I believe, however, that these defects in Aquinas' moral philosophy can easily be rectified without affecting its fundamental structure.

The lynch pin of my analyses, indeed, the lynch pin of Aquinas' moral philosophy, is his concept of the common good. The common good is the ultimate end of the moral life, and it is the source of moral obligation. The common good leads one to treat all other persons as ends in themselves, since they make up the community and the common good is for them. The common good, as a single objective in which the happiness of all persons consists, makes it possible to treat all persons, including oneself, as ends in themselves; it allows one to avoid sacrificing the good of some for the good of others as utilitarians propose. It allows people to enter into the kind of shared life which is requisite for friendship and towards which love directs.

### *Contribution and Originality*

The two people who, as far as I know, have most directly addressed the topic of my dissertation, namely, how Aquinas stands to Kant's Formula of Humanity, are Alan Donagan

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<sup>8</sup> I do not mean to assert that the death penalty cannot be justified in some situations. But this should only be when it is strictly necessary, which, in modern times, happens rarely or never, as John Paul II has said. See the discussion in chapter 4.

and Joseph Boyle.<sup>9</sup> According to Boyle, as according to the other “new natural law theorists,”<sup>10</sup> the commandment to love one’s neighbor as oneself is the first specifically moral principle, the first of all the precepts of the natural law. According to Boyle, this principle contains all that Kant’s Formula of Humanity contains and more, because loving someone involves more than respecting him.<sup>11</sup> Boyle, as the other “new natural law theorists” do, understands Aquinas’ first moral principle as directing one towards promoting and respecting human *goods*. This, according to Boyle, is what loving a person consists in (and because community is a human good, the love commandment directs us towards community with others.)<sup>12</sup>

Donagan, on the other hand, in *The Theory of Morality*, published in 1977, argues that Kant’s Formula of Humanity is preferable to Aquinas’ interpretation of the second great commandment because Kant’s formula directs one to respect *persons*, whereas Aquinas’ love commandment directs one to respect *human goods*.<sup>13</sup> In this work he professes to follow Germain Grisez’s interpretation of Aquinas (Grisez was the first “new natural law

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<sup>9</sup> Alan Donagan, *The Theory of Morality* (Chicago: The University of Chicago Press, 1977), p. 57–66, & *Human Ends and Human Actions: An Exploration in St. Thomas’s Treatment*, The Aquinas Lecture, 1985 (Milwaukee: Marquette University Press, 1985). Joseph M. Boyle, Jr., “Aquinas, Kant, and Donagan on Moral Principles,” *The New Scholasticism* 58 (1984): 391–408. Steve Jensen has also discussed the principle of treating persons as ends and not as means in Aquinas. He sees him as upholding such a principle. See *Good & Evil Actions: A Journey through Saint Thomas Aquinas* (Washington, D.C.: The Catholic University of America Press, 2010), esp. p. 132–179. Jensen does not, however, undertake to explain Kant’s views on the subject, nor to compare Aquinas’ views with those of Kant in specific.

<sup>10</sup> I use this term to designate those who adopt the basic framework for natural law which has been advanced by Germain Grisez and John Finnis. This term is not my own. See, for example, Russell Hittinger, *A Critique of the New Natural Law Theory* (Notre Dame: University of Notre Dame Press, 1987), p. 5: “For lack of a better term, [Finnis’ and Grisez’s] work constitutes a new natural law theory.” Besides Grisez, Finnis, and Boyle, other prominent members of this group include Patrick Lee and Robert George.

<sup>11</sup> Boyle, “Aquinas, Kant, and Donagan,” p. 397–98.

<sup>12</sup> *Ibid.*, p. 401–02.

<sup>13</sup> Donagan, *The Theory of Morality*, p. 64–65.



theorist.”)<sup>14</sup> Central to Donagan’s theory of morality is the notion of a non-producible end. Morality is not principally a matter of bringing about a certain result, but of respecting the pre-existing ends that persons are. In this he is quite Kantian, but in his 1985 Aquinas Lecture at Marquette, he interprets Aquinas as also holding a moral theory of persons as pre-existing ends.<sup>15</sup>

I think Donagan is quite right to prefer a moral theory based on loving and respecting *persons* rather than *human goods*, and also correct in interpreting Aquinas as proposing such a moral theory. Donagan, however, himself confesses: “I have not enough learning to investigate St. Thomas’s teleology of human action thoroughly and systematically. At best, I can lead you on a free ramble through some things he wrote about it.”<sup>16</sup> A more thorough investigation than he has provided, such as will be found in this dissertation, is quite warranted. Moreover, I think Donagan has failed to sufficiently distinguish between Aquinas’ *three* senses of end: *cui*, *cuius*, and *quo*. Given the professed limitations of his presentation it is difficult to discern, but he seems perhaps to be collapsing *finis cuius* and *finis cui*, the end to be obtained and the one for whose sake it is obtained.<sup>17</sup> Moreover, Donagan does not make anything, so far as I know, of the concept of the common good, which is central to Aquinas’ moral philosophy as a whole and to his understanding of why we must love our neighbors as ourselves.

For their part, the new natural law theorists, besides interpreting the love commandment as directing one towards promoting and respecting human goods, rather than

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<sup>14</sup> *Ibid.*, p. 61.

<sup>15</sup> Donagan, *Human Ends and Human Actions*, p. 1–3.

<sup>16</sup> *Ibid.*, p. 5.

<sup>17</sup> Cf. *ibid.*, p. 1–5, 10.

towards having (rational, not sensitive) affection for persons themselves,<sup>18</sup> are incorrect in thinking that the second great commandment, “love your neighbor as yourself,” is the first moral principle. It is rather the first great commandment, “love God with all your heart,” that forms the basis of Aquinas’ theory of natural law. Moreover, they misunderstand Aquinas’ concept of the common good, seeing it as the sum of the goods of individuals.

Karol Wojtyła has thematized Kant’s principle of treating persons as ends, bringing it into a broadly Thomistic moral framework.<sup>19</sup> His work was a point of departure for my own, and I have drawn from it at several points in this dissertation. He does not, however, engage with Aquinas’ texts sufficiently to justify, from an historical perspective, the consistency of Kant’s principle and Aquinas’ moral philosophy. The works of his from which I draw are ones which he puts forward as his own, and not as works of interpretation, whereas this dissertation is primarily a work of interpretation.

Michael Waldstein has done work on comparing Wojtyła and Aquinas on love and the common good. His work is primarily, although not exclusively, theological rather than philosophical. He compares Wojtyła to Aquinas, and Wojtyła to Kant, but does not directly compare Aquinas and Kant.<sup>20</sup> Nevertheless, he does make a case that Aquinas is in

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<sup>18</sup> Cf. *STh*, I-II, q. 56, a. 6, c., II-II, q. 27, a. 2, and below, chapter 3, section 3 & n. 14.

<sup>19</sup> See principally Karol Wojtyła, *Love and Responsibility*, trans. H. T. Willetts (San Francisco: Ignatius Press, 1993).

<sup>20</sup> In regards to Wojtyła and Aquinas: “The Common Good in St. Thomas and John Paul II,” *Nova et Vetera* (English ed.) 3 (2005): 569–78; “John Paul II and St. Thomas on Love and the Trinity” *Anthropotes* 18 (2002): 113–38 & 269–86; “Pope John Paul II’s Personalist Teaching and St. Thomas Aquinas: Disagreement or Development of Doctrine?” A lecture delivered at Thomas Aquinas College, Santa Paula, California, January 12, 2001, *The Thomas Aquinas College Lecture Series* 1 (2001), no. 4. In regards to Wojtyła and Kant: Introduction to John Paul II, *Man and Woman He Created Them: A Theology of the Body*, trans. by Michael Waldstein (Boston: Pauline Books & Media, 2006), p. 44–63. Waldstein announces in “The Common Good in St. Thomas and John Paul II,” p. 569, that he is “writing a book on *Common Good and Gift of Self: The Communion of Persons in St. Thomas and John Paul II*.” He has graciously provided me some pages from a book he is working on, which I believe to be the same one referred to in that article. He briefly comments on the relation between Kant and Aquinas vis-à-vis the principle of humanity, but he thematizes rather the relationship

agreement with the principle of humanity, understood in a non-Kantian sense. For the principle of humanity, he says, requires us to will the good of others for their own sakes, and Aquinas holds that love is due to others, and that to love others is to will their good.<sup>21</sup>

Waldstein's work has been valuable to me, but an extended discussion of Aquinas and Kant on precisely this principle of treating persons as ends and not merely as means has still yet to be undertaken. I undertake such a discussion in this dissertation, situating the principle of humanity within Aquinas' theory of natural law as a whole. Moreover, although Waldstein supplements the account of love as willing the good of another with an account of "the gift of self"—a concept he demonstrates is present in Aquinas himself—and thus provides a more profound account of Aquinas' theory of love than that of Boyle and the new natural law theorists, he does not, I think, note another aspect of the love of friendship required by the second great commandment: that which consists in valuing the other as such, in taking him as a *finis cuius*, although not an ultimate *finis cuius*. (The concept of "the gift of self" will not play a role in my investigations.)

Other than by these authors, I am not aware that the subject of the principle of humanity in Aquinas, in comparison to Kant, has been discussed in the literature.

### *Content and Structure*

The structure of the dissertation is as follows. In chapter 1, as a propaedeutic to my discussion of Aquinas, I will show how Kant understood the Formula of Humanity.<sup>22</sup> As

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between Wojtyła and Kant in this regards. It may well be that when the book is published, there will be more of a discussion of the relationship between Aquinas and Kant on the principle of humanity.

<sup>21</sup> See "Pope John Paul II's Personalist Teaching and St. Thomas Aquinas," p. 6–11.

<sup>22</sup> It is common for Kant scholars to refer to the 'Formula of Humanity' (although sometimes it is referred to as

already indicated, Kant sees it as demanding respect for each person's non-exchangeable and unconditional value. It is further connected to Kant's concept of autonomy; it demands respect for autonomy (which is not the same as informed consent.) Such respect leads one to actively promote the happiness of others, and sets friendship as a moral ideal. In unpacking this, I will provide a sketch of the basic structure and principles of Kant's moral philosophy.

In chapter 2 I turn to Aquinas. I first consider his account of the content of the natural law, arguing that the two great commandments to love God with all one's heart and to love one's neighbor as oneself are primary precepts and principles of the natural law. God's existence is not self-evident, but I argue that an abstract form of the commandment to love God *is* self-evident: love the common good with all your strength. I argue against an egoistic interpretation of Aquinas and thus of his theory of natural law, and show that these principles require that one love others and God with the love of friendship, i.e., for their own sakes. In fact, Aquinas uses the concept of the common good to argue that it is natural for human beings to love God with the love of friendship *more* than they love themselves. By overcoming the egoistic interpretation and showing that the two great commandments belong to the natural law, knowable to unaided human reason, I show that Aquinas does indeed accept the principle of humanity.

In chapter 3 I turn to Aquinas' account of justice and friendship. I show that justice requires that one respect the status of others as ends in themselves by avoiding using them as mere means. Justice directs us towards the due good of another as such, and not as ordered to

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the 'Formula of the End in Itself,' and sometimes 'Principle' is substituted for 'Formula.') When I am speaking of Kant I will refer to it this way, implying that it is a formulation of his supreme moral principle, the categorical imperative. When I am referring to this principle outside the framework of Kant's philosophy, I will refer to it as the 'principle of humanity.'

one's own personal perfection. In Aquinas' account of natural law, however, justice is ordered towards friendship; it is a necessary condition for friendship and prepares one for it. For the sake of the common good, the natural law directs us to orient ourselves towards some form of friendship with all other human beings. (Of course, one can only have the fully developed relationship that is normally denoted by the word 'friendship' with a limited number of people.) The love involved in friendship goes beyond merely refraining from using others as mere means and more adequately fulfils the first part of the principle of humanity: treat persons as ends. The love of friendship leads to active benevolence. Friendship, moreover, involves *communicatio*, a shared life (and thus is tied to the notion of the common good.) In the course of this chapter I will also take up the question of slavery in Aquinas. I will argue that although he does accept a form of Aristotle's theory of natural slavery, he holds that the slave is only a mere means for his master in regards to his bodily labor. In personal matters such as marriage and in his interior life, the slave is free, and must be treated with justice.

In chapter 4 I present my own analysis of love and of treating other persons as ends. Within the context that provides, I evaluate Kant's and Aquinas' philosophies in terms of how well they can ground the possibility of adequate and fulfilling interpersonal relationships. I argue that truly common goods, and not merely common instrumental goods, or common goods conceived of as the sum of personal goods, are necessary to ground adequate and fulfilling interpersonal relationships. I further argue that Kant's philosophy is as powerful as it is because it implicitly contains a common good, namely moral laws themselves, and places them above all other goods. Nevertheless, since Kant conceives of

happiness as only the fulfillment of contingent, personal desires, and correspondingly sees all goods other than the moral law as subjective and private, his philosophy does not provide a basis for a deep enough form of shared life. Aquinas, on the other hand, has a richer theory of objective and common goods, and so can provide a firmer basis for rich relationships. In this chapter, however, I also discuss some of the deficiencies in Aquinas' moral philosophy, such as his too ready acceptance of the death penalty and his failure to sufficiently respect autonomy in some situations. There are ameliorating aspects to these deficiencies, but they are deficiencies nonetheless.

To round off my discussion, I turn in chapter 5 to Aquinas' theory of moral obligation itself. This chapter does not directly discuss the principle of humanity, but provides further confirmation of the central place I have accorded to the common good in Aquinas' moral philosophy and provides further evidence against an egoistic interpretation of Aquinas. I first present a brief account of Kant's theory of moral obligation. Then I compare Aquinas' theory of moral obligation to it, arguing that Aquinas' theory of obligation should be understood in terms of his definition of law. An obligation is a rational dictate directing one to do something *for the sake of the common good*. This rational dictate comes from him who has the care of the community—God in the case of the natural law—and must be made known to the person who is obligated, i.e., it must be promulgated. I discuss what Aquinas' response could have been to Kant's arguments for his purely formal understanding of moral obligation. I then situate my interpretation of Aquinas' theory of moral obligation in regards to the interpretation offered by the new natural law theorists, particularly John Finnis. I discuss their interpretation because it is influential, is often regarded as somewhat Kantian,

and because they are some of the few people who explicitly discuss the principle of humanity in Aquinas' moral theory.<sup>23</sup> I will argue that Finnis, although he correctly recognizes the central place of the common good in Aquinas' moral philosophy, interprets it incorrectly as the sum of everyone's participation in the set of basic goods. The new natural law theorists are opposed to dominant end based moral theories, but I argue that Aquinas' moral philosophy is such a theory. The most common good, towards which the whole of the natural moral life is ordered, is God. He is the dominant end in the theory. The first great commandment grounds the second great commandment, even in natural morality.

### *Method*

Throughout this dissertation my primary method is the analysis of Aquinas' and Kant's own texts. I presume that the various works of each author contain a consistent doctrine (for Kant I restrict this presumption to the works of his critical period only) and I thus attempt to reconcile them whenever they appear divergent. If there is sufficient evidence, however, I accept apparent divergences as real changes in doctrine. Secondary literature on these two authors will be brought in to help with the analysis of their texts. Sometimes I do move beyond what can be found directly in Aquinas' and Kant's texts in order to make sense of what is explicitly stated in them if this seems warranted. At times I also, especially in chapter 4, engage in my own reflection using the philosophical method, which can be summarized briefly as that of making distinctions, getting clear on the

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<sup>23</sup> Besides Boyle's article cited above, see Finnis, *Aquinas: Moral, Political, and Legal Theory* (Oxford: Oxford University Press, 1998), p. 170.

necessary connections between ideas, and drawing conclusions on this basis and on the basis of evident premises.



## Chapter 1

### Kant's Ethical Philosophy and the Formula of Humanity

What seems most to characterize Kant's moral philosophy is its formalism, expressed in the Universal Law Formula of Kant's moral first principle, the categorical imperative: "Act only according to that maxim through which you can will at the same time that it become a universal law."<sup>1</sup> Some scholars, however, interpret Kant in such a way that another of his formulations of the categorical imperative, the Formula of Humanity—"Act so that you use humanity, both in your person and in the person of everyone else, always at the same time as an end, and never merely as a means"<sup>2</sup>—takes on even more importance than the Formula of Universal Law, which, however, Kant seems to regard as the heart of his ethics.<sup>3</sup>

Although my interest in this dissertation is with the Formula of Humanity, and I regard it as one of Kant's greatest contributions to ethics, I nevertheless do not follow such an interpretation. The Formula of Humanity has no sense to it in Kant's mind except in virtue of the concept of autonomy, which in turn has no meaning except through the Formula of Universal Law. In the following chapter, I will attempt to present an accurate understanding

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<sup>1</sup> *Grundlegung zur Metaphysik der Sitten* (hereafter *G*), Ak. 4:421: "Handle nur nach derjenigen Maxime, durch die du zugleich wollen kannst, daß sie ein allgemeines Gesetz werde." I am ultimately responsible for all translations of Kant, although I have consulted in each case published English translations, sometimes basing myself upon one or the other of them. For the *Groundwork* I have consulted the following English translations: *Groundwork of the Metaphysics of Morals* in Immanuel Kant, *Practical Philosophy*, trans. & ed. Mary J. Gregor (Cambridge: Cambridge University Press, 1996); *Grounding for the Metaphysics of Morals: with On a Supposed Right to Lie because of Philanthropic Concerns*, trans. James W. Ellington, 3<sup>rd</sup> ed. (Indianapolis: Hackett, 1993); *Groundwork of the Metaphysics of Morals*, trans. & ed. H. J. Paton (New York: Harper Collins, 2009).

<sup>2</sup> *G*, Ak. 4:429: "Handle so, daß du die Menschheit sowohl in deiner Person, als in der Person eines jeden andern jederzeit zugleich als Zweck, niemals bloß als Mittel brauchst."

<sup>3</sup> See, for example, Allen W. Wood, *Kant's Ethical Thought* (Cambridge: Cambridge University Press, 1999), p. 97–98, 141.

of Kant's Formula of Humanity, its foundations, and its general consequences, as the background for properly assessing which aspects of it find a place in Aquinas' philosophy, and which have to be altered or jettisoned.

In the interest of clarity and to facilitate a comparison with Aquinas, I must present some preliminary considerations of basic characteristics of Kant's philosophy. Kant's moral philosophy is intricately interwoven with his theoretical philosophy, and one cannot understand Kant on his own terms, or fairly assess his arguments, if one attempts to consider either the one or the other in complete isolation. The following section will allow me to make use of basic Kantian concepts later without an extended explanation.

### Section 1 - Preliminaries

Running through all of Kant's philosophy is the distinction between that which is *a priori* and that which is *a posteriori*. Cognitions which are derived from sense-experience are *a posteriori*, while those which are not so derived, but which "our own cognitive faculty . . . yields out of itself"<sup>4</sup> are *a priori*. That which has no admixture of anything *a posteriori* is *pure*.<sup>5</sup> Kant argues that no cognition *a posteriori* can have the characteristics of universality or necessity, for sensation, no matter how often it is repeated, can never tell us how a thing

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<sup>4</sup> *Kritik der reinen Vernunft* (hereafter *KrV*), B1: "Was unser eigenes Erkenntnißvermögen . . . aus sich selbst hergiebt." For the 1<sup>st</sup> Critique I have consulted *Critique of Pure Reason*, trans. & ed. Paul Guyer & Allen W. Wood (Cambridge: Cambridge University Press, 1998) and *Critique of Pure Reason*, trans. Norman Kemp Smith (New York: St. Martin's Press, 1965).

<sup>5</sup> A proposition containing *a posteriori* elements (Kant gives as an example "every alteration has its cause") can be an *a priori* cognition (since we do not need to prove its truth by experience), without being *pure*, "since alteration is a concept which can be drawn only from experience (weil Veränderung ein Begriff ist, der nur aus der Erfahrung gezogen werden kann)." *Ibid.*, B3.

must be, but only how it happens to be.<sup>6</sup> “Necessity and strict universality are therefore sure marks of a cognition *a priori*.”<sup>7</sup>

Another distinction crucial to Kant’s philosophy is that between concepts and intuitions. These are the two basic kinds of representations; intuitions are immediate, singular representations by means of which objects are given to us, while concepts are mediate representations of general characteristics, and are always applicable to indefinitely many individual objects.<sup>8</sup> Cognition only arises when intuitions are brought under concepts, or concepts exhibited in intuition. Without intuitions to which to be applied, concepts can yield only empty thoughts. Correspondingly, unless intuitions are to some extent conceptualized, they remain meaningless to us.

According to Kant, in the case of a human person all intuitions are obtained passively, when he is affected in some way; the faculty for receiving such affections is *sensibility*, and all our intuition is thus *sensible*. (Nevertheless, we can at least conceive of an active intuition, which would produce its own objects for itself, although we have no knowledge of such a faculty of intuition, which Kant refers to as *intellectual intuition*.) All our concepts, on the

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<sup>6</sup> *Ibid.*, B3–4 .

<sup>7</sup> *Ibid.*: “Notwendigkeit und strenge Allgemeinheit sind also sichere Kennzeichen einer Erkenntniß *a priori*.” Aquinas, on the other hand, endorses the view that universally necessary truths can be grasped on the basis of concepts abstracted from sense-experience. It must be admitted by all that one cannot, by any rule of logic, infer from repeated experience that things will continue to happen or be as they have. However, what a Thomist means by abstraction is not merely ignoring certain characteristics of experienced objects in order to focus on others; abstraction is an act of the intellect whereby a sensed object’s essence—which is not a sensible quality, an aggregate of such qualities, or a rule for the synthesis of such qualities—becomes an object of intellectual awareness for us. If objects have essences, and we are aware of these essences, then we can infer, universally and necessarily, from the presence of these essences to certain properties in the objects. It is important to keep this in mind when comparing Aquinas’ and Kant’s understandings of how we become aware of moral laws.

<sup>8</sup> *Ibid.*, A50/B74–A41/B75, A320/B377.

other hand, are obtained actively. The faculty of the *understanding* produces them (in the case of empirical concepts, out of material provided to it by sensible intuition).<sup>9</sup>

Kant claims that human intuitions are all *a posteriori* and that one can only speak of *a priori* intuition in a qualified sense. For the only faculty of intuition which we possess is that of sensibility, which by definition can only provide *a posteriori* intuitions. Sensible intuition, however, has a necessary, and hence *a priori* form, that of space and time. Everything we sense, we sense as in a specific place and at a specific time, and everything we sense must necessarily follow the laws characteristic to space and time, such as the laws of Euclidean geometry. According to Kant, this is not because all of the objects by which our sensibility is affected are spatial and temporal in themselves, but because the forms of space and time are necessary characteristics of our sensibility itself; we can only receive representations by applying the forms of space and time to them. These forms of intuition can be isolated and treated as intuitions by themselves, thus allowing for *a priori* mathematical cognition, but such cognition is not properly knowledge of anything unless it is applied to a real object, which can only be given by sensation, and thus *a posteriori*.

Most of our concepts are also *a posteriori* representations derived from sense experience, but Kant does allow for the possession of pure *a priori* concepts (the *categories*), although he argues that they are only those which are necessary for sense-experience. In order for raw sense-data to be meaningful at all to us, it has to be brought under pure

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<sup>9</sup> This is an area of basic disagreement between Aquinas and Kant. To use somewhat Kantian terminology, Aquinas holds that we possess a faculty of *intellectual* (not *sensible*) intuition, but a faculty of intellectual intuition (the *possible intellect*) which is passive and receives its objects from the outside world. It does so with the help of the active part of the intellect, the *agent intellect*, which nevertheless does not generate objects for the possible intellect by itself, but rather actualizes the potential that the essential principle of a sensible object has to be intelligible. This is why, for Aquinas, we can know universal and necessary propositions *a posteriori*.

concepts such as the categories of substance and causality, which could never be derived *a posteriori* from experience because we could never have any experience at all without these concepts, only meaningless sense-data. We thus possess *a priori* concepts whose only significance, however, for cognition is that of providing the framework for the possibility of sense experience, for concepts are empty without objects, and, as was said, the only objects that Kant allows us are those given in sensible intuition.

However, even though pure concepts can have no objects other than those encountered in sensation, and thus cannot provide us with any non-empirical cognition, nevertheless, because they have their source in the understanding, a faculty distinct from that of sensible intuition, we can at least *think* of them as being applied to objects of non-sensible intuition. What such objects could possibly be we can never know. Nevertheless, this ability to extend our thought (though *not* our theoretical cognition) beyond the bounds of sensibility opens up for us a space which allows us to limit the world of sensible appearances, *phenomena*, as not containing the totality of what is. In addition to phenomena, we can conceive of things as they are in themselves, *noumena*, which are not spatial nor temporal, and do not conform to the necessary laws of physical reality. We can at least think about noumenal substances and causes, etc. These noumena, as we will see, play an important role in Kant's moral philosophy.

## Section 2 - A First Look at the Formula of Humanity

Kant first introduces the moral principle that I am concerned with in his *Groundwork for the Metaphysics of Morals*. It is meant to serve there as an alternative formulation of his

supreme moral principle, the categorical imperative, and runs as follows: “Act so that you use humanity, both in your person and in the person of everyone else, always at the same time as an end, and never merely as a means.”<sup>10</sup> This formula, insisting on the dignity of each and every person, rings true in the ears of many, if not most people, yet the same people are often left wondering what exactly it really means. I will try to analyze what it says in this section, and to delve more deeply into its central concept in subsequent sections.

The Formula of Humanity does not command us not to use people as means, but rather not to use people *merely* as means. It would be impossible to entirely avoid using people as means for satisfying our needs; we could never even go up to the cash register unless it were to visit with the clerk. What the principle demands is that even when we use people’s services, we also treat them as ends in themselves, or rather, that we also treat their humanity as an end in itself. But what does that mean?

There are two questions here: what does Kant mean by ‘humanity,’ and what does it mean to treat something as an ‘end in itself’? I turn to the latter first. Kant says that “morality and humanity, insofar as it is capable of it, is that which alone has dignity,”<sup>11</sup> and dignity is “that which constitutes the condition under which alone something can be an end in itself.”<sup>12</sup> To say that humanity in persons is an end in itself is to imply that persons have dignity. As Thomas Hill explains, dignity is an “unconditioned, incomparable worth.”<sup>13</sup>

The first point, that dignity is an unconditioned worth, is that it is a value not dependent upon contingent facts. Thus, for example, whatever has dignity has value

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<sup>10</sup> *G*, Ak. 4:429: “Handle so, daß du die Menschheit sowohl in deiner Person, als in der Person eines jeden andern jederzeit zugleich als Zweck, niemals bloß als Mittel brauchst.”

<sup>11</sup> *Ibid.*, Ak. 4:435: “Also ist Sittlichkeit und die Menschheit, so fern sie derselben fähig ist, dasjenige, was allein Würde hat.”

<sup>12</sup> *Ibid.*: “Das aber, was die Bedingung ausmacht, unter der allein etwas Zweck an sich selbst sein kann, hat nicht bloß einen relativen Werth, d. i. einen Preis, sondern einen innern Werth, d. i. Würde.”

<sup>13</sup> *Ibid.*, Ak. 4:436: “Unbedingten, unvergleichbaren Werth.”

independently of any effects, profit, or advantage which it might produce. . . . What has dignity has value whether in fact valued by anyone or not. Thus when Kant speaks of dignity as an “intrinsic value” he does not imply that, as a matter of fact, people value what has dignity for its own sake. The point is rather that a perfectly rational person would so value it.<sup>14</sup>

Humanity in persons, as an end in itself, does not obtain its worth by being desired or valued by the persons themselves or by others; it is objectively valuable.

The second aspect, that persons, as possessing humanity—and thus as ends in themselves and possessing dignity—have an “incomparable worth,” is of equal or even greater interest. Kant contrasts dignity with price: “In the place of that which has a price something else can also be set as equivalent; what on the other hand is above all price, and consequently allows no equivalent, has dignity.”<sup>15</sup> As Hill points out, Kant is claiming that persons can never be exchanged for anything with a mere price (material goods, skills and talents, and in general anything that satisfies human needs or desires), no matter how great. Even further than that, Kant is claiming that one cannot exchange one being with dignity for any other being with dignity, or even for any number of beings with dignity. Persons are not quantifiable, and cannot be subjected to the kind of moral calculations in which a smaller number of persons are sacrificed for a larger number.<sup>16</sup> One cannot murder an innocent person, no matter how socially insignificant, even to save 1 million people.<sup>17</sup>

But when Kant says that one must treat the *humanity* in persons as an end in itself, what, specifically, is he referring to by the term ‘humanity’? Kant seems to use this term in

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<sup>14</sup> Thomas E. Hill, Jr., *Dignity and Practical Reason in Kant’s Moral Theory*, p. 47–48.

<sup>15</sup> *G*, Ak. 4:434: “Was einen Preis hat, an dessen Stelle kann auch etwas anderes als Äquivalent gesetzt werden; was dagegen über allen Preis erhaben ist, mithin kein Äquivalent verstattet, das hat eine Würde.”

<sup>16</sup> Hill, *Dignity and Practical Reason*, p. 48–50.

<sup>17</sup> One can perhaps see echoes of this line of thought in what Kant says about punishment in *Die Metaphysik der Sitten* (hereafter *MdS*), Ak. 6:331–32. For *Die Metaphysik der Sitten* I have consulted *The Metaphysics of Morals*, trans. Mary Gregor (Cambridge: Cambridge University Press, 1996).

different, but related senses. In general, though, humanity is what raises us above animals and it is tied to our rationality (in fact, Kant refers to the Formula of Humanity as “this principle of humanity and every rational nature in general as an end in itself.”<sup>18</sup>) However, the Formula of Humanity is not concerned with rationality principally as a capacity for knowledge, rather, “rational nature sets itself apart from the rest by the fact that it sets itself an end.”<sup>19</sup> The desires and actions of all other animals are determined by instinct, but through his reason man moves far beyond the bounds of instinct.<sup>20</sup> In its most radical form, humanity (Kant also uses the term *personality*<sup>21</sup>), as the capacity to set one’s own end, is freedom or autonomy,<sup>22</sup> an ability of reason not just to modify, expand, and redirect our sensible desires, but to set its own, unempirical goal. In short, it is a man’s ability to follow laws of his own devising, not just laws of nature. It is humanity in this sense, as autonomy (and human

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<sup>18</sup> G, Ak. 4:430: “Dieses Princip der Menschheit und jeder vernünftigen Natur überhaupt, als Zwecks an sich selbst. . . .”

<sup>19</sup> *Ibid.*, Ak. 4:437: “Die vernünftige Natur nimmt sich dadurch vor den übrigen aus, daß sie ihr selbst einen Zweck setzt.”

<sup>20</sup> Cf. *Mutmaßlicher Anfang der Menschengeschichte* (hereinafter *MAM*), Ak. 8:111–15. I have consulted the following translations: “Speculative Beginning of Human History” in *Perpetual Peace and Other Essays on Politics, History, and Morals*, ed. & trans. Ted Humphrey (Indianapolis: Hackett Publishing Co., 1983), and “Conjectural Beginning of Human History,” trans. by Emil L. Fackenheim, in *On History*, ed. Lewis White Beck (Indianapolis: Bobbs-Merrill, 1963).

<sup>21</sup> In his Division of the Doctrine of Right in *MdS*, Kant equates humanity with man’s “personality independent of physical determinations (*homo noumenon*) (von physischen Bestimmungen unabhängiger Persönlichkeit, (*homo noumenon*)).” He connects it with “his faculty of freedom (*seines Freiheitsvermögens*)” and distinguishes it from his being a “human being (*homo phaenomenon*) (*dem Menschen (homo phaenomenon)*)” (Ak. 6:239). Here humanity seems to be personality regarded in a certain way (perhaps abstracted from personal quirks). In the *Religion innerhalb der Grenzen der bloßen Vernunft* (hereafter *R*), on the other hand, the reverse seems to be true, for Kant speaks of “personality” as “the idea of humanity considered entirely intellectually (*die Idee der Menschheit ganz intellectuell betrachtet*)” (Ak. 6:28). For the *Religion* I have consulted the following translation: *Religion within the Boundaries of Mere Reason and Other Writings*, trans. & ed. Allen Wood & George di Giovanni (Cambridge: Cambridge University Press, 1998).

<sup>22</sup> Cf. *Kritik der praktischen Vernunft* (hereinafter *KpV*), Ak. 5:87, where Kant seems to use ‘humanity’ as equivalent to ‘personality,’ and defines the latter as “freedom and independence from the mechanism of the whole of nature, regarded nevertheless at the same time as a capacity of a being which [is subject] to special pure practical laws, namely, ones given by his own reason. ( . . . Persönlichkeit, d. i. die Freiheit und Unabhängigkeit von dem Mechanismus der ganzen Natur, doch zugleich als ein Vermögen eines Wesens betrachtet, welches eigenthümlichen, nämlich von seiner eigenen Vernunft gegebenen, reinen praktischen Gesetzen. . . . )” I have consulted the following English translation of the 2<sup>nd</sup> Critique: *Critique of Practical Reason*, trans. & ed. Mary Gregor (Cambridge: Cambridge University Press, 1997).



persons as subjects of this autonomy), that Kant's Formula of Humanity demands we treat as an end in itself, making the autonomy of all human beings, including ourselves, the most important factor in any action.

One can see the connection between the Formula of Humanity and autonomy perhaps most clearly when Kant says in the 2<sup>nd</sup> Critique that

the moral law is *holy* (inviolable). A man is admittedly sufficiently unholy, but the *humanity* in his person must be holy to him. In all of creation everything that one wants and over which one has some power, can also be used *merely as means*; only the human being and with him every rational creature is *an end in itself*. He is, that is to say, the subject of the moral law, which is holy, by virtue of the autonomy of his freedom. Just for the sake of this every will, even every person's own will directed towards himself, is restricted to the condition of accordance with the *autonomy* of the rational being, it [is], that is to say, to be subjected to no purpose that is not possible according to a law which could arise out of the will of the suffering subject itself; therefore this subject [is] never to be used merely as a means, but at the same time even as an end.<sup>23</sup>

In the *Groundwork* also, Kant tells us that “*autonomy* is therefore the ground of the dignity of human and of every rational nature,”<sup>24</sup> and “that every rational being as an end in itself must be able to regard itself at the same time as universally legislative with respect to all laws to which it may always be subject, since just this fitness of its maxims for universal legislation distinguishes it as an end in itself.”<sup>25</sup>

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<sup>23</sup> *Ibid.*, Ak. 5:87: “Das moralische Gesetz ist *heilig* (inverletzlich). Der Mensch ist zwar unheilig genug, aber die *Menschheit* in seiner Person muß ihm heilig sein. In der ganzen Schöpfung kann alles, was man will, und worüber man etwas vermag, auch *blos als Mittel* gebraucht werden; nur der Mensch und mit ihm jedes vernünftige Geschöpf ist *Zweck an sich selbst*. Er ist nämlich das Subject des moralischen Gesetzes, welches heilig ist, vermöge der Autonomie seiner Freiheit. Eben um dieser willen ist jeder Wille, selbst jeder Person ihr eigener, auf sie selbst gerichteter Wille auf die Bedingung der Einstimmung mit der *Autonomie* des vernünftigen Wesens eingeschränkt, es nämlich keiner Absicht zu unterwerfen, die nicht nach einem Gesetze, welches aus dem Willen des leidenden Subjects selbst entspringen könnte, möglich ist; also dieses niemals *blos als Mittel*, sondern zugleich selbst als Zweck zu gebrauchen.”

<sup>24</sup> *G.*, Ak. 4:436: “*Autonomie* ist also der Grund der Würde der menschlichen und jeder vernünftigen Natur.”

<sup>25</sup> *Ibid.*, Ak. 4:438: “. . . daß jedes vernünftige Wesen als Zweck an sich selbst sich in Ansehung aller Gesetze, denen es nur immer unterworfen sein mag, zugleich als allgemein gesetzgebend müsse ansehen können, weil eben diese Schicklichkeit seiner Maximen zur allgemeinen Gesetzgebung es als Zweck an sich selbst auszeichnet.”

This understanding of the Formula of Humanity is clearly recognizable in one of Kant's examples of the application of the principle in concrete moral decisions: if someone, who needs to borrow money but has no means of ever repaying it, were to lie to a creditor, promising repayment in order to obtain a loan, he would be treating the creditor merely as a means. "Since the one whom I want to use for my purposes by such a promise cannot possibly agree with my way of proceeding towards him, and therefore himself contain the end of this action."<sup>26</sup> The autonomy of the creditor is not being given the respect that it deserves, not merely because he is going to lose in the transaction, but because his autonomy is being circumvented by the lie. The effect of the lie is to leave the creditor out of the decision making process, to prevent him from actively exercising his autonomy by choosing between making a generous gift and keeping his own money. Autonomy is an ability to follow one's own law and set oneself one's end, but the creditor is made to follow the law of the debtor's needs, and to serve the debtor's end without being able to accept it as his own, for it is hidden from him.

This is not to say that the Formula of Humanity states merely that all parties involved in any action must *actually* agree on the action, or that as long as everyone involved gives his consent the action is morally acceptable. What is consistent with a person's autonomy is not the same thing as what corresponds to his desires. Autonomy for Kant has a very determinate structure and it cannot be understood apart from one of his other formulations of the categorical imperative, the Formula of Universal Law, which is the primary formulation. Hence, before moving on to a deeper examination of the Formula of Humanity and its

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<sup>26</sup> *Ibid.*, Ak. 4:429–30: "Denn der, den ich durch ein solches Versprechen zu meinen Absichten brauchen will, kann unmöglich in meine Art, gegen ihn zu verfahren, einstimmen und also selbst den Zweck dieser Handlung enthalten."

consequences, I must first turn to a more fundamental examination of the categorical imperative and how the Formula of Humanity is related to the Formula of Universal Law.

### Section 3 - Approach to the Formula of Humanity

For Kant, universality and necessity belong to the very concept of a moral law. A moral law tells an agent what he *must* do, and applies universally to any agent (according to Kant, even to non-human rational agents, should any exist). Kant states:

That there must be such [a pure moral philosophy], is clear of itself from the common idea of duty and of moral laws. Everyone must admit that a law, if it is supposed to be valid morally, i.e., as ground of an obligation, must bear absolute necessity with it; [e.g., must admit] that the command ‘you should not lie,’ is not something valid merely for men, as if other rational beings did not have to pay attention to it, and so with all other true moral laws.<sup>27</sup>

For Kant, there is never a question whether morality is subjective and relative, or objective and absolute.<sup>28</sup> The former would be a contradiction in terms. If it is the case that one ought not to steal, and this is a moral judgment, then it is not up to a person’s discretion whether or not to steal. The omission of the action is *necessary*; although one may have the physical ability to perform the action if one so chooses, such a choice is always morally unacceptable. A person must not steal, not even if he is willing to accept the consequences. In short, no

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<sup>27</sup> *Ibid.*, Ak. 4:389: “Daß es eine solche geben müsse, leuchtet von selbst aus der gemeinen Idee der Pflicht und der sittlichen Gesetze ein. Jedermann muß eingestehen, daß ein Gesetz, wenn es moralisch, d. i. als Grund einer Verbindlichkeit, gelten soll, absolute Notwendigkeit bei sich führen müsse; daß das Gebot: du sollst nicht lügen, nicht etwa bloß für Menschen gelte, andere vernünftige Wesen sich aber daran nicht zu kehren hätten, und so alle übrige eigentliche Sittensgesetze.” Cf. also *ibid.*, Ak. 4:408: “If one does not want to dispute all the truth to the concept of morality and its relationship to any possible object, one cannot deny that its law is of such extended significance that it must be valid not merely for men, but for all *rational beings in general*, not merely under accidental conditions and with exceptions, but *simply necessarily*. (Wenn man dem Begriffe von Sittlichkeit nicht gar alle Wahrheit und Beziehung auf irgend ein mögliches Object bestreiten will, man nicht in Abrede ziehen könne, daß sein Gesetz von so ausgebreiteter Bedeutung sei, daß es nicht bloß für Menschen, sondern alle *vernünftige Wesen überhaupt*, nicht bloß unter zufälligen Bedingungen und mit Ausnahmen, sondern *schlechterdings nothwendig* gelten müsse.)”

<sup>28</sup> Paul Guyer makes this same point in *Kant’s Groundwork for the Metaphysics of Morals: A Reader’s Guide* (New York: Continuum, 2007), p. 26–27.

person, no matter what his subjective disposition may be, may steal. Accordingly, this moral law is also, as all moral laws, *universally* valid.

Some people may doubt whether there are such universal and necessary laws of action, whether there are any moral laws binding for us, and indeed Kant does at least seem to regard this as needing proof in the *Groundwork*. Nevertheless in his more mature work, the *Critique of Practical Reason*, Kant claims that it is a “fact of reason” that we are bound to act according to universally necessary laws, the only such unempirical fact.<sup>29</sup> In both works, however, Kant argues that if there are to be moral laws at all, they must be grounded in the following, purely formal, law of action (the ‘categorical imperative’): “Act so that the maxim of your will could always be valid at the same time as a principle of a universal legislation.”<sup>30</sup>

In the 2<sup>nd</sup> Critique Kant presents this first principle of all morality by arguing that since moral laws are by definition universal and necessary, “sure marks of a cognition *a priori*,”<sup>31</sup> they cannot possibly be drawn *a posteriori* from experience. Accordingly they cannot be based on inclinations or desires, for any rule that was so based would depend for

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<sup>29</sup> Cf. *KpV*, Ak. 5:30–31. There is some controversy as to whether this is a departure for Kant from his view in the *Groundwork*. For a summary of different positions regarding this, see Paul Guyer, introduction to *Kant’s Groundwork of the Metaphysics of Morals: Critical Essays*, ed. Paul Guyer (New York: Rowman & Littlefield Publishers, 1998), xl–xlii. While I do not wish to take a position on this, I think that it is important to note that even in the *Groundwork* Kant admits that “all human reason is entirely incapable of explaining *how* pure reason without other incentives which might be taken from somewhere else, can be practical for itself, i. e. how the mere *principle of the universal validity of all its maxims as laws* (which admittedly would be the form of a pure practical reason) without any matter (object) of the will, wherein one might take any interest in advance, could yield for itself an incentive and bring about an interest, which would be called purely *moral*, or in other words, *how pure reason can be practical*. (Wie nun aber reine Vernunft ohne andere Triebfedern, die irgend woher sonst genommen sein mögen, für sich selbst praktisch sein, d. i. wie das bloße *Princip der Allgemeingültigkeit aller ihrer Maximen als Gesetze* (welches freilich die Form einer reinen praktischen Vernunft sein würde) ohne alle Materie (Gegenstand) des Willens, woran man zum voraus irgend ein Interesse nehmen dürfe, für sich selbst eine Triebfeder abgeben und ein Interesse, welches rein *moralisch* heißen würde, bewirken, oder mit anderen Worten, *wie reine Vernunft praktisch sein könne*, das zu erklären, dazu ist alle menschliche Vernunft gänzlich unvermögend.)” (*G*, Ak. 4:461).

<sup>30</sup> *KpV*, Ak. 5:30: “Handle so, daß die Maxime deines Willens jederzeit zugleich als Princip einer allgemeinen Gesetzgebung gelten könne.”

<sup>31</sup> *KrV*, B 4.

its force upon the presence of the specific desire that it serves; if someone does not have that desire, then the rule has no force for him. For example, the rule “you ought to practice for the GRE” carries no weight for someone who has no desire to go to graduate school. But we cannot know *a priori* what desires, inclinations, or feelings a subject will have; different men desire different things, Kant observes, and the same man has radically different desires at different times in his life, nor could we possibly know what other, non-human, rational beings would desire. We can only know what we happen to desire now, and what other people indicate they happen to desire, and so practical rules based on desires are merely contingent.<sup>32</sup>

Since moral laws cannot be based on inclinations, they cannot be based on, as their ultimate determining ground, any object or goal that a subject may want to attain, for, according to Kant, the value of “every object of the will (as determining ground)”<sup>33</sup> is based upon the presence of some inclination in the subject that it satisfies. Accordingly, any *material* rule, one directed at the attainment of some condition that the subject desires, is empirically based, and hence not universal or necessary, and so not a moral law. Thus, Kant argues, moral laws must be entirely *formal*, grounded in the mere form of law as such, i.e., in universal necessity as such.<sup>34</sup> The only law that can be valid for every rational being, no matter what his nature, disposition, or condition, is the one that abstracts from all objects of desire and commands lawful behavior as such: “Act so that the maxim of your will could always be valid at the same time as a principle of a universal legislation.”

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<sup>32</sup> *KpV*, Ak. 5:21–22. Cf. *G*, Ak. 4:416, 444.

<sup>33</sup> *KpV*, Ak. 5:27: “. . . jeden Gegenstand des Willens, (als Bestimmungsgrund).”

<sup>34</sup> *Ibid.*, Ak. 5:27.

This argument from the universal necessity characteristic of moral law is also at work in the *Groundwork*, particularly in Section II, but another line of thought is also present there, most evidently in Section I. There Kant analyzes common moral concepts such as those of a good will and of duty (“which contains that of a good will, although under certain subjective constraints and hindrances;”<sup>35</sup> a dutiful will is a will that is good even though it is tempted to evil). He illustrates with some simple examples the distinction between actions in conformity with duty and actions performed *out of* duty, explaining that only the latter kind of action has moral worth. We must not only do what is right, but do it because it is right. More precisely, Kant’s examples are meant to illustrate that actions have moral worth only when they are done from duty, and not when done from inclination. (This is Kant’s implicit “first proposition.”<sup>36</sup>)

Then Kant introduces his “second proposition”:

An action out of duty has its moral worth *not in the purpose* that is to be obtained thereby, but in the maxim, according to which it is decided upon, and therefore depends not on the actuality of the object of the action, but merely on the *principle of the volition*, according to which the action takes place irrespective of all objects of the faculty of desire.<sup>37</sup>

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<sup>35</sup> G, Ak. 4:397: “der den eines guten Willens, obzwar unter gewissen subjectiven Einschränkungen und Hindernissen, enthält.”

<sup>36</sup> At *ibid.*, Ak. 4:399, Kant refers to “the second proposition,” although he had never identified a “first proposition.” The implicit first proposition is the one I have stated: “Actions only have moral worth if they are done from duty and not from inclination.” Kant states this, in slightly different forms, no less than six times in the passage immediately prior to stating the second proposition, once at the end of each of his examples after the first, and a couple of other times as well. Guyer, however, in *Kant’s Groundwork for the Metaphysics of Morals: A Reader’s Guide*, p. 40, gives the first proposition as “an action is an expression of a good will and has moral worth insofar as it is actually done *from duty* as its motive, not merely insofar as it is in *outward conformity* with the requirements of morality.” Yet his discussion on p. 41 of how the “third proposition” follows from the first two seems to indicate that the characteristic of “not being due to inclination” is implicit in his understanding of the first proposition.

<sup>37</sup> G, Ak. 4:399–400: “Eine Handlung aus Pflicht hat ihren moralischen Werth *nicht in der Absicht*, welche dadurch erreicht werden soll, sondern in der *Maxime*, nach der sie beschlossen wird, hängt also nicht von der Wirklichkeit des Gegenstandes der Handlung ab, sondern bloß von dem *Princip* des *Wollens*, nach welchem die Handlung unangesehen aller Gegenstände des Begehrungsvermögens geschehen ist.” This is the “second

Kant's discussion of the concept of a good will<sup>38</sup> clarifies and supports this assertion. Kant explains that the only thing that is unconditionally good is a good will, the value of even happiness being dependent on its presence (for we do not regard it as good if an evil man is happy). A good will does not depend for its value upon its efficacy in attaining any result. We regard a person as good if he fully wills and strives to do what is right, whether he is able to succeed or not. If a person tries with a resolute will to prevent a great tragedy or crime, even giving his life in the process, but through no fault of his own is not able to prevent it at all, we still respect him, and recognize his will as morally good, even though it accomplishes nothing.<sup>39</sup> Moral goodness lies, then, in the disposition of the will, and not in what the will actually accomplishes.<sup>40</sup> The examples Kant presents in his discussion of the first proposition<sup>41</sup> also bolster his second proposition, as Christine Korsgaard argues.<sup>42</sup> For in each of those examples pursuing a goal from inclination is contrasted with pursuing the very same goal from duty. Only in the latter case, Kant says, does the action have moral worth. No goal, then, is the deciding factor in determining moral worth. In fact, Kant argues, if the point

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proposition.”

<sup>38</sup> *Ibid.*, Ak. 4:393–96.

<sup>39</sup> Cf. *ibid.*, Ak. 4:393–94.

<sup>40</sup> One can shed more light on this argument by drawing on concepts introduced later in the *Groundwork*. Moral goodness can never be based on a *hypothetical* imperative, which states that one ought to do A in order to attain or bring about B. For the value of an action, A, commanded by a hypothetical imperative, is conditioned upon its efficacy in attaining this something, B, and so the will choosing A lacks value if this does not actually lead to B. The unconditional goodness of a will can only lie, then, in following a categorical imperative, which commands an action for its own sake, not for the sake of something else. But if all value based upon the attainment of any object must be excluded from the determining grounds in a categorical imperative, then a categorical imperative can only command action determined by the form of lawfulness as such.

<sup>41</sup> *G*, Ak. 4:397–99.

<sup>42</sup> Christine Korsgaard, “Kant’s Analysis of Obligation: The Argument of *Groundwork* I,” in *Kant’s Groundwork of the Metaphysics of Morals: Critical Essays*, p. 60–63. This essay is also contained in Christine Korsgaard, *Creating the Kingdom of Ends* (Cambridge: Cambridge University Press, 1996).

of morality were to bring about some good goal, then practical reason would be entirely superfluous, for mere instinct could have brought about the goal much more effectively.<sup>43</sup>

If all value based upon the realization of any purpose must be excluded from the determining grounds of a morally worthy action, a morally worthy action can only be determined by the moral law itself. And, per the first proposition, if an action is to have moral worth, the law must not determine one to act only because one has an inclination or desire for the law (if such is possible). Kant says, therefore:

Thus would I express the third proposition, as [the] consequence of the two previous: *duty is the necessity of an action from respect for the law*. . . . Nothing remains for the will that could determine it but objectively the *law* and subjectively *pure respect* for this practical law. . . .<sup>44</sup>

Kant finally concludes that since no purpose or content or inclination can give an action moral worth, only the mere form of lawfulness as such can determine its moral worth. The principle of all morality must, then, be the following purely formal one: “I should never proceed otherwise than in such a way that I could also will that my maxim should become a universal law.”<sup>45</sup>

While there can only be, according to these arguments, one categorical imperative, it can be formulated in several different ways. The formula just given is the Formula of Universal Law, and it is the primary formulation of the categorical imperative. The Formula

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<sup>43</sup> G, Ak. 4:395–96, 401.

<sup>44</sup> G, Ak. 4:400: “Den dritten Satz als Folgerung aus beiden vorigen würde ich so ausdrücken: *Pflicht ist die Nothwendigkeit einer Handlung aus Achtung fürs Gesetz*. . . . Bleibt nichts für den Willen übrig, was ihn bestimmen könne, als objectiv das *Gesetz* und subjectiv *reine Achtung* für dieses praktische Gesetz . . .” Guyer provides more or less the same analysis of how the third proposition is a consequence of the first two (*A Reader’s Guide*, p. 41).

<sup>45</sup> *Ibid.*, Ak. 4:402: “Ich soll niemals anders verfahren als so, *daß ich auch wollen könne, meine Maxime solle ein allgemeines Gesetz werden*.” Cf. also Ak. 4:414–16. In chapter 5 I will consider what Aquinas’ response to these arguments might be. One should note, however, that a Thomist could, in principle at least, allow for the existence of a universally necessary *material* principle, for by abstraction we could obtain knowledge of an inclination essential to rationality, and thus universally present in rational beings.



of Humanity is presented by Kant as an alternative formulation of the same imperative. But how does Kant move from his primary formulation of the categorical imperative to the Formula of Humanity, which seems rather different?

It is not immediately evident in Kant's writings how the two formulations are equivalent. In fact, some interpreters at least question whether Kant was right in asserting that the different formulations are in fact equivalent.<sup>46</sup> The following considerations are only a sketch of the equivalence between the two formulations, and do not to answer all questions on the matter.

By following the formal law of morality, I am acting in the only way that could be valid for all rational beings, i.e., that all rational beings have a ground for accepting (this is the converse of the fact that, as was explained above, the formal categorical imperative is derived from the universal validity of moral laws in the 2<sup>nd</sup> Critique.) Thus acting under the condition of universal lawfulness means making each and every rational being a limiting condition of every one of my actions; the moral person will not act in any way that is invalid for even one single rational being. By following the Formula of Universal Law, one refrains from using any person merely as a means, but treats every person as having at the same time an absolute, inviolable worth, in short, as an end in himself. Accordingly, the Formula of Universal Law and the Formula of Humanity are two sides of the same coin.<sup>47</sup>

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<sup>46</sup> See, for example Thomas Hill, *Dignity and Practical Reason*, p. 8-9, 46 & 201. For an instructive account defending their equivalence, upon which I have based my "two sides of the same coin" argument for the equivalence, see the chapter entitled "Universal Laws and Ends-in-Themselves" in Onora O'Neill, *Constructions of Reason: Explorations of Kant's Practical Philosophy* (Cambridge: Cambridge University Press, 1989), p. 126–144.

<sup>47</sup> See the previous footnote.

The equivalence is further clarified by means of the concept of autonomy, for the Formula of Humanity, as I explained above, is centered around the concept of autonomy, and the concept of autonomy is, Kant argues, founded upon our consciousness of being bound to universal law.<sup>48</sup> Kant argues that if I am bound to follow the purely formal command expressed in the Formula of Universal Law, then I must be a free being, for the categorical imperative requires me to act under the condition of lawfulness (or universalizability), whether my desires are in accord with this condition or not. My ability to act morally implies, then, that I am free and not governed by my desires. Conversely, Kant argues, if I am free, then my actions must be determined by the form of universal law as such, for nothing else besides it could determine me to act one way rather than another except my physical desires, and to be determined by physical desires is to be decidedly not free. Morality and freedom “therefore point alternately to one another.”<sup>49</sup> But I am first *conscious* of being bound to act such that the maxim of my action could be valid as universal legislation, and only because of this am I conscious of being free.<sup>50</sup> This freedom is autonomy, the capacity to act on laws

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<sup>48</sup> The 2<sup>nd</sup> Critique starts with the Formula of Universal Law, then moves to autonomy, to the moral objects good and evil, to the feeling of respect, and eventually to the Formula of Humanity (Ak. 5:87). The *Groundwork*, does not move in this direction, but rather first provides (Ak 4:427–29) an argument for the Formula of Humanity directly from the mere concept of a categorical imperative (or perhaps two arguments; for the latter view see H. J. Paton, *The Categorical Imperative: A Study in Kant's Moral Philosophy* (Philadelphia: University of Pennsylvania Press, 1971), p. 175–77; for an interpretation of the passage as one argument, see Christine Korsgaard, “Kant's Formula of Humanity” in *Creating the Kingdom of Ends* (Cambridge: Cambridge University Press, 1996), p. 106–32). He later, in summary, derives both FUL and FH from the concept of a good will, and then connects the two formulations together, and although his reasoning is difficult to grasp (Ak. 4:437–38), I understand it as making the argument I presented in the previous paragraph. But autonomy is the character of a will that makes it unconditionally good (cf. Ak. 4:444), and the Formula of Universal Law and autonomy reciprocally imply one another, as Kant explains in Section 3 of the *Groundwork*. In Section 2, where the Formula of Humanity is presented, Kant says several times that autonomy is the foundation of the dignity of humanity, the basis for its being an end in itself (Ak. 4:435–36, 438, 439–40).

<sup>49</sup> *KpV*, Ak. 5:29: “. . . weisen also wechselsweise auf einander zurück.” Cf. 5:28–29 as a whole, as well as *G*, Ak. 4:450. Henry Allison has a very penetrating discussion of what he calls the “reciprocity thesis” in “Morality and Freedom: Kant's Reciprocity Thesis,” *The Philosophical Review* 95 (1986): 393–425. Chapter 11 of his book *Kant's Theory of Freedom* (Cambridge: Cambridge University Press, 1990) is based on this article.

<sup>50</sup> *KpV*, Ak. 5:29–30.

that I have given myself, for the purely formal moral law that I follow must, Kant argues, be a law I give myself, since I could not be bound to a law that was imposed upon me externally except by means of some consequence I desire or fear that was attached to it, and such a law could not be a moral law.

Universal validity requires there to be some shared ground of action, and, given the radical contingency of desires, the only thing that can be common to all rational beings is their interest in the purely formal law of morality. The form of law as such is the only thing that can be a common good for all rational beings.<sup>51</sup> For every rational being to take an interest in this, every rational being must be autonomous, and, conversely, if every rational being is autonomous, every rational being takes an interest in the formal law of morality. For any rational being to act according to his own autonomy and follow the formal law of morality is for him to act in a way that is in accord with everyone else's autonomy as well. Thus respecting one's own autonomy and that of others—and autonomy is the basis for the person's status as an end in himself—is equivalent to acting on only those maxims that one could will to hold as universal laws.

Since for Kant it is a fact of reason that every person is conscious of being bound to follow the moral law, therefore every person is aware that his reason places an absolute, unconditional value on his autonomy, for the moral law is nothing other than reason's own self-legislation, nothing other than autonomy. Holding his own autonomy to have absolute value, a person must place an unconditional value on the autonomy of every other person as well. This is an implicit condition of following self-given universal law as I have shown, but

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<sup>51</sup> Strictly speaking, for Kant the form of law is not good. It is the principle of goodness. It determines what objects of the will are good (cf. *KpV*, Ak. 5:57–67). But, setting aside Kantian terminology, this principle of goodness can be called good *par excellence*.

one could also argue that since it is reason and not feeling which values autonomy, the same value must be placed on autonomy no matter where it is found, for one has the same reason to value it in each case.<sup>52</sup> Accordingly, one could express the categorical imperative as: “Always act towards persons, whether yourself or others, in such a way that you treat their autonomy as an end in itself,” or, in Kant’s words, “Act so that you use humanity, both in your person and in the person of everyone else, always at the same time as an end, and never merely as a means.”

#### Section 4 - Autonomous Action

The Formula of Humanity commands us to place an absolute value upon the autonomy, the freedom, of every rational being. Freedom belongs to the realm of noumena; we can have no intuition of it and consequently cannot *know* anything about it speculatively. If a free action were to appear as such in the phenomenal world, the chain of causes and effects would have to be broken and a new chain initiated. Such a thing cannot, in principle, be experienced according to Kant, for we must of necessity connect every event we experience as an effect with something that came before it in time as cause. Accordingly, we can never know speculatively that freedom is real. Nevertheless we are acquainted with freedom practically (not speculatively), but only in this respect: we are aware that our freedom establishes for us the purely formal moral law: act only according to maxims that can be willed as universal law. Our freedom has the character of autonomy. Hence the concept of freedom or autonomy cannot be used to justify any kind of morality that would

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<sup>52</sup> Cf. *G*, Ak. 4:428–29.

approve of actions merely on the grounds of their ‘spontaneity’ or ‘authenticity.’ Actions can only be considered free in virtue of their following universal law for its own sake.

Persons, as rational beings, are beings which set their own ends for themselves (and setting ends implies not being indifferent to achieving them), rather than having their ends given to them by naturally determined desires. This setting of one’s own ends is, once again, a noumenal reality, for one can find no justification for such a thing ever occurring in experience. Now each person’s primary self-given end is the universal validity, the lawfulness, of his actions, and thus his primary self-given end is at the same time the autonomy of all rational beings, his own and that of others. This is the necessary formal element in all free setting of ends. But each person can also be thought of as setting other ends for himself, ends subjected to the condition of harmonizing with his primary end. These can be considered the material element in free end-setting. Thus the moral law can be thought of in the following fashion: Act in such a way that one participates in a community of rational beings all respecting each other and their chosen ends, ends which always harmonize with one another because each person has subjected his own to the condition of their harmony with universal law, and thus with all other rational beings and their self-chosen ends. This is the idea expressed by Kant’s Formula of the Kingdom of Ends.<sup>53</sup>

What such ends might be, and thus what particular moral laws arise out of the application of the supreme moral law, the categorical imperative, to particular actions, cannot be conceived without empirical observation. As we have no access to the noumenal realm, we can be aware of no pure autonomous action except that of obligating ourselves to follow universal law; we do not know what ends we, as we are in our autonomous selves, would set

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<sup>53</sup> See *ibid.*, Ak. 4:433.

for ourselves or what actions we would perform, nor do we know what more specific laws we would give ourselves beyond the categorical imperative.

Making something one's end at the prompting of sensible desire, even if this has been done discerningly under the idea of happiness, is not truly, of itself, an exercise of the rational capacity to set oneself one's own end.<sup>54</sup> Autonomy, however, can, in principle, have an effect in the sensible world by taking up empirical desires and limiting and shaping them according to the form of universal law. We cannot know, in the case of any particular action we perform, whether we are truly acting autonomously or following some, perhaps subconscious, inclination, but we can know what action autonomy *would* demand in that specific situation. Particular moral laws such as "Do not lie," "Do not steal," etc., follow from the application of the categorical imperative to the general conditions of finite rationality as we know it.

In other words, although in every moral action the formal requirement expressed in the formulations of the categorical imperative must be the ultimate determining factor, we cannot deduce from it alone the concrete actions which we should perform. Empirical facts about our nature, situation, and desires must first be presupposed, and then the categorical imperative applied to them. Just as the *a priori* concepts of the understanding do not allow us to cognize anything by themselves, but only organize and unify sense-data into a meaningful

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<sup>54</sup> This is not to say that someone who seeks his own happiness without thought of what the moral law demands is not acting freely and so not responsible for his action. But such action is more of a failure to use one's capacity for setting one's own ends, a failure to use one's freedom, than something positive in itself. See *MdS*, Ak. 6:226–27.

experience, so too the categorical imperative alone does not lead to any action in the phenomenal world except by organizing and sifting our desires.<sup>55</sup>

Every finite rational being, and hence every human being, experiences desires, wants them by definition to be satisfied, and imagines the state of having all of his desires satisfied, which state Kant calls “happiness.”<sup>56</sup> If he did not possess autonomy, a human being could only be pulled about by these desires. He might be able to think about the best route to take in satisfying them and achieving happiness, but he would ultimately be governed by his desires and, as Hume would say, his reason could only be the servant of his passions. But according to Kant the human being must regard himself practically as possessing autonomy, and so must decide whether to act on his desires or not. One’s autonomy can have an effect upon the sensible world by limiting one to acting only upon those desire-satisfying maxims that can be valid universally, valid as laws, and to deny satisfaction to other desires.

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<sup>55</sup> *KpV*, Ak. 5:65: “Since, whereas actions *on the one hand* belong admittedly under a law which is no law of nature, but a law of freedom, and consequently [belong] to the conduct of intelligible beings, but *on the other hand* also as still events in the sensible world belong to appearances, so the determinations of a practical reason happen only in relation to the latter, and consequently, to be sure, according to the categories of the understanding, but [the determinations] can take place not in view of a theoretical use of [the understanding], in order to bring *a priori* the manifold of (sensible) *intuition* under one consciousness, but only in order to subject *a priori* the manifold of *desires* to the unity of consciousness of a practical reason commanding in moral laws, or a pure will. (Da indessen die Handlungen *einerseits* zwar unter einem Gesetze, das kein Naturgesetz, sondern ein Gesetz der Freiheit ist, folglich zu dem Verhalten intelligibeler Wesen, *andererseits* aber doch auch als Begebenheiten in der Sinnenwelt zu den Erscheinungen gehören, so werden die Bestimmungen einer praktischen Vernunft nur in Beziehung auf die letztere, folglich zwar den Kategorien des Verstandes gemäß, aber nicht in der Absicht eines theoretischen Gebrauchs desselben, um das Mannigfaltige der (sinnlichen) *Anschauung* unter ein Bewußtsein *a priori* zu bringen, sondern nur um das Mannigfaltige der *Begehrungen* der Einheit des Bewußtseins einer im moralischen Gesetze gebietenden praktischen Vernunft oder eines reinen Willens *a priori* zu unterwerfen, Statt haben können.)”

<sup>56</sup> *Ibid.*, Ak. 5:124: “*Happiness* is the condition of a rational being in the world for whom it *all goes according to [his] wish and will* in the whole of his existence. (*Glückseligkeit* ist der Zustand eines vernünftigen Wesens in der Welt, dem es im Ganzen seiner Existenz *alles nach Wunsch und Willen geht*. )” The emphasis in Kant’s concept of happiness is always on the satisfaction of one’s desires, whatever they may be. In other words, the emphasis is on pleasure. Cf. *ibid.*, Ak. 5:22. Nevertheless, for the most perfect happiness of all morality seems to be required, for as long as one is bound by the moral law at all, one feels worthless if one is in violation of it (see *MdS*, Ak. 6:394 & *G*, Ak. 4:454–55), *although this does not mean that the moral law gets any of its power to bind from this feeling*. Rather, one feels worthless only because one already recognizes the moral law’s binding force prior to such a feeling.

Yet by subjecting one's empirically given desires to the condition of universalizability, reason actually gives itself new *material* ends as well (although such ends are ends only because of the *form* of universality.) An example of this (an important one) is the end of helping other people.<sup>57</sup> It is an unavoidable empirical fact that a person desires happiness. He cannot not desire happiness. It is also inevitable for that person to want other people to help him satisfy his needs;<sup>58</sup> he may choose not to seek the help of others because he does not want to feel obliged to help them, or does not want to sacrifice his privacy or pride, etc, but in and of itself he cannot want other people not to help him when he needs help. It is therefore simply not possible for him to *will* as a law that no person should ever help other people; at the very least he would want to make an exception for others to help him, and so his will would be in conflict with itself.<sup>59</sup> His reason, in its autonomy, thus rejects the maxim of universal lack of help. The maxim of seeking the help of others while never offering help to them cannot be willed as universal law either, for as such it would be self-contradictory: I could not obtain the help of others since they would have as their maxim only to seek and not to provide help. Thus, the only maxim in this context that can be willed as a universal law, the only permissible maxim, and thus the obligatory maxim, is the maxim of helping others. Reason thus sets beneficence as an end for each person. This is a truly autonomous end; a person does not always naturally desire to help other people (e.g., an enemy in need), but reason demands this nonetheless.

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<sup>57</sup> Barbara Herman has perhaps the most well-known treatment of this. See "Mutual Aid and Respect for Persons," in *The Practice of Moral Judgment* (Cambridge, Mass.: Harvard University Press, 1993), 45–72.

<sup>58</sup> Cf. *MdS*, Ak. 6:393 & 453. One could also read Kant as saying that a person *ought*, if he is rational, to will that others help him.

<sup>59</sup> Cf. *G*, Ak. 4:423.



Reason sets and limits ends for us for no other reason than for the sake of following the law of its own devising, i.e., for the sake of autonomy. It does not do it for the sake of happiness, either one's own or that of others, *even when* the end it sets is the happiness of all persons. This may seem paradoxical, but Kant is consistent with himself nonetheless. Since the primary, determining end of reason is autonomy, self-lawfulness, one cannot do anything and everything to promote one's own or another's happiness. For example, one cannot lie (for that fails the universalizability test), even if telling the truth will likely lead to the death of one's friend.<sup>60</sup> Depending on the empirical situation, following the moral law might lead only to unhappiness and misery for oneself and others. Although Kant says that everyone would be happy *if* the moral law were universally followed, by oneself *and others*, and nature always cooperated with human designs, this is not in fact the case, and so in subjecting one's actions to the moral law one cannot rationally have happiness as one's *primary, determining* purpose, even when one is following reason's command to help other people. Even if following the moral law does lead to unhappiness, one's reason will not have failed in its primary purpose, for the moral law will have been followed, and reason will have achieved the end of autonomy that it set for itself.

By autonomously subjecting his maxims to the test of universalizability, the human person exhibits autonomy in his actions. Any action which fails the test is heteronomous. By commanding us to place an absolute value upon autonomy, the Formula of Humanity directs us to place an objective value as well on every action which exhibits autonomy. No heteronomous action, however, can have any objective value.

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<sup>60</sup> Cf. "Über ein vermeintes Recht aus Menschenliebe zu lügen," (hereafter *ÜvR*) Ak. 8:425–30.

## Section 5 - The Requirements of the Formula of Humanity

Having explained the character of autonomy and autonomous action, I can now set forth the consequences of the Formula of Humanity for our moral lives. Some of these consequences are negative: we are prohibited from doing certain things. Others are positive: we are required to actually work towards certain ends.

If one is to treat humanity in persons as an end in itself, then one cannot act in such a way that another's autonomy or freedom is directly violated. Accordingly, the Formula of Humanity forbids all manner of coercion, deception and manipulation. Theft, fraud, enslavement, rape, murder (as the destruction of the subject of autonomy) are all violations of the dignity of other human beings. They suppress a person's autonomy for the sake of the achieving some goal of the one who commits these crimes; the victim is used as a mere means by such acts. Hence one cannot act upon desires that are either directed at such acts, or which are directed to goals that one would attain by such acts.

As for the positive requirements of the Formula of Humanity, Kant tells us in the *Metaphysics of Morals* that "*one's own perfection and the happiness of others*" are the ends which it is a man's duty to have.<sup>61</sup> In order to better understand his position, however, it will be helpful to look at Kant's concepts of the *highest good* and the *worthiness to be happy*.<sup>62</sup>

In the interest of autonomy one has a reason to not only refrain from acting upon those desires that do not pass the universalizability test, but to actually eradicate them as much as possible. Such desires, whenever present, are always a temptation to act contrary to

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<sup>61</sup> *Ibid.*, Ak. 6:385–86.

<sup>62</sup> Kant himself does not derive the duty of promoting one's own perfection or the happiness of others from the concept of the highest good. He usually derives the latter via a contradiction in the will test, as I have described above, p. 38. But the concept of the highest good, which also plays an important role in Kant's moral philosophy, is clearly connected to these duties.

the moral law, and so to contradict one's own autonomy. Although the presence of such desires, when one acts morally in spite of them, makes the existence and value of autonomy much more apparent,<sup>63</sup> nevertheless they do not add anything to autonomy in actual fact, and are always a threat to it for rational beings such as us who are inevitably tempted to abandon morality for the sake of satisfying such desires.<sup>64</sup> Since, however, human beings are empirically conditioned beings, and human desires depend upon all sorts of physical and psychological factors that they cannot completely control, *holiness*—the condition of having no temptation whatsoever to act contrary to, or for any other motive than, the moral law—is unattainable for human beings. Accordingly, reason sets *virtue* instead as an end for human beings, the condition of resolutely attempting to form all one's maxims and make all one's choices out of respect for the law in the face of opposing inclinations and one's tendency to choose in their favor.<sup>65</sup> In doing so, virtue also shapes our inclinations themselves and so puts us in a condition of *constantly tending towards* a state of having no temptations to act contrary to the moral law.<sup>66</sup>

A person who is tending towards such a condition is *worthy of happiness*.<sup>67</sup> He chooses as his end nothing that involves immorality, and he does not approve or willingly

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<sup>63</sup> Cf. *G.*, Ak. 4:397

<sup>64</sup> As evidence that Kant thinks we ought to avoid what tempts us to transgress the moral law, see *ibid.*, Ak. 4:399: "To secure his own happiness is a duty (at least indirectly), since the lack of contentment with his condition, [being] in difficulty from many cares and in the midst of unsatisfied needs, could easily become a great *temptation to violation of duties*. (Seine eigene Glückseligkeit sichern, ist Pflicht (wenigstens indirect), denn der Mangel der Zufriedenheit mit seinem Zustande in einem Gedränge von vielen Sorgen und mitten unter unbefriedigten Bedürfnissen könnte leicht eine große *Versuchung zu Übertretung der Pflichten* werden.)"

<sup>65</sup> Cf. *R.*, Ak. 6:32–39.

<sup>66</sup> *KpV*, Ak. 5:83–84, 32–33, 128.

<sup>67</sup> Cf. "Über den Gemeinspruch: Das mag in der Theorie richtig sein, taugt aber nicht für die Praxis," (hereafter *UdG*) Ak. 8:278 n.: "The worthiness to be happy is that quality of a person, resting upon his own will, in accordance with which a universal legislating reason ([legislating] for nature as well as for the free will) would harmonize with all ends of this person. (Die Würdigkeit glücklich zu sein ist diejenige auf dem selbst eigenen Willen des Subjects beruhende Qualität einer Person, in Gemäßheit mit welcher eine allgemeine (der Natur

harbor any of his inevitable immoral desires. As long as one has desires that fail the universalizability test then he cannot be happy, that is, have all of his desires satisfied, while following the moral law; the more desires one has that are inconsistent with the moral law, the less he can be happy and moral at the same time. By directing one towards virtue, reason in its autonomy directs one to a condition in which he is worthy of happiness, a condition of resolute progress towards the condition in which he *could be* both moral and happy at the same time.<sup>68</sup> (He need not actually be in the latter condition already to be worthy of happiness, but the former condition causes him to tend towards the latter condition.)

This does not mean that one will actually be happy or that one needs to be for reason to achieve its primary objective, yet on the condition of this worthiness, reason does take an interest in one's happiness. For, as I stated above, reason in its autonomy acts upon desires that meet its condition of universalizability, and so if all one's desires meet this condition, reason will attempt to satisfy them all, that is, it will seek happiness. Accordingly, the ends which reason has are morality and happiness in proportion to morality:

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sowohl als dem freien Willen) gesetzgebende Vernunft zu allen Zwecken dieser Person zusammenstimmen würde.)” For *UdG* I have consulted the translation of Ted Humphrey, *Perpetual Peace and Other Essays*. See also *KpV*, Ak. 5:130: “Someone is *worthy* of the possession of a thing or of a condition if it harmonizes with the highest good that he be in possession of this. (*Würdig* ist jemand des Besitzes einer Sache oder eines Zustandes, wenn, daß er in diesem Besitze sei, mit dem höchsten Gute zusammenstimmt.)”

<sup>68</sup> In saying this I do not intend to make Kant's mature moral theory out to be what Dieter Henrich calls “the theory of the worthiness of happiness.” On his view, when Kant was working on the 1<sup>st</sup> Critique he held a moral theory “intermediate” between his pre-critical views and the views of his mature ethical works, a theory which, although “it imposes a condition upon every hope for happiness that requires abstraction from all sensual interests,” nevertheless “derives all the moral law's motivating power from the hope for happiness.” (*Aesthetic Judgment and the Moral Image of the World: Studies in Kant* (Stanford: Stanford University Press, 1992), p. 21–22.) Although the worthiness to be happy remains a theme throughout Kant's critical period, the interest which reason takes in it is entirely derivative in his theory. It “is indeed only the effect of the already presupposed importance of moral laws. (ist in der That nur die Wirkung von der schon vorausgesetzten Wichtigkeit moralischer Gesetze.)” (*G*, Ak. 4:450) The continued (if derivative) significance of this concept in Kant's moral theory can be gathered from its presence in the *Groundwork* (in the passage just quoted), the 2<sup>nd</sup> Critique (in the passage quoted just below), and from the passage quoted in the footnote above from *UdG* which was published in 1793.

That virtue (as the worthiness to be happy) is the *supreme condition* of all that which only may appear desirable to us, therefore also of all our promotion of happiness, and therefore is the *supreme* good, has been proved in the Analytic [of the *Critique of Practical Reason*]. But it is not yet for that reason the whole and perfect good, as object of the faculty of desire of finite rational beings, since for this *happiness* is also required, and indeed not merely in the biased eyes of the person who makes himself into an end, but even in the judgment of an unbiased reason, which regards everyone in general in the world as an end in himself. Since to be in need of happiness, and worthy of it also, but nevertheless not to be blessed with the same, is not at all compatible with the perfect will of a rational being which at the same time had all power, even if we only think such a being for the experiment. Now, so far as duty and happiness together make up the possession of the highest good in a person, while also happiness distributed precisely in proportion to morality (as worth of the person and his worthiness to be happy) makes up the *highest good* of a possible world, so this signifies the perfect good, the whole.<sup>69</sup>

Reason, then, directs us to seek and promote general happiness in the world, but always only on the condition of morality, of following universal law (and since we should want every person to be moral, we should ultimately want every person to be happy as well). Treating persons as ends, placing an absolute value upon their autonomy, entails taking as an end each person's virtue and happiness (including one's own).

However, precisely because virtue has the character of autonomy, we cannot *make* another person virtuous; that would be a contradiction in terms. Virtue consists not in outward acts but in interior dispositions which only a person himself can effect. Hence our attention towards other people should be directed towards contributing to their happiness, to

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<sup>69</sup> KpV, Ak. 5:110: "Daß Tugend (als die Würdigkeit glücklich zu sein) die *oberste Bedingung* alles dessen, was uns nur wünschenswerth scheinen mag, mithin auch aller unserer Bewerbung um Glückseligkeit, mithin das *oberste* Gut sei, ist in der Analytik bewiesen worden. Darum ist sie aber noch nicht das ganze und vollendete Gut, als Gegenstand des Begehungsvermögens vernünftiger endlicher Wesen; denn um das zu sein, wird auch *Glückseligkeit* dazu erfordert und zwar nicht blos in den parteiischen Augen der Person, die sich selbst zum Zwecke macht, sondern selbst im Urtheile einer unparteiischen Vernunft, die jene überhaupt in der Welt als Zweck an sich betrachtet. Denn der Glückseligkeit bedürftig, ihrer auch würdig, dennoch aber derselben nicht theilhaftig zu sein, kann mit dem vollkommenen Wollen eines vernünftigen Wesens, welches zugleich alle Gewalt hätte, wenn wir uns auch nur ein solches zum Versuche denken, gar nicht zusammen bestehen. So fern nun Tugend und Glückseligkeit zusammen den Besitz des höchsten Guts in einer Person, hiebei aber auch Glückseligkeit, ganz genau in Proportion der Sittlichkeit (als Werth der Person und deren Würdigkeit glücklich zu sein) ausgetheilt, das *höchste Gut* einer möglichen Welt ausmachen: so bedeutet dieses das Ganze, das vollendete Gute." Cf. also G, Ak. 4:396.

the outward achievement of the goals they have set themselves, as long as those goals have been set consistently with their autonomy, and hence not immorally. “For the ends of the subject who is an end in himself must, if that representation is to have *all* its effect on me, also be *my* ends, so far as possible.”<sup>70</sup> Accordingly, Kant tells us in the *Metaphysics of Morals* that “*one’s own perfection and the happiness of others*” are the ends which it is a man’s duty to make his own. (He leaves out one’s own happiness because duty implies subjective resistance to the demands of the moral law, and every person unavoidably desires his own happiness.)<sup>71</sup>

Pure reason, in setting these ends as duties, does not prescribe the specific actions that one is to perform to achieve these ends; the duties are *imperfect* duties. With regard to such duties, the moral law

leaves for free choice a leeway (*latitudo*) in the compliance (observance), that is, it cannot specify determinately how much ought to be brought about and how by the action for the end which is at the same time a duty. — But by a wide duty a permission for exceptions from the maxim of actions is not understood, but only the [permission] for the limitation of one maxim of duty by another (e. g., [a maxim of] universal love of neighbors by [a maxim of] love for parents).<sup>72</sup>

One must *always* have one’s own perfection and the happiness of others among one’s ends, but one need not, and indeed cannot do everything, every moment, which could further these ends. One must choose in good faith which specific actions one is going to take for the promotion of these ends.

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<sup>70</sup> *Ibid.*, Ak. 4:430: “Denn das Subject, welches Zweck an sich selbst ist, dessen Zwecke müssen, wenn jene Vorstellung bei mir *alle* Wirkung thun soll, auch, so viel möglich, *meine* Zwecke sein.”

<sup>71</sup> *MdS*, Ak. 6:385–86, 451, but see *G*, Ak. 4:399, which describes how in some situations pursuing one’s own happiness can become a duty.

<sup>72</sup> *MdS*, Ak. 6:390: “. . . der Befolgung (Observanz) einen Spielraum (latitudo) für die freie Willkür überlasse, d. i. nicht bestimmt angeben könne, wie und wie viel durch die Handlung zu dem Zweck, der zugleich Pflicht ist, gewirkt werden solle. — Es wird aber unter einer weiten Pflicht nicht eine Erlaubniß zu Ausnahmen von der Maxime der Handlungen, sondern nur die der Einschränkung einer Pflichtmaxime durch die andere (z. B. die allgemeine Nächstenliebe durch die Elternliebe) verstanden.”

Kant divides one's own perfection into natural perfection and moral perfection. The latter is for one "to do his duty and indeed *out of duty*."<sup>73</sup> It means following the moral law and achieving moral worth. The former, however, is the

*cultivation [Cultur] of all capacities in general for the promotion of the ends presented by reason. . . . The capacity to set oneself some end in general is the characteristic of humanity (as opposed to animality). The rational will, and consequently the duty, to make oneself deserving of humanity through culture in general, to obtain or further the capacity for carrying out all kinds of possible ends, so far as this is found in the man himself, is therefore also connected with the end of humanity in our own person.*<sup>74</sup>

Autonomy is a faculty that sets its own ends for itself, rather than merely serving ends set for it by another or by nature. It is objectively valuable, according to Kant, whenever a human being, in his autonomy, sets himself an end. In pursuing the overarching ends of virtue and happiness, a human person can autonomously choose between all sorts of permissible ends. The ultimate condition for a person to be truly setting his own end is that the determining ground of his will is the form of law, rather than the matter sought, hence the person achieves moral worth whether his action is successful or not. However, reason cannot be totally indifferent to its ability to obtain the ends which it has set for itself, for

he who wills the end wills also (so far as reason has decisive influence upon his actions) the indispensably necessary means thereto that is in his power. This proposition is, as far as the willing is concerned, analytic, since my causality as an acting cause, i.e., the use of means, is already thought in the willing of an object as my effect.<sup>75</sup>

<sup>73</sup> *Ibid.*, Ak. 6:392: "Seine Pflicht zu thun und zwar *aus Pflicht*."

<sup>74</sup> *Ibid.*, Ak. 6:391–92: ". . . *Cultur* aller *Vermögen* überhaupt zu Beförderung der durch die Vernunft vorgelegten Zwecke. . . . Das Vermögen sich überhaupt irgend einen Zweck zu setzen ist das Charakteristische der Menschheit (zum Unterschiede von der Thierheit). Mit dem Zwecke der Menschheit in unserer eigenen Person ist also auch der Vernunftwille, mithin die Pflicht verbunden, sich um die Menschheit durch *Cultur* überhaupt verdient zu machen, sich das *Vermögen* zu Ausführung allerlei möglichen Zwecke, so fern dieses in dem Menschen selbst anzutreffen ist, zu verschaffen oder es zu fördern."

<sup>75</sup> G, Ak. 4:417: "Wer den Zweck will, will (so fern die Vernunft auf seine Handlungen entscheidenden Einfluß hat) auch das dazu unentbehrlich nothwendige Mittel, das in seiner Gewalt ist. Dieser Satz ist, was das Wollen

Accordingly, reason makes it a duty for the human being to make the cultivation of his own capacities one of his ends.

As an end that it is also a duty to have, the happiness of others includes *all* others. One must will happiness for all people (always on the condition of morality), and so be universally *benevolent*. One must be willing to make everyone happy, if only one had the power to do so. However, one can be selectively *beneficent*, doing more for some people than for others. Indeed, one will never directly do anything at all for most people (except perhaps to pray, which is important for Aquinas, if not for Kant). This is inevitable for a finite being and, since the duty of beneficence is an imperfect duty, it is appropriate. “In wish I can be benevolent to all *equally*, but in deed the degree can still be varied greatly according to the difference of the one loved (one of whom concerns me more closely than the other) without violating the universality of the maxim.”<sup>76</sup>

While the Formula of Humanity directs us to promote the happiness of other human beings, in doing so it forbids us from simply imposing our own conception of happiness on them. We must let them decide for themselves what will make them happy, and support them in the attainment of their own goals, so long as they are morally permissible.<sup>77</sup> This is not

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betrifft, analytisch; denn in dem Wollen eines Objects als meiner Wirkung wird schon meine Causalität als handelnde Ursache, d. i. der Gebrauch der Mittel, gedacht.”

<sup>76</sup> *MdS*, Ak. 6:452: “Im Wünschen kann ich allen *gleich* wohlwollen, aber im Thun kann der Grad nach Verschiedenheit der Geliebten (deren Einer mich näher angeht als der Andere), ohne die Allgemeinheit der Maxime zu verletzen, doch sehr verschieden sein.”

<sup>77</sup> Cf. *Ibid*, Ak. 6:388: “If therefore it is a question of happiness, towards which as my end it should be a duty to work, then it must be the happiness of *other* men, *whose* (permitted) *end I herewith also make into mine*. What they may count towards their happiness is up to them to judge themselves, except that I am entitled to refuse many things which *they* reckon towards [their happiness], but which I do not hold as such, if they have no right otherwise to require it from me as theirs. (Wenn es also auf Glückseligkeit ankommt, worauf als meinen Zweck hinzuwirken es Pflicht sein soll, so muß es die Glückseligkeit *anderer* Menschen sein, *deren* (erlaubten) *Zweck ich hiemit auch zu dem meinigen mache*. Was diese zu ihrer Glückseligkeit zählen mögen, bleibt ihnen selbst zu beurtheilen überlassen; nur daß mir auch zusteht manches zu weigern, was *sie* dazu rechnen, was ich aber nicht dafür halte, wenn sie sonst kein Recht haben es als das Ihrige von mir zu fordern.)”



only because there is, according to Kant, no essential human nature such that one could know ahead of time what would make a person happy. It is also because we only have a *moral* interest in promoting the happiness of others in the first place because we are bound to respect their autonomy, their faculty of setting ends for themselves. To try to force a version of happiness on another human being, even if out of a concern for him, is to misunderstand the true order of values inherent in rationality.

As I have already said, Kant states that the perfection of others is not one of the ends we are duty-bound to have, since “it is a contradiction to make the perfection of another into an end for me and to consider myself obligated to furthering this. For the perfection of another man, as a person, consists precisely in the fact that he himself is capable of setting himself his end according to his own concepts of duty.”<sup>78</sup> Nevertheless, Kant did not completely reject the notion of having at least some concern for the perfection, moral and natural, of other human beings. The very fact that he spent so much time writing books on moral philosophy seems to imply this. In the *Groundwork* he tells us the purpose of his book is not merely speculative, but rather to serve the interest of morality itself.<sup>79</sup> Perhaps Kant thought that any assistance one could provide for the promotion of the self-perfection of others was really negative assistance, the removal of an obstacle, whether it be intellectual confusion about one’s duty or scandal.<sup>80</sup> At any rate, Kant was concerned above all to avoid the kind of misguided concern for others that takes over their responsibility for them, and

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<sup>78</sup> *Ibid.*, Ak. 6:386: “Eben so ist ein Widerspruch: eines anderen Vollkommenheit mir zum Zweck zu machen und mich zu deren Beförderung für verpflichtet zu halten. Denn darin besteht eben die Vollkommenheit eines andern Menschen, als einer Person, daß er selbst vermögend ist sich seinen Zweck nach seinen eigenen Begriffen von Pflicht zu setzen.”

<sup>79</sup> *G*, Ak. 4:390.

<sup>80</sup> *Ibid.*, Ak. 4:405, & *MdS*, Ak. 6:394.

prevents them from ever reaching maturity and self-direction.<sup>81</sup> This pitfall aside, it seems that valuing the autonomy of other rational beings would involve doing what one could to provide favorable conditions for them to develop their character and skills.

It was stated above that the Formula of Humanity, although it bids us to respect the autonomy of every person affected by our action, does not authorize us to act in any way we want on the mere condition that everyone involved gives his consent. Nor does it forbid any action to which someone involved does not consent. The Formula of Humanity bids us to have a *defeasible* predisposition to satisfying the ends of other human beings, because what we are interested in primarily is not their happiness, but their autonomy. Actions which cannot be an expression of autonomy but rather imply heteronomy by their very nature do not demand respect. Just because a person desires death and requests to have his life ended does not make assisted suicide morally permissible. Suicide fails to satisfy the conditions of the moral law, and so cannot be an autonomously chosen end. A person could only make that his end heteronomously, governed by his desires and aversions. Nor is it morally impermissible for criminals to be punished. A criminal convicted of his crime who does not consent to his punishment is once again acting heteronomously, for that criminals fail to be punished for their crimes cannot be willed as a universal law.<sup>82</sup>

In all this, one can see that Kant's Formula of Humanity grounds a fairly conventional morality: "Do not lie," "Do not kill," "Love everyone," etc. This is appropriate, for, as Kant says, "it may well have been possible to suspect in advance that the knowledge of that which it is every man's responsibility to do, and therefore also to know, would be the

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<sup>81</sup> Cf. Kant's essay "Beantwortung der Frage: Was ist Aufklärung?" (hereinafter *WA*), Ak. 8:35–36.

<sup>82</sup> Cf. *MdS*, Ak. 6:335.

business also of every man, even the most common.”<sup>83</sup> One of the most characteristic features of Kant’s moral system, however, which sets it apart from other modern moral philosophies, is the strictness of its prescriptions, allowing for no exceptions, which is due to the central place accorded in it to the form of lawfulness as such and the unconditioned, incomparable dignity of every human person.

### Section 6 - Love of Neighbor and the Duty of Friendship

Of particular interest, given the moral theory of Aquinas which I will soon be discussing, is the fact that on several occasions Kant discusses the second great commandment of Scripture, “Love your neighbor as yourself.” He argues that this cannot be a command to have the feeling of love, to delight in a person (which he refers to as “*amor complacentiae*” on one occasion). “To have a duty to this (as an immediate attraction bound with the representation of the existence of an object), i.e., to have to be forced to be attracted to it, is a contradiction.”<sup>84</sup> “But *benevolence* (*amor benevolentiae*) as a deed can be subject to a law of duty.”<sup>85</sup>

The *feeling* of love is not wholly irrelevant, however. Kant explains that

*beneficence* is a duty. Whoever practices this often, and succeeds in his beneficent intentions, comes surely in the end to even actually love the one to whom he has done good. If therefore it is said: you should *love* your neighbors as yourself, this does not mean: you should immediately (first) love and by means of this love (afterwards) do

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<sup>83</sup> *G*, Ak. 4:404: “Das ließe sich auch wohl schon zum voraus vermuthen, daß die Kenntniß dessen, was zu thun, mithin auch zu wissen jedem Menschen obliegt, auch jedes, selbst des gemeinsten Menschen Sache sein werde.”

<sup>84</sup> *MdS*, Ak. 6:402: “Zu dieser aber (als einer unmittelbar mit der Vorstellung der Existenz eines Gegenstandes verbunden Lust) eine Pflicht zu haben, d. i. zur Lust woran genöthigt werden zu müssen, ist ein Widerspruch.”

<sup>85</sup> *Ibid.*, Ak. 6:401: “*Wohlwollen* (*amor benevolentiae*) aber kann als ein Thun einem Pflichtgesetz unterworfen sein.”

good, but: *do good* to your neighbor, and this beneficence will produce love for mankind (as skill of the inclination for beneficence in general) in you!<sup>86</sup>

Kant states further, in discussing both great commandments, that “to love God means, in this sense, to *like* doing his commands; to love neighbor means to *like* observing every duty towards him. But the command that makes this into a rule can also not command [one] *to have* this feeling in actions that accord with duty, but merely *to strive* after this.”<sup>87</sup> The moral law, according to Kant, commands love as benevolence/beneficence, and directs us towards the feeling of love as an ideal, just as it directs us towards holiness.

In addition to love, there is a duty of *respect* for other persons. Being beneficent often leads to a feeling of moral superiority. Being the object of charity is often demeaning for people. For example, this can be the case with the poor. Moreover, one who is the object of someone’s delight can also be treated as an inferior. Love can be patronizing. Accordingly, one must strive at the same time to have respect, that is, “recognition of a *dignity (dignitas)* in other men, i.e., a worth which has no price, no equivalent, for which the object of esteem (*aestimii*) could be exchanged.”<sup>88</sup> This means, for example, that

we will recognize ourselves as bound to be beneficent towards a poor man; but since this kindness nevertheless also implies the dependence of his wellbeing on my

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<sup>86</sup> *Ibid.*, Ak. 6:402: “*Wohlthun* ist Pflicht. Wer diese oft ausübt, und es gelingt ihm mit seiner wohlthätigen Absicht, kommt endlich wohl gar dahin, den, welchem er wohl gethan hat, wirklich zu lieben. Wenn es also heißt: du sollst deinen Nächsten *lieben* als dich selbst, so heißt das nicht: du sollst unmittelbar (zuerst) lieben und vermittelst dieser Liebe (nachher) wohlthun, sondern: *thue* deinem Nebenmenschen *wohl*, und dieses Wohlthun wird Menschenliebe (als Fertigkeit der Neigung zum Wohlthun überhaupt) in dir bewirken!”

<sup>87</sup> *KpV*, Ak. 5:83: “Gott lieben, heißt in dieser Bedeutung, seine Gebote *gerne* thun; den Nächsten lieben, heißt, alle Pflicht gegen ihn *gerne* ausüben. Das Gebot aber, daß dieses zur Regel macht, kann auch nicht diese Gesinnung in pflichtmäßigen Handlungen zu *haben*, sondern blos darnach zu *streben* gebieten.” Doing what God commands is simply to do what the moral law which we give ourselves commands, but to conceive of that law as also given by God. Cf. *Ibid.*, Ak. 5:129. For the latter reference I am indebted to Werner S. Pluhar, trans., *Critique of Judgment: Including the First Introduction* (Indianapolis: Hackett Publishing Company, 1987) , p. 376, n. 103.

<sup>88</sup> *MdS*, Ak. 6:462: “. . . Anerkennung einer *Würde (dignitas)* an anderen Menschen, d. i. eines Werths, der keinen Preis hat, kein Äquivalent, wogegen das Object der Werthschätzung (*aestimii*) ausgetauscht werden könnte.”

magnanimity, which humiliates the other all the same, so it is a duty to spare the recipient this humiliation by behaving in a way that represents this beneficence either as merely [my] duty or as a slight service of love, and to preserve for him his respect for himself.<sup>89</sup>

Love and respect are combined in *friendship*. Whenever people actively love and respect each other out of obedience and respect for the moral law (which, one could say, is their true common good), they become friends. Hence, by virtue of the duties of love and respect for all human beings, we have a duty to strive towards friendship, well aware of our limitations (which are acceptable, for duties of love are imperfect duties).

*Friendship* (considered in its perfection) is the uniting of two persons through equal mutual love and respect.—One sees easily that it is an ideal in which each one of those united by the morally good will participates and communicates in the wellbeing of the other, and if it does not also bring about the entire happiness of life, the establishment of this [ideal] in their mutual attitude implies their worthiness to be happy, [and implies] therefore that friendship among men is their duty.—But it is easy to see that friendship is a mere (but nevertheless practically necessary) idea, which is indeed unattainable in practice, but that to strive after it (as a maximum of good attitude towards one another) is assigned by reason, not as something common, but as an honourable duty.<sup>90</sup>

While Kant's conception of love and friendship is, ultimately, too thin, because based upon no more as a common good than the mere form of lawfulness as such, it is nevertheless impressive that he is able to draw such conclusions from the categorical imperative. The

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<sup>89</sup> *Ibid.*, Ak. 6:448–49: “So werden wir gegen einen Armen wohlthätig zu sein uns für verpflichtet erkennen; aber weil diese Gunst doch auch Abhängigkeit seines Wohls von meiner Großmuth enthält, die doch den Anderen erniedrigt, so ist es Pflicht, dem Empfänger durch ein Betragen, welches diese Wohlthätigkeit entweder als bloße Schuldigkeit oder geringen Liebesdienst vorstellt, die Demüthigung zu ersparen und ihm seine Achtung für sich selbst zu erhalten.”

<sup>90</sup> *Ibid.*, Ak. 6:469: “*Freundschaft* (in ihrer Vollkommenheit betrachtet) ist die Vereinigung zweier Personen durch gleiche wechselseitige Liebe und Achtung. — Man sieht leicht, daß sie ein Ideal der Theilnehmung und Mittheilung an dem Wohl eines jeden dieser durch den moralisch guten Willen Vereinigten sei, und, wenn es auch nicht das ganze Glück des Lebens bewirkt, die Aufnahme desselben in ihre beiderseitige Gesinnung die Würdigkeit enthalte glücklich zu sein, mithin, daß Freundschaft unter Menschen Pflicht derselben ist. — Daß aber Freundschaft eine bloße (aber doch praktisch-nothwendige) Idee, in der Ausübung zwar unerreichbar, aber doch darnach (als einem Maximum der guten Gesinnung gegen einander) zu streben von der Vernunft aufgegeben, nicht etwa gemeine, sondern ehrenvolle Pflicht sei, ist leicht zu ersehen.”

Formula of Humanity, as implying at the same time the Formula of Universal Law, is a rather fruitful principle.

### Section 7 - God and the Moral Law

Given that Aquinas recognizes a central role for God in morality, it is appropriate, before turning my attention directly to Aquinas, to set forth briefly the role that God plays in Kant's moral philosophy.

According to Kant, it is impossible to know anything about God, even whether He exists. God is not a being who could, as God, appear in the phenomenal world. We can have no intuition of Him and hence no cognition. Correspondingly, Kant has no role for God in the derivation of the moral law or any moral duties. However, theoretical reason can find no incoherence in our *idea* of God, and while the moral law contains its own validity within itself, practical reason makes use of this idea to render moral obligation intuitive (by means of anthropomorphism):

The *formality* of all religion—if one defines it thus: it is ‘the embodiment of all duties *as (instar)* divine commands’—belongs to philosophical morals, as only the relation of reason to the *idea* of God, which it makes for itself, is expressed thereby, and a religious duty, then, is not yet made into a duty *towards (erga)* God as a being existing outside our idea, as we hereby still abstract from His existence. . . . We cannot, in fact, well make obligation (moral necessitation) intuitive for us without thereby thinking of an *other* and His will, namely, God (of whom universal legislative reason is only the spokesman).—Only this duty in *regards* to God (actually, the idea which we make for ourselves of such a being) is a duty of man to himself, i.e., it is not objective, an obligation for the performance of certain services to another, but only subjective, for the strengthening of the moral incentive in our own legislative reason.<sup>91</sup>

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<sup>91</sup> *Ibid.*, Ak. 6:487: “Das *Formale* aller Religion, wenn man sie so erklärt: sie sei ‘der Inbegriff aller Pflichten *als (instar)* göttlicher Gebote’, gehört zur philosophischen Moral, indem dadurch nur die Beziehung der Vernunft auf die *Idee* von Gott, welche sie sich selber macht, ausgedrückt wird, und eine Religionspflicht wird

Practical reason has a further use for the idea of God as well, one which provides an actual warrant for faith in His existence. The moral law directs us, as discussed above, towards the promotion of the *highest good*, morality and happiness in proportion to it for all human beings. However, there is absolutely no guarantee that moral people will be happy and that immoral people will not be. Both the injustice of human beings and the inclemency of nature lead to what appears to be a very unjust distribution of happiness. In fact, given that nature, both in the world around us and in our bodies and desires, follows inexorable laws which are independent of moral laws, it seems impossible for there to ever be a permanent correspondence between virtue and happiness.<sup>92</sup> Yet, while happiness is not the supreme or determinative good for reason (rather, virtue is), nevertheless the moral law itself bids us to promote the end of happiness for moral people. Subjectively, we cannot promote an end which we cannot even think possible.

For this reason, the moral law justifies *a priori* a pure, rational faith in the existence of God. As an omniscient, moral being who creates the world and its laws, He guarantees that, if not in this life at least in the next, happiness will be distributed in exact proportion to morality.<sup>93</sup> Hence faith in God provides *hope* for us, a hope which is necessary for us if we are to follow the demands of morality and not despair. Without such hope, without faith in God, we could still recognize the validity of the moral law and its command to promote

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alsdann noch nicht zur Pflicht *gegen* (erga) Gott als ein außer unserer Idee existirendes Wesen gemacht, indem wir hiebei von der Existenz desselben noch abstrahiren. . . . Wir können uns nämlich Verpflichtung (moralische Nöthigung) nicht wohl anschaulich machen, ohne einen *Anderen* und dessen Willen (von dem die allgemein gesetzgebende Vernunft nur der Sprecher ist), nämlich Gott, dabei zu denken— — Allein diese Pflicht in *Ansehung* Gottes (eigentlich der Idee, welche wir uns von einem solchen Wesen machen) ist Pflicht des Menschen gegen sich selbst, d. i. nicht ojective, die Verbindlichkeit zur Leistung gewisser Dienste an einen Anderen, sondern nur subjective zur Stärkung der moralischen Triebfeder in unserer eigenen gesetzgebenden Vernunft." Cf. also *ibid.*, Ak. 6:437–40.

<sup>92</sup> Cf. *KpV*, Ak. 5:113–14.

<sup>93</sup> Cf. *Ibid.*, Ak. 5:125–26.

happiness in the world in proportion to morality—for the law is not based on hope of happiness—but we would inevitably despair.<sup>94</sup>

Given that the moral law for Kant is not in any way derived from the existence or will of God, it is a very good thing according to him that reason is unable speculatively to know God. Otherwise

*God and eternity with their frightful majesty would lie for us incessantly before [our] eyes* (since what we can prove perfectly is just as certain for us as what we assure ourselves of by sensation). Violation of the law would be avoided of course, what was commanded would be done; but since the *attitude* out of which actions should be done can be imparted by no command, while the spur to activity is here immediately at hand and *external*, therefore reason is not allowed to work itself up before anything else, in order to gather the strength to resist the inclinations through the lively representation of the dignity of the law. Thus most lawful actions would be done out of fear, only a few out of hope, and none at all out of duty, and a moral worth to actions, upon which alone, nevertheless, the worth of the person and even that of the world depends in the eyes of the highest wisdom, would not exist at all.<sup>95</sup>

Practical reason has no interest in and finds no place for God in its system except insofar as this serves the interest of autonomy, and theoretical reason is structured accordingly. For Kant, God is subordinate to practical reason, not practical reason to God.

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<sup>94</sup> Cf. *Kritik der Urteilskraft* (hereinafter *KdU*), Ak. 5:452–53. For the 3<sup>rd</sup> Critique I have consulted the translation of Werner S. Pluhar.

<sup>95</sup> *KpV*, Ak. 5:147: “. . . würden *Gott und Ewigkeit* mit ihrer *furchtbaren Majestät* uns unablässig vor Augen liegen (denn was wir vollkommen beweisen können, gilt in Ansehung der Gewißheit uns so viel, als wovon wir uns durch den Augenschein versichern). Die Übertretung des Gesetzes würde freilich vermieden, das Gebotene gethan werden; weil aber die *Gesinnung*, aus welcher Handlungen geschehen sollen, durch kein Gebot mit eingeflößt werden kann, der Stachel der Thätigkeit hier aber sogleich bei Hand und äußerlich ist, die Vernunft also sich nicht allererst empor arbeiten darf, um Kraft zum Widerstande gegen Neigungen durch lebendige Vorstellung der Würde des Gesetzes zu sammeln, so würden die mehrsten gesetzmäßigen Handlungen aus Furcht, nur wenige aus Hoffnung und gar keine aus Pflicht geschehen, ein moralischer Werth der Handlungen aber, worauf doch allein der Werth der Person und selbst der der Welt in den Augen der höchsten Weisheit ankommt, würde gar nicht existiren.”



## Chapter 2

### Aquinas, the Natural Law, and Persons as Ends

Aquinas does not explicitly set forth what I shall now refer to as the *principle of humanity* (abstracting from the fact that it is a specific formulation of Kant's categorical imperative): "Always treat persons as ends in themselves, and never merely as means." However, he gives as first principles of the natural law the two great commandments found in Scripture: "Love God with all your heart, and with all your soul, and with all your mind," and "Love your neighbor as yourself."<sup>1</sup> The love that is thus commanded is not an egoistical love, but one which truly takes God and neighbors as ends, although in different senses.

In the following chapter I will show that Aquinas takes the two great commandments to be first principles of the natural law, recognizable, if taken in a certain way, even by natural human reason; they are not only revealed, divine commands whose authority one must have faith to recognize. I will then consider reasons that could be advanced for interpreting these precepts in an ultimately egoistical sense, as indicating what one must do to achieve ultimate personal well-being. Finally, I will defend the non-egoistical character of these precepts in Aquinas, showing that they are antithetical to the mere use of fellow human beings as means to personal happiness. The way in which, for Aquinas, others must be treated as ends will begin to emerge.<sup>2</sup>

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<sup>1</sup> See Mt 22:34–40.

<sup>2</sup> Steven J. Jensen, in chapter 4 of his recent book *Good & Evil Actions: A Journey through Saint Thomas Aquinas* (Washington, D.C.: The Catholic University of America, 2010), provides a good treatment of the love of others as ends in Aquinas, and of the interaction between this love and the love of the common good, especially in situations of apparent conflict. My treatment in this chapter, while more or less consistent with his, differs in its approach. For example, I clearly relate love for others as ends in themselves and love for the

## Section 1 - Natural Law and the Love of God and Neighbor

Aquinas treats of natural law in the *Summa Theologiae* in the course of his larger treatment of law (I-II, q. 90-108). He divides law into four basic kinds (or five, if one counts the ‘law of sin’): eternal law, natural law, human law, and divine law. The eternal law is ‘the very reason (*ratio*) of the governance of things existing in God as in the ruler of the universe.’<sup>3</sup> Human law comprises those laws which men fashion for themselves. Divine law, on the other hand, comprises those laws which God communicated to man at specific points in history. It is divided into the Old Law (the law of Moses) and the New Law (the law of the Gospel). The natural law indicates what is right and wrong in itself, and no human law can make what is against natural law right.<sup>4</sup> I will not be considering here the nature of natural law as such; I will consider rather what it contains and, to a certain extent, how it is known.

Aquinas devotes only one question directly to natural law (the famous question 94). However, one can find much more about the natural law in Aquinas’ treatment of the Old Law, for “the Old Law manifested the precepts of the law of nature, and added certain precepts of its own.”<sup>5</sup> The Old Law contains three kinds of precepts: moral, ceremonial, and

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common good with the basic structure of Aquinas’ account of the contents of the natural law, as well as with his account of an agent’s fundamental orientation to the good. I also explain in detail Aquinas’ hierarchy of love, according to which one loves himself most after the common good, while nevertheless not subordinating others to oneself as means. I do this, moreover, in the context of explicitly defending Aquinas from an egoistic interpretation.

<sup>3</sup> *STh* I-II, q. 91, a. 1, c. (Leon. 7:153): “Ipsa ratio gubernationis rerum in Deo sicut in principe universitatis existens.”

<sup>4</sup> Cf. *Ibid.* I-II, q. 95, a. 2, c.

<sup>5</sup> *Ibid.* I-II, q. 98, a. 5, c. (Leon. 7:197): “Lex vetus manifestabat praecepta legis naturae, et superaddebat quaedam propria praecepta.” For an extended account of the relationship between the Old Law and the natural law, see Randall Smith, “How the Old Law Shows Forth the Precepts of the Natural Law: A Commentary on Certain Questions Concerning the Law in the *Summa of Theology* of Thomas Aquinas” (Ph.D. dissertation, University of Notre Dame, 1998). See also R. Mary Hayden Lemmons, “Are the Love Precepts really Natural Law’s Primary Precepts?” *Proceedings of the American Catholic Philosophical Association* 66 (1992): 45–71.

judicial. The moral precepts of the Old Law are revealed expressions of the natural law, while the ceremonial and judicial precepts are revealed determinations of the way in which the natural law is to be fulfilled, regarding divine and human matters respectively.<sup>6</sup> For example, Aquinas says that it is a precept of the natural law that time be set aside to worship God, but the natural law itself does not demand that it be specifically on Saturday. God gave a ceremonial precept to the Jews in the Old Testament, revealing that it was His will that they worship Him every week on that day,<sup>7</sup> but now, in the time of the New Testament, this precept is no longer obligatory in the same way. Such ceremonial determinations of the natural law do not belong to the natural law as such, but rather get their moral force from their promulgation in divine revelation. In the same way, the judicial precepts are divine determinations of the natural law precepts which concern the dealings of men with one another.

Among the moral precepts of the Old Law, however, there are two important principles, which Aquinas says are the ends of the natural law: “Love God” and “Love your neighbor as yourself”:

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<sup>6</sup> *Ibid.* I-II, q. 100, a. 11, c. (Leon. 7:220): “The judicial and ceremonial precepts have force by institution alone, since before they were instituted it did not seem to differ whether it were done this way or some other way. But the moral precepts have efficacy from the very dictate of natural reason, even if they are never established in law. (Praecepta iudicialia et caeremonialia ex sola institutione vim habent: quia antequam instituerentur, non videbatur differre utrum sic vel aliter fieret. Sed praecepta moralia ex ipso dictamine naturalis rationis efficaciam habent, etiam si nunquam in lege statuantur.)” Q. 99, a. 4, c. (Leon. 7:202): “To the divine law it pertains that men be ordered to one another and to God. Each of these things pertain in common to the dictate of the law of nature, to which the moral precepts refer. . . . It is necessary to posit three [kinds of] precepts of the Old Law, namely moral, which concern the dictate of the law of nature, ceremonial, which are determinations of the worship of the divine, and judicial, which are determinations of the justice that is to be observed among men. (Ad legem divinam pertinet ut ordinet homines ad invicem et ad Deum. Utrumque autem horum in communi quidem pertinet ad dictamen legis naturae, ad quod referuntur moralia praecepta. . . . Et secundum hoc, oportet tria praecepta legis veteris ponere: scilicet *moralia*, quae sunt de dictamine legis naturae; *caeremonialia*, quae sunt determinationes cultus divini; et *iudicialia*, quae sunt determinationes iustitiae inter homines observandae.)”

<sup>7</sup> *Ibid.*, I-II, q. 100, a. 3, ad 2.

The Apostle says “The end of the precept is charity” (1 Tim. 1), for every law aims (*tendit*) at constituting friendship, either of human beings with one another, or of a human being with God. And therefore the whole law is fulfilled in this one commandment, “You shall love your neighbor as yourself,” just as in a certain end of all commandments. For the love of God is also included in the love of neighbor when the neighbor is loved because of God (*propter Deum*). Whence the Apostle places this one precept in the place of the two which are about the love of God and of neighbor, concerning which the Lord says “On these two commandments depend the whole law and the prophets.” (Matt. 23).<sup>8</sup>

These two precepts are principles of the whole natural law, and their most immediate conclusions are the Decalogue or Ten Commandments:

Those two precepts [“you shall love the Lord your God” and “you shall love your neighbor”] are first and common precepts of the law of nature, which are self-evident (*per se nota*) to human reason, either through nature or through faith. And therefore all the precepts of the Decalogue are referred to those two as conclusions to common principles.<sup>9</sup>

As Aquinas states in this passage, the two great commandments are self-evident. Given Aquinas’ technical distinctions, however, between various kinds of self-evidence,<sup>10</sup> one must ask whether the two great commandments are merely self-evident in themselves (*secundum se*), or also self-evident to us (*quoad nos*). In the following passage, Aquinas makes it clear that it is the latter:

The moral precepts [of the Old Law] have efficacy from the very dictate of natural reason, even if they are never set in law. Of these, however, there are three grades. For certain [precepts] are most certain, and so manifest that they are in need of no declaration, as [are] the commandments concerning the love of God and of neighbor,

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<sup>8</sup> *Ibid.*, I-II, q. 99, a. 1, ad 2 (Leon. 7:199): “Ad secundum dicendum quod, sicut Apostolus dicit, I *ad Tim.* I, *finis praecepti caritas est*: ad hoc enim omnis lex tendit, ut amicitiam constituat vel hominum ad invicem, vel hominis ad Deum. Et ideo tota lex impletur in hoc uno mandato, *Diliges proximum tuum sicut teipsum*, sicut in quodam fine mandatorum omnium: in dilectione enim proximi includitur etiam Dei dilectio, quando proximus diligitur propter Deum. Unde Apostolus hoc unum praeceptum posuit pro duobus quae sunt de dilectione Dei et proximi, de quibus dicit Dominus, Matth. XXII: *In his duobus mandatis pendet omnis lex et prophetiae*.”

<sup>9</sup> *Ibid.*, I-II, q. 100, a. 3, ad 1 (Leon. 7:208–09): “Illa duo praecepta sunt prima et communia praecepta legis naturae, quae sunt per se nota rationi humanae, vel per naturam vel per fidem. Et ideo omnia praecepta decalogi ad illa duo referuntur sicut conclusiones ad principia communia.”

<sup>10</sup> See Luca F. Tuninetti, “*Per se notum*”: *Die logische Beschaffenheit des Selbstverständlichen im Denken des Thomas von Aquin*, Studien und Texte zur Geistesgeschichte des Mittelalters 47 (Leiden: E. J. Brill, 1996), p. 12.

and other such like—as has been said above—which are ends, as it were, of the precepts. Whence no one is able to error in their regard according to the judgment of [his] reason. Certain [precepts], however, are more determinate, [yet] anyone, even one of the people, is able to easily see the reason for them. Nevertheless, since in a few cases human judgment concerning such things happens to be perverted, such [precepts] are in need of declaration, and these are the precepts of the Decalogue. There are certain [precepts], however, the reason for which is not so manifest to everyone, but only to the wise, and these are moral precepts added to the Decalogue, handed down to the people from God through Moses and Aaron.<sup>11</sup>

If “no one is able to err” in regards to the two great commandments, then they must be self-evident not only in themselves but also to us. They are, moreover, self-evident to all (*omnibus*), and not only to the wise (*sapientibus*). Aquinas says in q. 94, a. 6 that the knowledge of the “primary precepts” of the natural law cannot be blotted out of a man’s heart, although the ‘secondary precepts,’ which are their near conclusions, can be blotted out in some few cases.<sup>12</sup> He gives as an example of the latter the fact that, as Julius Caesar

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<sup>11</sup> *Ibid.*, I-II, q. 100, a. 11, c. (Leon. 7:220): “Sed praecepta moralia ex ipso dictamine naturalis rationis efficaciam habent, etiam si nunquam in lege statuuntur. Horum autem triplex est gradus. Nam quaedam sunt certissima, et adeo manifesta quod editione non indigent; sicut mandata de dilectione Dei et proximi, et alia huiusmodi, ut supra dictum est, quae sunt quasi fines praeceptorum: unde in eis nullus potest errare secundum iudicium rationis. Quaedam vero sunt magis determinata, quorum rationem statim quilibet, etiam popularis, potest de facili videre; et tamen quia in paucioribus circa huiusmodi contingit iudicium humanum perverti, huiusmodi editione indigent: et haec sunt praecepta decalogi. Quaedam vero sunt quorum ratio non est adeo cuilibet manifesta, sed solum sapientibus: et ista sunt praecepta moralia superaddita decalogo, tradita a Deo populo per Moysen et Aaron.”

<sup>12</sup> *Ibid.*, I-II, q. 94, a. 6, c. (Leon. 7:173): “First indeed, certain most common precepts, which are known to all, pertain to the natural law, but [also] certain secondary, more proper, precepts, which are, as it were, near conclusions of the principles. As regards those common principles, therefore, the natural law, in the universal, can in no way be effaced from the hearts of men. Nevertheless, it is effaced in particular matters of action, according as reason is impeded from applying the common principle to the particular matter of action, because of concupiscence or some other passion, as has been said above. – As far as the other secondary precepts, however, the natural law can be effaced from the hearts of men, either because of evil persuasions, in that manner in which even in speculative matters errors occur concerning necessary conclusions; or also because of depraved customs and corrupt habits, just as among certain people robberies were not regarded as sins, nor even vices contrary to nature, as the Apostle also says in Rom. 1. (Ad legem naturalem pertinent primo quidem quaedam praecepta communissima, quae sunt omnibus nota: quaedam autem secundaria praecepta magis propria, quae sunt quasi conclusiones propinquae principiis. Quantum ergo ad illa principia communia, lex naturalis nullo modo potest a cordibus hominum deleri in universali. Deletur tamen in particulari operabili, secundum quod ratio impeditur applicare commune principium ad particulare operabile, propter concupiscentiam vel aliquam aliam passionem, ut supra dictum est. – Quantum vero ad alia praecepta secundaria, potest lex naturalis deleri de cordibus hominum, vel propter malas persuasiones, eo modo quo etiam in speculativis errores contingunt circa conclusiones necessarias; vel etiam propter pravas consuetudines et

reported, the German barbarians did not think that robbery was wrong.<sup>13</sup> The ‘secondary precepts,’ then, include the precepts of the Decalogue, and the ‘primary precepts,’ which cannot be blotted out of the heart of man, must include or be identified with the two great commandments, which are principles of the Decalogue. No one can fail to know them. These commandments to love God and neighbor, then, are self-evident to all (*per se nota omnibus*).

Yet it seems like this could not be entirely true, at least as regards the first great commandment, for Aquinas rejects the notion that the existence of God is self-evident to us.<sup>14</sup> It cannot, then, be self-evident in the most straight-forward sense that God is to be loved. What then, does Aquinas mean?

On one level, he seems to mean that the commandment to love God is self-evident to the reason of a person possessed of faith, for, as we saw above, Aquinas states that the two great commandments “are self-evident to human reason, *either through nature or through faith*.” (Emphasis added.) The commandment thus has a qualified self-evidence. To anyone who believes that God is the personal Creator that He reveals Himself to be, it is self-evident that He ought to be loved with one’s whole heart. However, the same commandment, understood abstractly or confusedly, is self-evident to all, even to those without faith. For Aquinas, in addressing the question whether God is the final cause of all things, responds to

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habitus corruptos; sicut apud quosdam non reputabantur latrocinia peccata, vel etiam vitia contra naturam, ut etiam Apostolus dicit, *ad Rom.* I.)”

<sup>13</sup> *Ibid.*, I-II, q. 94, a. 4, c.

<sup>14</sup> *Ibid.*, I, q. 2, a. 1, c. God’s existence is self evident in itself, but not to us, neither to all of us nor even to the wise. “We can indeed say, on account of the unique relation between existence and the divine Essence, that the existence of God is self-evident in itself. But we do not know the essence of God, and the existence of God will first be self-evident to us—and indeed in a yet more powerful, more intense way than the principle of non-contradiction now is —when we behold His essence in heaven. (. . . können wir wohl wegen der eigenartigen Beziehung des Daseins zur göttlichen Wesenheit sagen, daß Dasein Gottes an sich selbstverständlich ist, aber wir kennen nicht die Wesenheit Gottes, und erst wenn wir sie im Himmel schauen werden, wird das Dasein Gottes für uns selbstverständlich sein und zwar in einer noch stärkeren, intensiveren Art und Weise als jetzt das Prinzip des ausgeschlossenen Widerspruchs.)” (Tuninetti, “*Per se notum*”, p. 14–15.) Tuninetti refers here to *Quaestiones disputatae de Veritate* (hereinafter *QDdVer*), q. 10, a. 12, c. See also *STh* I, q. 2, obj. 2 & ad 2.

the following objection: “All things desire the end. But not all things desire God, since neither do all things know Him. Therefore, God is not the end of all things.” In response he says:

All things desire God as end in desiring any good whatever, whether by intelligible appetite, or by sensible appetite, or by natural appetite which is without cognition, since nothing has the notion of good and desirable, except according as it participates in the likeness of God.<sup>15</sup>

All things desire their own perfection, to have the greatest share of goodness available to them, which is implicitly to seek to draw as close to God as possible. For rational beings, such perfection, whatever one thinks that it in fact consists in, goes by the name of happiness. In seeking happiness, then, all men are actually seeking to draw as close to God as possible, whether they realize it or not. But according to Aquinas it is self-evident that one ought to seek happiness. This is a principle of the moral life.<sup>16</sup>

However, it does not make much sense to understand the first great commandment, even confusedly, as simply: ‘Love and seek your happiness.’ It is impossible not to seek happiness,<sup>17</sup> and so this could not be a commandment at all, let alone the highest of all moral precepts. To make sense, then, of the self-evidence of the first great commandment to one

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<sup>15</sup> *Ibid.*, I, q. 44, a. 4, obj 3 & ad 3 (Leon. 4:461, 462): “Praeterea, finem omnia appetunt. Sed Deum non omnia appetunt: quia neque omnia ipsum cognoscunt. Deus ergo non est omnium finis. . . . Ad tertium dicendum quod omnia appetunt Deum ut finem, appetendo quodcumque bonum, sive appetitu intelligibili, sive sensibili, sive naturali, qui est sine cognitione: quia nihil habet rationem boni et appetibilis, nisi secundum quod participat Dei similitudinem.”

<sup>16</sup> Morality requires rectitude of will, and rectitude of will is the due order to the ultimate end. The attainment of the ultimate end is happiness. Therefore morality requires that one be rightly ordered to happiness. *Ibid.*, I-II, q. 5, a. 7, c. (Leon. 6:53): “Rectitude of the will, as has been said, is required for happiness, since it is nothing other than the due order of the will to the ultimate end. (Rectitudo voluntatis, ut supra dictum est, requiritur ad beatitudinem, cum nihil aliud sit quam debitus ordo voluntatis ad ultimum finem.)” Q. 1, a. 8, c. (Leon. 6:16): “Happiness names the attainment of the ultimate end. (Beatitudo nominat adeptionem ultimi finis.)”

<sup>17</sup> *Ibid.*, I-II, q. 5, a. 8, ad 2 (Leon. 6:54): “Happiness, therefore, is able to be considered under the notion of a final and perfect good, which is the common notion of happiness, and thus the will tends to it naturally and out of necessity, as has been said. (Beatitudo ergo potest considerari sub ratione finalis boni et perfecti, quae est communis ratio beatitudinis: et sic naturaliter et ex necessitate voluntas in illud tendit, ut dictum est.)”

without faith, a further distinction must be made. A being's good and its perfection may be considered as its own proper, particular good, or as the *common good*.<sup>18</sup> A being finds its greatest good and perfection, and a rational being its greatest happiness, in the common good, rather than in the good that is particular to it, and all things naturally love the common good *more* than their own particular goods:

We are able to receive from God a twofold good, namely the good of nature, and the good of grace. Upon the communication God makes to us of natural goods, however, is founded natural love, by which not only does man in the integrity of his nature love God above all things and more than himself, but also any creature in its own way, that is, either by intellectual love, or rational, or animal, or at least natural love, just as stones and other things which lack knowledge [do], since any part naturally loves the common good of the whole more than its own particular good. This is manifested by operation, for any part has a principal inclination to common action for the utility of the whole. This is also apparent in the political virtues, according to which citizens sometimes sustain even losses to their own things and persons for the common good. Whence much more is this true in the friendship of charity, which is founded on the communication of the gifts of grace.<sup>19</sup>

Aquinas' notion of the common good is not to be understood in a merely utilitarian fashion, as one can see in the way he juxtaposes two senses in which the individual promotes his private good by promoting the common good:

That which seeks the common good of the multitude consequently seeks its own good also, for two reasons. First, indeed, because its own good is not able to exist without either the common good of the family or that of the city or kingdom. Whence also Valerius Maximus says of the ancient Romans that they "would rather be poor in a

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<sup>18</sup> The work of Charles De Koninck has been particularly helpful to me in realizing the importance of the common good in Aquinas' philosophy. See *The Primacy of the Common Good against the Personalists; The Principle of the New Order*, in *The Writings of Charles De Koninck*, volume 2, ed. & trans. Ralph McInerny (Notre Dame: University of Notre Dame Press, 2009), p. 63–163.

<sup>19</sup> *STh.*, II-II, q. 26, a. 3, c. (Leon. 8:211): "A Deo duplex bonum accipere possumus: scilicet bonum naturae, et bonum gratiae. Super communicatione autem bonorum naturalium nobis a Deo facta fundatur amor naturalis, quo non solum homo in suae integritate naturae super omnia diligit Deum et plus quam seipsum, sed etiam quaelibet creatura suo modo, idest vel intellectuali vel rationali vel animali, vel saltem naturali amore, sicut lapides et alia quae cognitione carent: quia unaquaeque pars naturaliter plus amat commune bonum totius quam particulare bonum proprium. Quod manifestatur ex opere: quaelibet enim pars habet inclinationem principalem ad actionem communem utilitati totius. Apparet etiam hoc in politicis virtutibus, secundum quas cives pro bono communi et dispendia propriarum rerum et personarum interdum sustinent. – Unde multo magis hoc verificatur in amicitia caritatis, quae fundatur super communicatione donorum gratiae."



rich empire than rich in a poor empire.” Secondly, since a human being is a part of the household and city, it is necessary that the human being consider what is his own good by being prudent about the good of the multitude, for the good disposition of the part is taken according to its relationship to the whole. For as Augustine says in the *Confessions*, “every part not suited to its whole is base.”<sup>20</sup>

In the first reason advanced in this passage, the common good can be regarded merely as useful to the individual, as providing the best environment for his personal good, understood individualistically. But if the second reason is to be different from the first, it cannot be understood in the same way. Being properly ordered to the common good is itself good for the individual, as an end and not merely as a means. In fact, as Aquinas was quoted as saying above, anything “naturally loves the common good of the whole *more* than its own particular good” (emphasis added).

Although it is natural and right for man to love the common good, which is implicitly to love God who is the common good of the universe, it is not inevitable that he do so. Immoral actions cut against this natural love in that a man seeks as his ultimate end his own particular good, not subordinating it to the common good.<sup>21</sup> The first great commandment then, as evident to unaided reason, may be understood as follows: “Love the perfect common good with all your soul.” Either reason or faith may discern that the perfect common good of the universe is the one God, the loving, provident Creator, and then this commandment can

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<sup>20</sup> *Ibid.*, II-II, q. 47, a. 10, ad 2 (Leon. 8:358): “Ille qui quaerit bonum commune multitudinis ex consequenti etiam quaerit bonum suum, propter duo. Primo quidem, quia bonum proprium non potest esse sine bono communi vel familiae vel civitatis aut regni. Unde et Maximus Valerius dicit de antiquis Romanis quod *malebant esse pauperes in divite imperio quam divites in paupere imperio*. – Secundo quia, cum homo sit pars domus et civitatis, oportet quod homo consideret quid sit sibi bonum ex hoc quod est prudens circa bonum multitudinis: bona enim dispositio partis accipitur secundum habitudinem ad totum; quia ut Augustinus dicit, in libro *Confess.*, *turpis est omnis pars suo toti non congruens*.”

<sup>21</sup> *Ibid.*, I-II, q. 19, a. 10, c. (Leon. 6:151): “The will of any man willing some particular good, however, is not right unless he refers it to the common good as to an end, since even the natural appetite of any part is ordered to the common good of the whole. (Non est autem recta voluntas alicuius hominis volentis aliquod bonum particulare, nisi referat illud in bonum commune sicut in finem: cum etiam naturalis appetitus cuiuslibet partis ordinetur in bonum commune totius.)”

be more determinately understood as “Love God with all your heart.” Faith further reveals that this same God wishes to give to us the supernatural grace of the beatific vision, and then the first great commandment obtains its full significance, directing us to love God in an intimate relationship.<sup>22</sup>

Confirmation for this reading can be found in Aquinas’ definition of law as “a certain promulgated order of reason for the common good by him who has the care of the community.”<sup>23</sup> Natural law, as law, is ordered to the common good. In fact, Aquinas’ argument that the common good belongs in the definition of law is based on the premise that the common good is the ultimate end and principle of human acts. “Just as nothing is firmly established according to speculative reason unless by resolution to first indemonstrable principles, even so nothing is firmly established by practical reason unless by ordination to the ultimate end, which is the common good. What, however, is established in this way by reason has the notion of law.”<sup>24</sup> Accordingly, the highest precept of the natural law, the first great commandment, deals directly with the common good. It commands us to be ordered to the common good, to God, as our ultimate end. There are other precepts that explain *how* we are to be ordered to God as the common good: “the precepts of the first table [of the Decalogue], which order [us] to God, contain the very order to the common and final good,

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<sup>22</sup> *Ibid.*, I, q. 60, a. 5, ad 4 (Leon. 5:105): “God, according as He is the universal good, on which every natural good depends, is loved by anything with natural love. Insofar, however, as He is the good naturally beatifying everyone with supernatural beatitude, He is loved with the love of charity. (Deus, secundum quod est universale bonum, a quo dependet omne bonum naturale, diligitur naturali dilectione ab unoquoque. In quantum vero est bonum beatificans naturaliter omnes supernaturali beatitudine, sic diligitur dilectione caritatis.)”

<sup>23</sup> *Ibid.*, I-II, q. 90, a. 4, c. (Leon. 7:152): “Quaedam rationis ordinatio ad bonum commune, ab eo qui curam communitatis habet, promulgata.”

<sup>24</sup> *Ibid.*, I-II, q. 90, a. 2, ad 3 (Leon. 7:150): “Sicut nihil constat firmiter secundum rationem speculativam nisi per resolutionem ad prima principia indemonstrabilia, ita firmiter nihil constat per rationem practicam nisi per ordinationem ad ultimum finem, qui est bonum commune. Quod autem hoc modo ratione constat, legis rationem habet.” See also c.

which is God.”<sup>25</sup> These precepts are thus derived from the first great commandment as determinations of it. (At least some or some aspects of these three commandments of the Decalogue, as they are stated in Scripture, require divine instruction, which means that they imply a more determinate knowledge of God and His will than men naturally possess.<sup>26</sup>)

What, now, is to be said about the second great commandment, which is more directly related to the principle of humanity? The two great commandments, as said above, “are self-evident (*per se nota*) to human reason, either through nature or through faith.” But if either of the great commandments is self-evident by nature, then the second great commandment certainly is. Although revelation is needed to know that neighbors are to be

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<sup>25</sup> *Ibid.*, I-II, q. 100, a. 8, c. (Leon. 7:215): “Praecepta primae tabulae, quae ordinant ad Deum, continent ipsum ordinem ad bonum commune et finale, quod Deus est.” I was directed to this particular passage by Smith, “How the Old Law Shows Forth the Precepts of the Natural Law,” p. 283.

<sup>26</sup> *Ibid.*, I-II, q. 100, a. 1, c. (Leon. 7:207): “There are certain things, however, for judging which human reason needs divine instruction, through which we are taught about divine things, as ‘you shall not make for yourself a graven thing nor any similitude’; ‘you shall not take the name of your God in vain.’ (Quaedam vero sunt ad quae iudicanda ratio humana indiget instructione divina, per quam erudimur de divinis: sicut est illud, *Non facies tibi sculptile neque omnem similitudinem*; *Non assumes nomen Dei tui in vanum*.)” The first of these is part of the first commandment of the Decalogue, and the other is the second commandment. Aquinas, however, may not intend to say that these precepts require divine instruction in such a way that it is *absolutely* impossible for men to know them by unaided reason; he may mean, rather, that they require divine instruction because it is simply *practically* impossible. In the beginning of both *Summa*’s, Aquinas claims that in the faith are contained both truths which are absolutely inaccessible to reason, and others which *are* accessible to reason, the latter because “the truth about God, investigated through reason, would come to man at the hands of a few, and in the course of a long time, and with the admixture of many errors, on the knowledge of which truth, nevertheless, depends the whole salvation of man, which is in God. (Quia veritas de Deo, per rationem investigata, a paucis, et per longum tempus, et cum admixtione multorum errorum, homini proveniret: a cuius tamen veritatis cognitione dependet tota hominis salus, quae in Deo est.)” (*STh* I, q. 1, a. 1, c. (Leon. 4:6). Cf. also *SCG* I, c. 4, as well as George Cottier, “Loi Naturelle et Décalogue,” *Doctor Communis, Nova Series* 10/1–2 (2007): 23–40.) In fact, “if there have been any who have found the truth concerning divine things by way of demonstration in such a way that no falsity were joined to their estimation, it is clear that they have been very few. (Si autem aliqui fuerunt qui sic de divinis veritatem invenerunt demonstrationis via quod eorum aestimationi nulla falsitas adiungeretur, patet eos fuisse paucissimos.)” (*SCG*, III, c. 39 (Marietti ed., vol. 3, p. 45)) Most people cannot reach certain knowledge about God, and although wise pagans *could* come to know God well enough to understand that He alone is to be worshipped, mankind would be lost if it had to rely on them. See *SCG* III, c. 38, Rom 1:18–25, and Aquinas, *In Epistolam ad Romanos* (hereafter *In Rom.*), c. 1, l. 6–7. For Aquinas’ commentary on the Romans, I have consulted the unpublished translation of Fabian Larcher, O.P., edited by Jeremy Holmes, accessed February 24, 2012, [http://nvjournal.net/index.php?option=com\\_content&view=article&id=53&Itemid=62](http://nvjournal.net/index.php?option=com_content&view=article&id=53&Itemid=62). Cf. also *SCG* III, c.120.

loved as possible companions in eternal beatitude, the need to love neighbors even on the natural plane is quite evident. Aquinas explains:

The divine law is offered to human beings as an aid to the natural law. It is, however, natural to all human beings that they love one another. A sign of this is that a human being, by a certain natural instinct, comes to the aid of any human being, even one unknown [to him], by turning [him] back from the wrong way, for example, or by raising [him] up from a fall and other such like things: “as if every human being were naturally familiar to and a friend with every human being.” Therefore, mutual love (*dilectio*) is commanded of human beings by the divine law.<sup>27</sup>

Just as the commandment to love God is the principle behind the commandments of the first table of the Decalogue, the commandment to love one’s neighbors is the principle behind the commandments of the second table (the final seven).<sup>28</sup> Aquinas gives precepts from the second table, such as “do not steal,” as examples of precepts clear to unaided natural reason, as distinct from those that require divine instruction.<sup>29</sup> If such precepts are clear to

<sup>27</sup> SCG III, c. 117 (Marietti ed., vol. 3, p. 176): “Lex divina profertur homini in auxilium legis naturalis. Est autem omnibus hominibus naturale ut se invicem diligant. Cuius signum est quod quodam naturali instinctu homo cuilibet homini, etiam ignoto, subvenit in necessitate, puta revocando ab errore viae, erigendo a casu, et aliis huiusmodi: *ac si omnis homo omni homini esset naturaliter familiaris et amicus*. Igitur ex divina lege mutua dilectio hominibus praecipitur.” Aquinas’ quotation is from Aristotle, *Nicomachean Ethics* VIII, 1155a21–22. See also *STh* I, q. 60, a. 4, c.

<sup>28</sup> See *STh* I-II, q. 100, a. 5, c. & ad 1, as well as q. 100, a. 3, ad 1 (Leon. 7:208–09): “And therefore all the precepts of the Decalogue are referred to those two [great commandments] as conclusions to common principles. (Et ideo omnia praecepta decalogi ad illa duo referuntur sicut conclusiones ad principia communia.)” This idea is found in Augustine, *Sermon IX*. n. 6–7 (*Corpus Christianorum Series Latina*, vol. 41 (Turnhout: Brepols, 1961), p. 117–22), and gains circulation via Peter Lombard’s *Sentences*, bk. III, d. 37, c. 1, n. 1.

<sup>29</sup> *STh.*, I-II, q. 100, a. 1, c. (Leon. 7: 206–07): “So therefore it is clear that, since the moral precepts are about those things which pertain to good mores, and these are what accord with reason, and every judgment of human reason is derived from natural reason in some way, it is necessary that all the moral precepts [of the Old Law] pertain to the law of nature, but in diverse ways. For there are certain things that the natural reason of any man judges by itself are to be done or not done, as ‘Honor your father and your mother,’ and ‘You shall not kill,’ ‘You shall not commit theft.’ And such like are of the law of nature absolutely. There are certain things, however, that the more subtle consideration of the wise judges are to be observed. And these are of the law of nature, yet so that they require instruction, by which the lesser are instructed by the more wise, as ‘Rise in the presence of the white head, and honor the person of the old,’ and other such things. There are certain things, however, for judging which human reason needs divine instruction, through which we are taught about divine things, as ‘You shall not make for yourself a graven thing nor any similitude’; ‘You shall not take the name of your God in vain.’ (Sic igitur patet quod, cum moralia praecepta sint de his quae pertinent ad bonos mores; haec autem sunt quae rationi congruunt; omne autem rationis humanae iudicium aliquantulum a naturali ratione derivatur: necesse est quod omnia praecepta moralia pertineant ad legem naturae, sed diversimode. Quaedam enim sunt quae statim per se ratio naturalis cuiuslibet hominis diiudicat esse facienda vel non facienda: sicut

unaided reason, their principle is be even more so. As quoted above, Aquinas says that while the precepts of the Decalogue are clear to men in general, in a few cases they can be obscured.<sup>30</sup> The principles of which the precepts of the Decalogue are conclusions, however, are so evident that no one can be mistaken about them, and the commandment to love neighbor is one of these principles.<sup>31</sup> It is evident that we should love our neighbors, and if this is evident, it is almost equally evident that we should not steal, bear false witness, commit murder, or commit adultery. Such things inflict manifest harm on our neighbors, and inflicting such harm is not consistent with loving them. “In the saying ‘All things whatsoever you will that men do to you, you also do to them,’ is explained a certain rule of the love of neighbor, which is also contained implicitly in the saying ‘you shall love your neighbor as yourself.’”<sup>32</sup>

The two great commandments hang together. According to the first commandment the goal of one’s whole life should be the common good in which consists the happiness of all persons, which men of faith and some philosophers know to be God. But “it is necessary that there be a union of affection among those for whom there is one common end. Men,

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*Honora patrem tuum et matrem tuam, et, Non occides, Non furtum facies. Et huiusmodi sunt absolute de lege naturae. – Quaedam vero sunt quae subtiliori consideratione rationis a sapientibus iudicantur esse observanda. Et ista sic sunt de lege naturae, ut tamen indigeant disciplina, qua minores a sapientioribus instruantur: sicut illud, Coram cano capite consurge, et honora personam senis, et alia huiusmodi. Quaedam vero sunt ad quae iudicanda ratio humana indiget instructione divina, per quam erudimur de divinis: sicut est illud, Non facies tibi sculptile neque omnem similitudinem; Non assumes nomen Dei tui in vanum.)”*

<sup>30</sup> P. 42–43.

<sup>31</sup> *Ibid.*, I-II, q. 100, a. 11, c, quoted above, p. 58–59. Aquinas’ view seems to be that at least the major premises are evident to everyone in all cases, e.g., “Love your neighbor as yourself.” In the case of the German barbarians who did not know that robbery is wrong, either the minor premise (i.e., “Robbery is contrary to love of neighbor”) was unknown due to bad customs, or they did not properly draw the conclusion from the premises, again, due to bad customs, or, finally, they did not view all men as neighbors, i.e., as persons in the relevant sense.

<sup>32</sup> *Ibid.*, I-II, q. 99, a. 1, ad 3 (Leon. 7:199): “In hoc quod dicitur, *Omnia quaecumque vultis ut faciant vobis homines, et vos facite illis*, explicatur quaedam regula dilectionis proximi, quae etiam implicite continetur in hoc quod dicitur, *Diliges proximum tuum sicut teipsum.*”

however, share in one ultimate end of happiness, to which they are divinely ordered. It is necessary, therefore, that men be united to one another with mutual love.”<sup>33</sup> The first great commandment directs us to what is ultimately good for men, what we should wish for everyone, and the second great commandment directs us to wish that good for everyone, and not to hinder anyone in attaining it.

## Section 2 - The Egoistic Interpretation

Some people read Aquinas’s moral theory as ultimately egoistic.<sup>34</sup> Few if any would claim that Aquinas thinks that the virtuous man should act outwardly in the same way as those who are commonly referred to as egoists. On the egoistic reading, however, Aquinas’ morality is conceived in terms of how one can best obtain what is in his enlightened interest, obtaining true happiness by mastering his passions and achieving higher, spiritual goods. There are certainly many passages in Aquinas that lend themselves to this reading if taken out of their overall context. On such an interpretation, one would ultimately always only use other persons as means to self-fulfillment and happiness. It is worthwhile, then, to explore reasons for interpreting Aquinas in this way, in order to argue convincingly for a non-egoistic

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<sup>33</sup> SCG, III, c. 117 (Marietti ed., vol. 3, p. 175): “Oportet enim esse unionem affectus inter eos quibus est unus finis communis. Communicant autem homines in uno ultimo fine beatitudinis, ad quem divinitus ordinantur. Oportet igitur quod uniantur homines ad invicem mutua dilectione.”

<sup>34</sup> See, for example, Scott MacDonald, “Egoistic Rationalism: Aquinas’ Basis for Christian Morality.” See especially p. 338–40, but see also n. 35. For another example, see John Langan, S. J., “Egoism and Morality in the Teleology of Thomas Aquinas,” *Journal of Philosophical Research* 16 (1991): 411–25. Christopher Toner points to these two articles and responds to them skillfully in “Was Aquinas an Egoist?” *The Thomist* 71 (2007): 577–608. Hans Reiner also interprets Aquinas’ ethics as egoistic. See “Wesen und Grund der sittlichen Verbindlichkeit (obligatio) bei Thomas von Aquin,” in *Sein und Ethos: Untersuchungen zur Grundlegung der Ethik*, ed. Paulus Engelhardt (Mainz: Matthias-Grünwald-Verlag, 1963), p. 236–66, and “Beatitudo und Obligatio bei Thomas von Aquin: Antwort an P. Pinckaers,” in *Sein und Ethos: Untersuchungen zur Grundlegung der Ethik*, ed. Paulus Engelhardt (Mainz: Matthias-Grünwald-Verlag, 1963), p. 306–28.

interpretation according to which one must treat other persons as ends, and not merely as means.

One obvious reason to read Aquinas in an egoistic fashion is the fact that he begins the moral section of the *Summa Theologiae* with five questions on happiness.<sup>35</sup> In the very first question of the *Prima Secundae* he argues that all men act for an end, that they act for an ultimate end, that they have only one ultimate end, that all that they do is for the ultimate end, and that all agree with regards to the formal notion of this end, namely, their own perfection—the attainment of which is called happiness—although they differ as to what they seek their perfection in.<sup>36</sup> If all that a man does is for the sake of happiness (which Aquinas goes on to argue can only be found in God, the universal good, containing in Himself supereminently all that is desirable in every creature<sup>37</sup>), it seems that the only way that one could relate to other human beings is to use them as means for the attainment of one's own happiness.

Looking more closely at the opening of the *Prima Secundae*, one finds that Aquinas says that “it is necessary that a man desire for the sake of the ultimate end all things that he desires.”<sup>38</sup> So the egoistic interpretation seems plausible when Aquinas says further that “since anyone desires his own perfection, someone desires that as ultimate end which he desires as a perfect good that completes him. . . . Therefore the ultimate end must so fill the

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<sup>35</sup> See Hans Reiner, “Wesen und Grund der sittlichen Verbindlichkeit,” p. 236–37. Although in this passage he refers only to “eudaimonism,” and not to “egoism,” he does understand Aquinas’ moral philosophy as eudaimonistic in an egoistic sense. See “Beatitudo und Obligatio,” p. 308–9.

<sup>36</sup> *STh*, I-II, q. 1, a. 1, 4, 5, 6, 7.

<sup>37</sup> *Ibid.*, I-II, q. 2, a. 8, c.

<sup>38</sup> *STh*, I-II, q. 1, a. 6, c. (Leon. 6:14): “Necesse est quod omnia quae homo appetit, appetat propter ultimum finem.”

whole appetite of man that nothing beyond it remains to be desired.”<sup>39</sup> He says, again, that “all agree in the desire for the ultimate end, since all desire that their own perfection be completed, which is the notion of the ultimate end, as has been said.”<sup>40</sup> Perhaps most strongly of all, Aquinas says that

It is necessary that every man will happiness. The common notion of happiness, however, is that it be a perfect good, as has been said. Since, however, good is the object of the will, the perfect good of anyone is that which totally satisfies his will. Whence to desire happiness is nothing other than to desire that the will be satisfied, which anyone wills.<sup>41</sup>

It seems then, that any human being, on Aquinas’ view, does all that he does for the sake of happiness as the complete satisfaction of his will, and so must be an egoist. Since, however, man’s perfect happiness cannot be in this life, but only with God in another life, and since the participation in happiness which is possible in this life comes through the exercise of virtue, a prudent man would often appear to act very selflessly, e.g., by making sacrifices for his family, friends, and country. But on the interpretation now being considered

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<sup>39</sup> *STh*, I-II, q. 1, a. 5, c. (Leon. 6:13): “Prima est quia, cum unumquodque appetat suam perfectionem, illud appetit aliquis ut ultimum finem, quod appetit, ut bonum perfectum et completivum sui ipsius. . . . Oportet igitur quod ultimus finis ita impleat totum hominis appetitum, quod nihil extra ipsum appetendum relinquitur.”

<sup>40</sup> *Ibid.*, I-II, q. 1, a. 7, c. (Leon. 6:15): “Omnes conveniunt in appetitu finis ultimi: quia omnes appetunt suam perfectionem adimpleri, quae est ratio ultimi finis, ut dictum est.”

<sup>41</sup> *Ibid.*, I-II, q. 5, a. 8, c. (Leon. 6:54): “Necesse est quod omnis homo beatitudinem velit. Ratio autem beatitudinis communis est ut sit bonum perfectum, sicut dictum est. Cum autem bonum sit obiectum voluntatis, perfectum bonum est alicuius, quod totaliter eius voluntati satisfacit. Unde appetere beatitudinem nihil aliud est quam appetere ut voluntas satiatur. Quod quilibet vult.” MacDonald, “Egoistic Rationalism,” p. 335, & n. 20, points to precisely these three texts, as well as *STh* I, q. 5, a. 1 when he says that “Aquinas thinks, for example, that the concept of the good is the concept of what is desirable and the concept of the complete human good, happiness, is the concept of what completely satisfies human desires.” He argues that “the will is necessitated with respect to whatever the intellect takes to be the complete and perfect human good” (p. 337). Toner, in “Was Aquinas an Egoist?” addresses MacDonald’s argument most directly at p. 593–96 (and rightfully points out that MacDonald may be using the term “egoism” in a loose or undetermined sense.) I only add that when MacDonald defends his egoistic interpretation from an objection based on Aquinas’ use of the concept of the common good, he says that “Aquinas’ remarks about the common good show not that human beings seek something other than their own interest but that their own interest is not narrowly individualistic. . . . Hence, when human beings seek the good of the family or the city they seek it as *part* of their own good.” (Emphasis MacDonald’s.) The converse, however, is actually true for Aquinas: the virtuous individual seeks his good as *part* of the common good.



he would still be acting more for his own benefit than for anyone else's. One can recall in this context Aristotle's *Nicomachean Ethics* IX, 1168a27–1169b2. Aristotle explains that there is a bad self-love, and a good self-love. Only the vulgar, bad self-love is censured. As Aquinas comments:

[Aristotle] says that the virtuous man is a lover of himself according to another species of loving oneself than that which is reproached, as has been said above. And he assigns two differences: one of which is on the part of the action. For the virtuous man loves himself insofar as he lives according to reason. But the one who is censured lives according to passion. For he follows irrational passions of the soul, as has been said above. The other difference, however, is on the part of the end. For the virtuous loves himself to the extent that he desires for himself that which is absolutely good, the one who is censured, however, loves himself insofar as he desires for himself that which appears to be a useful good, while nevertheless it is harmful. . . . He shows that to love oneself in [the former] way is praiseworthy. . . . He says therefore first that it is true what is said of the virtuous man, that he chiefly, i.e., most of all among men, will do many things for the sake of friends, and even if it is necessary that he die he will not desert a friend. In truth he will, as it were, throw away and despise for the sake of a friend money and honors and all exterior goods concerning which men fight, through all of which he procures for himself a good, namely the noble good [*honestum*] which is higher. Whence even in this he also loves himself more, since he procures for himself a greater good.<sup>42</sup>

One can find passages in Aquinas that seem to derive laws in regard to one's neighbor, even the obligation to love them, from certain specific ways in which following such laws are of use in obtaining one's own happiness:

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<sup>42</sup> *Sententia libri Ethicorum* (hereafter *SLE.*), bk. IX, l. 9 (Leon. 47.2:532): "Et dicit quod virtuosus est amator sui secundum alteram speciem amandi se ab eo quod exprobratur, ut supra dictum est, et assignat duas differentias, quarum una est ex parte actionis: virtuosus enim amat se ipsum in quantum vivit secundum rationem, sed ille qui vituperatur vivit secundum passionem (sequitur enim passiones irrationabilis animae, ut supra dictum est); alia vero differentia est ex parte finis: nam virtuosus amat se ipsum in quantum sibi appetit id quod est simpliciter bonum, ille autem qui vituperatur amat se ipsum, in quantum appetit sibi id quod apparet bonum utile, cum tamen sit nocivum. . . . Ostendit quod amare se ipsum hoc secundo modo est laudabile. . . . Dicit ergo primo verum esse quod dicitur de virtuoso quod multa faciet gratia amicorum et prime, id est maxime inter omnes alios, et, etiam si oporteat eum mori, non deseret amicum; pecunias vero et honores et omnia exteriora bona circa quae homines pugnant quasi proiciet et contemnet propter amicum, per quae omnia procurat sibi ipsi bonum, scilicet honestum, quod est eminentius, unde et in hoc etiam magis amat se ipsum quod sibi maius bonum procurat." For the *Sententia libri Ethicorum* I have consulted *Commentary on Aristotle's Nicomachean Ethics*, trans. C. I. Litzinger, O.P. (Notre Dame: Dumb Ox Books, 1993). I do not wish to take a position as to the extent to which Aquinas' commentaries on Aristotle accurately represent his own views.

Since man is “naturally a social animal,” he needs to be helped by other men to reach his own end (*proprium finem*). This happens most fittingly by mutual love existing among men. Mutual love among us, therefore, is commanded by the law of God, which directs men to the ultimate end. Again, in order for man to be free for divine things, he needs tranquility and peace. Those things however which can disturb the peace are taken away chiefly by mutual love. Since therefore the divine law ordains that men be free for divine things, it is necessary that mutual love grow in men due to the divine law.<sup>43</sup>

According to the divine law man is induced to preserve the order of reason in all things which can come into his use. Among all things, however, which come into the use of man, the chief are certainly other men. “For man is naturally a social animal”: he is in need of many things which cannot be provided by one man alone. It is necessary therefore that man be instructed by the divine law that he relate to other men according to the order of reason.<sup>44</sup>

The last passage, especially, seems to indicate that for Aquinas it is proper to use other persons as means to obtaining happiness. In this context one can recall that Aquinas provides as a basis for the natural law the various natural inclinations found in man, the highest of which are “to know the truth about God” and “to live in society.”<sup>45</sup>

This is therefore the first precept of the law: that good is to be done and pursued, and evil avoided. And upon this all other precepts of the law of nature are founded, so

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<sup>43</sup> SCG III, c. 117 (Marietti ed., vol. 3, p. 175): “Amplius. Cum homo sit *naturaliter animal sociale*, indiget ab aliis hominibus adiuvari ad consequendum proprium finem. Quod convenientissime fit dilectione mutua inter homines existente. Ex lege igitur Dei, quae homines in ultimum finem dirigit, praecipitur in nobis mutua dilectio. —Item. Ad hoc quod homo divinis vacet, indiget tranquillitate et pace. Ea vero quae pacem perturbare possunt, praecipue per dilectionem mutuam tolluntur. Cum igitur lex divina ad hoc ordinet homines ut divinis vacent, necessarium est quod ex lege divina in hominibus mutua dilectio procedat.” Aquinas’ quotation is from Aristotle, *Nicomachean Ethics* I, 1097b11.

<sup>44</sup> *Ibid.*, c. 128 (Marietti ed., vol. 3, p. 189): “Secundum legem divinam homo inducitur ut ordinem rationis servet in omnibus quae in eius usum venire possunt. Inter omnia autem quae in usum hominis veniunt, praecipua sunt etiam alii homines. *Homo enim naturaliter est animal sociale*: indiget enim multis quae per unum solum parari non possunt. Oportet igitur quod ex lege divina instituat homo ut secundum ordinem rationis se habeat ad alios homines.”

<sup>45</sup> *STh*, I-II, q. 94, a. 2, c. (Leon. 7:170): “There is in man an inclination to the good according to the nature of reason, which is proper to him, just as man has a natural inclination to know the truth about God and to live in society. And according to this those things which relate to such an inclination pertain to the natural law, as namely that man avoid ignorance, that he not offend others with whom he ought to live, and the rest of such things which relate to this. (Inest homini inclinatio ad bonum secundum naturam rationis, quae est sibi propria: sicut homo habet naturalem inclinationem ad hoc quod veritatem cognoscat de Deo, et ad hoc quod in societate vivat. Et secundum hoc, ad legem naturalem pertinent ea quae ad huiusmodi inclinationem spectant: utpote quod homo ignorantiam vitet, quod alios non offendant cum quibus debet conversari, et cetera huiusmodi quae ad hoc spectant.)”

that, namely, all those things to be done or avoided pertain to the precepts of the law of nature that practical reason naturally apprehends as human goods. Since, however, good has the notion of end, evil, however, the notion of the contrary, thence it is that reason apprehends all those things to which man has a natural inclination as goods, and consequently as to be pursued in operation, and their contraries as evil and to be avoided.<sup>46</sup>

In the light of this, one could take the ultimate foundation for justice and love of neighbor to be the following: we have an inclination to live in society, to truly flourish in society and have fulfilling interpersonal relationships. Accordingly we must be kind to our neighbors, for otherwise we will not have fulfilling relationships. Moreover, we need our neighbors to meet our material exigencies and to gain virtue, learning, and wisdom,<sup>47</sup> so cultivating good relationships is useful for these things.

One could also give a similar foundation for the moral precept about loving God. Supernatural beatitude lies in beholding God's essence in heaven, and so God should be desired above all things, for otherwise we are seeking what cannot bring us perfect happiness. Natural happiness consists in a natural participation in God's goodness in this life, and above all in contemplating philosophical truth about God, and so, again, God should be desired above all things.

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<sup>46</sup> *Ibid.* (Leon. 7:170): "Hoc est ergo primum praeceptum legis, quod bonum *est faciendum et prosequendum, et malum vitandum*. 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. Quia vero bonum habet rationem finis, malum autem rationem contrarii, inde est quod omnia illa ad quae homo habet naturalem inclinationem, ratio naturaliter apprehendit ut bona, et per consequens ut opere prosequenda, et contraria eorum ut mala et vitanda."

<sup>47</sup> Cf. *SCG* III, c. 128 (Marietti ed., vol. 3, p. 189): "The end of the divine law is that man adhere to God. One man, however, is helped in this by another as much as regards cognition as regards affection: for men mutually help each other in knowledge of the truth and one man rouses another to good and draws him back from evil. (Finis divinae legis est ut homo Deo adhaereat (cap. 115). Iuvatur autem unus homo in hoc ex alio tam quantum ad cognitionem, quam etiam quantum ad affectionem: iuvant enim se homines mutuo in cognitione veritatis; et unus alium provocat ad bonum, et retrahit a malo.)"

### Section 3 - Response to the Egoistic Interpretation

#### *The Opening of the Prima Secundae*

The beginning of a response to the egoistic interpretation has already been provided above in the discussion of the common good as it pertains to the two great commandments. The ultimate end of the moral life is the common good, not one's own particular happiness. In this and the following sub-sections, however, I will provide a more in-depth counter to the egoistic interpretation.

The egoistic interpretation of the opening questions of the *Prima Secundae* has recently been effectively countered by Christopher Toner. He contends that Aquinas is not an egoist, but a perfectionist.

The perfectionist takes as his primary overriding goal what is *good* for him—the “for him” is necessary because what it is to be good varies across persons (e.g., a man who has children cannot be good without being a good father, whereas as a childless man can). . . . This crucial relationship between “being good” and “well-being” is reversed for the egoist, who takes as his primary goal his own welfare, what is good *for him* (pursued precisely as what is good for him). . . . Ultimately, the egoist does not enjoy or take satisfaction in things or in his life because they are valuable, but values them because they satisfy him.<sup>48</sup>

The kind of egoism that Toner primarily argues against is one that sees Aquinas as holding that what we should ultimately seek is our own satisfaction, delight, or pleasure in the broadest sense, including intellectual and spiritual pleasures. Many people do indeed take happiness to consist in pleasant feelings. In responding to this interpretation of Aquinas, Toner rightly points his readers to the distinction that Aquinas makes, in the questions on happiness, between man's ultimate end in the sense of “the very thing which is the end,”

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<sup>48</sup> Christopher Toner, “Was Aquinas an Egoist?” p. 579.

(*finis cuius*) and in the sense of man's "attainment of the end" (*finis quo*).<sup>49</sup> Aquinas treats of the ultimate end in the first sense in question 2, and in the second sense in question 3.

Happiness (*beatitudo*), properly speaking, refers to the attainment of the ultimate end. The ultimate end itself he identifies as God, who is attained by means of some activity, either supernaturally in the beatific vision, or naturally by some participation in or likeness to Him, chiefly by knowing and loving Him.<sup>50</sup>

Pleasure is thus not "the very thing which is the end" of a man's rightly-ordered actions. But neither is it to be identified with the ultimate end in the sense of attainment; it is, rather, as Toner affirms, a necessary concomitant of the attainment of the ultimate end.

Aquinas states:

Every delight is a certain proper accident that follows happiness or some part of happiness, for someone is delighted due to the fact that he has some good fitting to him, either in fact, or in hope, or at least in memory. The fitting good, however, if indeed it be perfect, is the very happiness of man. If, however, it be imperfect, it is a certain participation in happiness, either near or remote or at least apparent. Whence it is manifest that not even the very delight which follows the perfect good is the very essence of happiness, but a certain consequence to it, as a *per se* accident.<sup>51</sup>

Pleasure consists in the fact that the will rests in some activity in which the good is attained:

For delight consists in a certain rest of the will. The will, however, does not rest in something unless because of the goodness of that in which it rests. If therefore the will rests in some operation, the rest of the will proceeds from the goodness of the operation. Nor does the will seek good for rest, for thus the very act of the will would be the end, which is contrary to what has been established above. But it seeks to rest

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<sup>49</sup> *STh* I-II, q. 1, a. 8, c.

<sup>50</sup> Cf. *Ibid.*, I-II, q. 1, a. 8, c. & q. 3, a. 5, c., and also *SCG* III, c. 19.

<sup>51</sup> *Ibid.*, I-II, q. 2, a. 6, c. (Leon. 6:22): "Omnis delectatio est quoddam proprium accidens quod consequitur beatitudinem, vel aliquam beatitudinis partem: ex hoc enim aliquis delectatur, quod habet bonum aliquod sibi conveniens, vel in re, vel in spe, vel saltem in memoria. Bonum autem conveniens, si quidem sit perfectum, est ipsa hominis beatitudo: si autem sit imperfectum, est quaedam beatitudinis participatio, vel propinqua, vel remota, vel saltem apparens. Unde manifestum est quod nec ipsa delectatio quae consequitur bonum perfectum, est ipsa essentia beatitudinis; sed quoddam consequens ad ipsam sicut per se accidens."

in the operation because the operation is its good. Whence it is manifest that the good operation itself in which the will rests, is more principal than the rest of the will in it.<sup>52</sup>

Thus, when one who favors the egoistic interpretation advances Aquinas' statement "whence to desire happiness is nothing other than to desire that the will be satisfied,"<sup>53</sup> one must respond, as Toner does, that Aquinas cannot mean that the satisfaction of the will is what one primarily desires, that it is the reason for loving other things. What is primarily desired is what is good, and desire for rest in this good follows logically upon it.<sup>54</sup> It is clear, then, that Aquinas does not think that pleasure is the ultimate determining motive for all of the virtuous man's choices.

What, then, does Aquinas mean when he says that "since anyone desires his own perfection, someone desires that as ultimate end which he desires as a perfect good that completes him"? Which is more important to the virtuous man, that the greatest good simply come about, or that he possess the greatest good? Is Aquinas a non-hedonistic egoist? Is his ethics 'agent-neutral' or 'agent-relative'? The answer is nuanced and will take awhile to unpack, yet it must be said right away that at root the human will is naturally directed to objective goodness:

Nature is said to curve on itself because it always loves its own good. Nevertheless, it is not necessary that the intention rest in the fact that it is its own, but in the fact that

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<sup>52</sup> *Ibid.*, q. 4, a. 2, c. (Leon. 6:38): "Delectatio enim consistit in quadam quietatione voluntatis. Quod autem voluntas in aliquo quietetur, non est nisi propter bonitatem eius in quo quietatur. Si ergo voluntas quietatur in aliqua operatione, ex bonitate operationis procedit quietatio voluntatis. Nec voluntas quaerit bonum propter quietationem: sic enim ipse actus voluntatis esset finis, quod est contra praemissa. Sed ideo quaerit quod quietetur in operatione, quia operatio est bonum eius. Unde manifestum est quod principalius bonum est ipsa operatio in qua quietatur voluntas, quam quietatio voluntatis in ipso."

<sup>53</sup> *Ibid.*, q. 5, a. 8, c. (Leon. 6:54): "Unde appetere beatitudinem nihil aliud est quam appetere ut voluntas satietur."

<sup>54</sup> Toner, "Was Aquinas an Egoist?" p. 599–602. As Toner says, "The argument here (*STh* I-II, q. 5, a. 8) is this. Good is the natural object of the will and thus a perfect good perfectly satisfies the will. Happiness or beatitude is a perfect good and thus will perfectly satisfy the will. *Therefore* to desire happiness is at the same time, *per se* accidentally, to desire the complete satisfaction of one's will" (p. 601).

it is good. For unless it were good for it in some way, either according to truth or according to appearance, it would never love it. Nevertheless it does not love [it] because it is its own, but because it is good: for good is the essential (*per se*) object of the will.<sup>55</sup>

The first five questions of the *Prima Secundae* are only properly understood if one attends to a small but very important indication that Aquinas provides as to the true nature of what he is doing in them. Specifically, he raises and answers this objection:

We love more that one for whom we desire some good than the good that we desire for him, just as we love a friend for whom we desire money more than the money. But anyone desires any good whatever for himself. Therefore he loves himself more than all other goods. But happiness is what is loved most, which is clear from the fact that all other things are loved and desired for it. Therefore happiness consists in some good of the man himself.

His response is as follows:

As far as pertains to that which is proposed, happiness is loved most as the good desired. A friend, however, is loved as that one for whom a good is desired, and in this way also a man loves himself. Whence there is not the same notion of love in each case. There will be a place for considering, however, whether man loves something above himself with the love of friendship when we treat of charity.<sup>56</sup>

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<sup>55</sup> *In II Sent.* d. 3, q. 4, ad 2: “Natura in se curva dicitur, quia semper diligit bonum suum. Non tamen oportet quod in hoc quiescat intentio quod suum est, sed in hoc quod bonum est: nisi enim sibi esset bonum aliquo modo, vel secundum veritatem, vel secundum apparentiam, numquam ipsum amaret. Non tamen propter hoc amat quia suum est, sed quia bonum est: bonum enim est per se objectum voluntatis.” (*Scriptum super libros Sententiarum*, ed. P. Mandonnet (Paris: P. Lethielleux, 1929), vol. 2, p. 127). I have consulted the following translation of selections of Aquinas’ commentary on the *Sentences*: *On Love and Charity: Readings from the Commentary on the Sentences of Peter Lombard*, trans. Peter A. Kwasniewski, Thomas Bolin, O.S.B., & Joseph Bolin (Washington, D.C.: The Catholic University of America Press, 2008). I am grateful to this edition for helping me find relevant passages in a very large, less well known work. My interpretive policy is to assume that, on any given point, the doctrine found in Aquinas’ early writings is consistent with that of his later writings, unless direct evidence for the contrary is found. I would stress, moreover, that difference in presentation does not amount to difference in doctrine, although at times there do seem to be doctrinal differences between the *Commentary on the Sentences* and Aquinas’ later writings.

<sup>56</sup> *STh* I-II, q. 2, a. 7, obj.2 & ad 2 (Leon. 6:23): “Praeterea, illud cui appetimus aliquod bonum, magis amamus quam bonum quod ei appetimus: sicut magis amamus amicum cui appetimus pecuniam, quam pecuniam. Sed unusquisque quodcumque bonum sibi appetit. Ergo seipsum amat magis quam omnia alia bona. Sed beatitudo est quod maxime amatur: quod patet ex hoc quod propter ipsam omnia alia amantur et desiderantur. Ergo beatitudo consistit in aliquo bono ipsius hominis. . . . Ad secundum dicendum, quantum ad propositum pertinet, quod beatitudo maxime amatur tanquam bonum concupitum: amicus autem amatur tanquam id cui concupiscitur bonum; et sic etiam homo amat seipsum. Unde non est eadem ratio amoris utrobique. Utrum autem amore amicitiae aliquid homo supra se amet, erit locus considerandi cum de caritate agetur.”

On their own, the questions on happiness stand in need of further clarification because they do not take into account the distinction Aquinas develops later (in q. 26) between the love of concupiscence (*amor concupiscentiae*) and the love of friendship (*amor amicitiae*). Happiness, as the attainment of the ultimate end, is that which one ultimately wills (i.e., loves with the love of concupiscence) for any person for whom he has the love of friendship, and everything else he wills for that person he wills for the sake of his happiness.<sup>57</sup> Whether one is to have this love of friendship for oneself only, or for others as well, and in what order one is to love persons, whether oneself before all others or otherwise, are questions that Aquinas considers elsewhere. It is these questions, however, which must be answered if one is to know whether Aquinas' ethics is egoistic or not. Hence all of Aquinas' statements in these opening questions about happiness being the ultimate end, for which everything else is desired, must be taken in a restricted light, and one cannot infer immediately from them that one must use all other human beings always as means to one's own happiness, even if happiness is understood as one's objective perfection, rather than merely as a maximum of pleasure and a minimum of pain.

#### *Amor Amicitiae*

Before looking at what Aquinas has to say about the objects and order of the love of friendship, however, I should clarify Aquinas' understanding of its nature in distinction from

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<sup>57</sup> This is not quite correct as regards the love of friendship which the person with charity has towards God. God is essentially happy, and no good can accrue to him by any of our actions. However, what He wills for us is that we attain Him, and consequently attain our happiness, and so by the love of friendship the man with charity directs all of his actions towards the human attainment of God and does so because it is God's will.



the love of concupiscence.<sup>58</sup> This will, in turn, help to clarify the meaning of the two great commandments.

In questions 22–48 of the *Prima Secundae*, Aquinas treats masterfully of the passions of the soul, foremost of which is love. He argues that love is the root of all the other passions. Out of love springs desire—for we desire what we love—as well as joy when the object loved and desired is obtained and sadness when it is absent. The other passions are also derived from love. In fact, everything that a man does is caused by love of some kind or another.<sup>59</sup>

Love consists in a certain adaptation of the appetite to the appetible object.<sup>60</sup> Love can be natural, or sensitive, or rational/intellectual. When a substantial form is impressed upon some thing, along with that form comes a certain aptitude for a fitting object, activity, or condition. Aquinas gives as an example the inclination downwards to (or ‘natural love’

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<sup>58</sup> On the topic of the love of friendship in Aquinas, see David M. Gallagher, “Desire for Beatitude and Love of Friendship in Thomas Aquinas” *Medieval Studies* 58 (1996): 1–47, and R. Mary Hayden, “The Paradox of Aquinas’s Altruism: From Self-Love to Love of Others.” *Proceedings of the American Catholic Philosophical Association* 63 (1989): 72–83. (Gallagher & Hayden base *amor amicitiae* for others on their likeness to or union with oneself. The positions are very similar and well-grounded in Aquinas’ text. Something that needs to be added to their discussion, however, is that the *obligation* to love all other persons—as opposed to the mere fact that one actually does love certain other people—is grounded in the common good. For, as I will argue in the next section, one becomes obligated to love all other persons through one’s subordination to the common good, for that is what the common good requires.) See also Servais Pinckaers, “Der Sinn für die Freundschaftsliebe als Urtatsache der thomistischen Ethik,” in *Sein und Ethos: Untersuchungen zur Grundlegung der Ethik*, ed. Paulus Engelhardt (Mainz: Matthias-Grünwald-Verlag, 1963): 228–35, as well as Peter A. Kwasniewski, “St. Thomas, *Extasis*, and Union with the Beloved.” *The Thomist* 61 (1997): 587–603.

<sup>59</sup> *Ibid.*, I-II, q. 28, a. 6, c., ad 2 & ad 3. Although the word passion applies properly to affections of the sensitive appetite, which involve a bodily change (e.g., anger often occurs together with redness in the face, a quickening of the pulse, etc.), it can be used in a broader sense of affections of the rational appetite as well. In fact, most of Aquinas’ treatment of the passion of love seems to apply also to rational and not just to sensitive love. Cf. *Ibid.*, ad 1, as well as q. 26, a. 2, c. (Leon. 6:189): “Since love consists in a certain change of the appetite by the appetible, it is manifest that love is a passion, properly indeed according as it is in the concupiscible [power], generally, however, and by extension of the word, according as it is in the will. (Cum amor consistat in quadam immutatione appetitus ab appetibili, manifestum est quod amor est passio: proprie quidem, secundum quod est in concupiscibili; communiter autem, et extenso nomine, secundum quod est in voluntate.)” See also q. 26, a. 3, c., ad 1, & ad 4, & q. 22, a. 1, c. But see q. 22, a. 3, ad 3. Cf. also John Finnis, *Aquinas*, p. 75.

<sup>60</sup> Aquinas uses several words for this adaptation, among which are *coaptatio*, *aptitudo*, *proportio*, *complacentia*, *inclinatio*, and *connaturalitas*. Cf. *STh*, I-II, q. 23, a. 4, c.; q. 25, a. 2, c.; & q. 26, a. 1, c.

for) its proper place that a rock has in virtue of its substantial form. Animals and humans also have such natural inclinations or natural love. In their case, however, there is also an aptitude for objects, activities, or conditions which are fitting to them in virtue of the forms they receive in sensitive, and in the case of humans, rational apprehension.<sup>61</sup> When an object is apprehended, either by the senses or by reason, its form is taken up into the apprehensive power. This form can then adapt the appetitive power to itself.<sup>62</sup> In man, what is an object of natural love can become an object of sensitive or rational love when that which is naturally fitting to him is also apprehended by sense or reason, although rational love generally involves a choice in addition (and is then properly called *dilectio*).<sup>63</sup>

Man can be adapted to the object of love in two ways: either in such a way that he relates to it as to something which is in some way his very own self, or in such a way that he relates to it as to something belonging to him or to his own well being. The first occurs in the love of friendship, and the second in the love of concupiscence.<sup>64</sup> In the love of friendship a man is united to another so as to wish what is good for him, and in the love of concupiscence a man is united to something so as to want it as good for himself or for someone else. The love of friendship, however, is the principle of the love of concupiscence and is thus love

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<sup>61</sup> *Ibid.*, I-II, q. 26, a. 2, c.

<sup>62</sup> *In III Sent.*, d. 27, q. 1, a. 1, c. Cf. also *STh* I-II, q. 30, a. 2, c.

<sup>63</sup> *STh.*, I-II, q. 26, a. 3, c.

<sup>64</sup> *Ibid.*, I-II, q. 28, a. 1, c. (Leon. 6:197): "For when someone loves something as desiring it, he apprehends it as pertaining to his well being. Similarly, when someone loves someone with the love of friendship . . . he apprehends him as another self, insofar, namely, as he wills good for him as also for himself. (Cum enim aliquis amat aliquid quasi concupiscens illud, apprehendit illud quasi pertinens ad suum bene esse. Similiter cum aliquis amat aliquem amore amicitiae, vult ei bonum sicut et sibi vult bonum: unde apprehendit eum ut alterum se, inquantum scilicet vult ei bonum sicut et sibi ipsi.)" Also, ad 2 (Leon. 6:197): "A certain union, however, is love itself essentially. And this is the union according to the joining of affection, which indeed is likened to substantial union, insofar as the lover is related to the loved, in the love of friendship indeed, as to himself, but in the love of concupiscence, as to something of his own. (Quaedam vero unio est essentialiter ipse amor. Et haec est unio secundum coaptationem affectus. Quae quidem assimilatur unioni substantiali, inquantum amans se habet ad amatum, in amore quidem amicitiae, ut ad seipsum; in amore autem concupiscentiae, ut ad aliquid sui.)"

*simpliciter*; it is because one loves someone, either himself or someone else, that he desires something good:

The motion of love tends to two things, namely, to the good that someone wills for somebody, either himself or another, and to the one for whom he wills the good. Someone has the love of concupiscence, therefore, for that good that he wills for another; someone has the love of friendship, however, for that one for whom he wills good. This division, however, is into prior and posterior. For that which is loved with the love of friendship is loved simply and *per se*; that, however, which is loved with the love of concupiscence is not loved simply and according to itself, but is loved for another.<sup>65</sup>

The character of the love of friendship is only fully preserved in friendships of virtue, and not in friendships of pleasure or utility:

In friendship of use and pleasure, someone does indeed will some good for his friend, and to this extent the notion of friendship is preserved there. But because that good is further referred to one's own delight or utility, thence it is that friendship of use and pleasure, insofar as it is drawn to the love of concupiscence, departs from the notion of true friendship.<sup>66</sup>

To love someone for his own sake can be understood in two ways. In one way, as something is loved as an ultimate end, and in this way only God is to be loved for his own sake. In another way, as we love that person to whom we will good, as happens in friendships of virtue (*amicitia honesta*). [In such love we do] not, however, [love a person] as a good which we will for ourselves, as happens in friendships of pleasure or utility, in which we love a friend as our good, [that is,] not because we desire utility or pleasure for the friend, but because we desire for ourselves the utility and pleasure that the friend can provide, just as we also love other pleasureable and useful things for ourselves, as food or an article of clothing. But when we love someone because of virtue, we will good for him, [and] not him for ourselves.<sup>67</sup>

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<sup>65</sup> *Ibid.*, I-II, q. 26, a. 4, c. (Leon. 6:190): "Motus amoris in duo tendit: scilicet in bonum quod quis vult alicui, vel sibi vel alii; et in illud cui vult bonum. Ad illud ergo bonum quod quis vult alteri, habetur amor concupiscentiae: ad illud autem cui aliquis vult bonum, habetur amor amicitiae. Haec autem divisio est secundum prius et posterius. Nam id quod amatur amore amicitiae, simpliciter et per se amatur: quod autem amatur amore concupiscentiae, non simpliciter et secundum se amatur, sed amatur alteri."

<sup>66</sup> *Ibid.*, ad 3 (Leon. 6:191): "In amicitia utilis et delectabilis, vult quidem aliquis aliquod bonum amico: et quantum ad hoc salvatur ibi ratio amicitiae. Sed quia illud bonum refert ulterius ad suam delectationem vel utilitatem, inde est quod amicitia utilis et delectabilis, inquantum trahitur ad amorem concupiscentiae, deficit a ratione verae amicitiae."

<sup>67</sup> *Quaestio disputata de Caritate* (hereafter *QDCa*), a. 8, ad 16 (*Quaestiones disputatae*, vol. 2, ed. P. Bazzi, M. Calcaterra, T. S. Centi, E. Odetto, & P. M. Pession (Turin-Rome: Marietti, 1965), p. 775): "Diligere aliquem propter se potest intelligi *dupliciter*. *Uno modo*, ita quod aliquid diligatur sicut ultimus finis; et sic solus Deus

The love of friendship, if directed to another and not to oneself, is opposed to egoism. The non-egoistic character of the love of friendship is confirmed by Aquinas' account of two of the most important effects of love: mutual inhesion and *extasis*.<sup>68</sup> (In discussing these effects, I will translate *amatum* and its cognates as 'beloved' to preserve good English style, but the romantic connotations of the term should be bracketed.) Mutual inhesion refers to the fact that the lover and the beloved are in one another, while *extasis* refers to the fact that the lover goes outside himself when he loves. Aquinas' description of these effects includes elements that are clearly non-egoistic.

Love causes a twofold mutual inhesion, one in regards to apprehension, and the other in regards to the appetite. With regards to apprehension, Aquinas says that the beloved is in the lover, "insofar as the beloved tarries in the apprehension of the lover." The form of the beloved object resides in the intellect or senses of the one loving, and the lover's soul lingers over it.<sup>69</sup> The lover is in the beloved, on the other hand, "insofar as the lover is not content with a superficial apprehension of the beloved, but strives to investigate singly those things which pertain inwardly to the beloved, and thus to enter into its interior."<sup>70</sup>

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est propter se diligendus. *Alio modo*, ut diligamus ipsum cui volumus bonum, ut contingit in amicitia honesta; non autem sicut bonum quod volumus nobis, ut contingit in amicitia delectabili vel utili, in qua amicum diligimus ut bonum nostrum: non quia utilitatem vel delectationem appetamus amico, sed quia ex amico appetimus utilitatem et delectationem nobis; sicut et diligimus alia delectabilia nobis et utilia, ut cibum aut vestimentum. Sed cum diligimus aliquem propter virtutem, volumus ei bonum, non ipsum nobis." I was directed to this passage by Jensen, *Good & Evil Actions*, p. 135. In translating from the *Quaestio disputata de Virtutibus in Communi*, *Quaestio disputata de Caritate*, & *Quaestio disputata de Virtutibus Cardinalibus*, I have consulted *Disputed Questions on the Virtues*, trans. E. M. Atkins, ed. E. M. Atkins & Thomas Williams (Cambridge: Cambridge University Press, 2005).

<sup>68</sup> See David M. Gallagher, "Desire for Beatitude," esp. p. 23–27.

<sup>69</sup> *Ibid.*, I-II, q. 28, a. 2, c. (Leon. 6:198): "Inquantum amatum immoratur in apprehensione amantis." Cf. also *ibid.*, I-II, q. 28, a. 3, c. (Leon. 6:200): "Love produces the first *extasis* dispositively, insofar, namely, as it makes one meditate on the loved, as has been said. Intense meditation on one thing, however, withdraws one from other things. (Primam quidem extasim facit amor dispositivus, inquantum scilicet facit meditari de amato, ut dictum est: intensa autem meditatio unius abstrahit ab aliis.)"

<sup>70</sup> *Ibid.*, I-II, q. 28, a. 2, c. (Leon. 6:198): "Inquantum amans non est contentus superficiali apprehensione amati,

While this apprehensive aspect of mutual inhesion could be interpreted egoistically, the appetitive aspect of mutual inhesion seems clearly non-egoistic. In accordance with this aspect of mutual inhesion, the beloved is in the lover by residing in his affection,

so that he is delighted in it, or in its goods, when present, or, when absent, tends by desire towards the beloved itself by the love of concupiscence, or towards goods which he wills for the beloved, by the love of friendship. [This takes places] not indeed from some extrinsic cause, as when someone desires a thing for the sake of something else, or when someone wills good for another for the sake of something else, but because of the affection (*complacentiam*) for the beloved rooted interiorly [in him]. . . . Conversely, however, the lover is in the beloved in one way, indeed, through the love of concupiscence, and in another way through the love of friendship. For the love of concupiscence does not rest in any extrinsic or superficial attainment or enjoyment whatever of the beloved, but seeks to have the beloved perfectly, as if reaching what is innermost in it. In the love of friendship, however, the lover is in the beloved insofar as he ascribes what is good or evil for his friend as his own, and the will of his friend as his own, so that, as it were, he himself seems to suffer good and evil and to be affected in his friend.<sup>71</sup>

In the love of friendship, the beloved is in the lover insofar as the lover acts for the sake of his friend, thus what the lover does seems to be done by the beloved, since it is what the beloved would do, not what the lover, acting for his own sake, would do. On the other hand, the lover is in the beloved insofar as what takes place in the beloved, what affects him, affects the lover. As Aquinas makes clear, in the love of friendship there is not some ulterior

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sed nititur singula quae ad amatum pertinent intrinsecus disquirere, et sic ad interiora eius ingreditur.”

<sup>71</sup> *Ibid.* (Leon. 6:198–99): “Ut vel delectetur in eo, aut in bonis eius, apud praesentiam; vel in absentia, per desiderium tendat in ipsum amatum per amorem concupiscentiae; vel in bona quae vult amato, per amorem amicitiae; non quidem ex aliqua extrinseca causa, sicut cum aliquis desiderat aliquid propter alterum, vel cum aliquis vult bonum alteri propter aliquid aliud; sed propter complacentiam amati interius radicatum. . . . E converso autem amans est in amato aliter quidem per amorem concupiscentiae, aliter per amorem amicitiae. Amor namque concupiscentiae non requiescit in quacumque extrinseca aut superficiali adeptione vel fruitione amati: sed quaerit amatum perfecte habere, quasi ad intima illius perveniens. In amore vero amicitiae, amans est in amato, inquantum reputat bona vel mala amici sicut sua, et voluntatem amici sicut suam, ut quasi ipse in suo amico videatur bona vel mala pati, et affici.” On the word *complacentia*, cf. Gallagher, “Desire for Beatitude,” p. 9–10.

motive. What is good for the beloved is in itself good for the lover. “He apprehends him as another self.”<sup>72</sup> This is reinforced by what Aquinas says about *extasis*.

Love produces the second [appetitive, as opposed to apprehensive] *extasis* directly. The love of friendship does so simply, but the love of concupiscence not simply, but in a certain respect. For in the love of concupiscence the lover is borne outside himself in a certain way, insofar, namely, as, not content to rejoice in the good that he has, he seeks to enjoy something outside himself. But since he seeks to have that extrinsic good for himself, he does not go outside himself simply, but such affection is enclosed inside itself in the end. But in the love of friendship, someone’s affection goes outside itself simply, since he wills and acts for what is good for [his] friend, as if bearing care and providence for him, for the sake of his friend himself.<sup>73</sup>

If, then, the love of friendship is the kind of love that the second great commandment commands, the egoistic interpretation becomes implausible, and Aquinas does indeed explain the second great commandment, in the course of his treatment of charity, in such a way that it clearly refers to the love of friendship:

This precept is fittingly handed down, for both the reason for loving and the manner of love are touched upon in it. The reason for loving is touched upon in the fact that the neighbor is named, for we ought to love others out of charity because they are near to us, both according to the natural image of God and according to the capacity for glory. . . . The manner of love, however, is touched upon when it is said “as yourself.” This is not to be understood in such a way that someone loves [his] neighbor as much as himself, but rather in a way similar to himself, and this in three ways. First, indeed, on the part of the end, so that, namely, one love his neighbor for God’s sake, just as he also ought to love himself for God’s sake, so that thus [his] love for neighbor may be holy. Secondly, on the part of the rule of love, so that, namely, one not cooperate with [his] neighbor in anything evil, but only in good things—just as also a human being ought to satisfy his own will only in regards to good things—so that thus [his] love for neighbor may be just. Thirdly, on the part of the *ratio* of love, so that, namely, he not love [his] neighbor for the sake of his own utility or delight, but in such a way that (*ea ratione quod*) he will good for [his] neighbor just as he wills good for himself, so that thus [his] love for neighbor may be

<sup>72</sup> *Ibid.*, I-II, q. 28, a. 1, c. (Leon. 6:197): “Apprehendit eum ut alterum se.”

<sup>73</sup> *Ibid.*, I-II, q. 28, a. 3, c. (Leon. 6:200): “Secundam extasim facit amor directe: simpliciter quidem amor amicitiae; amor autem concupiscentiae non simpliciter, sed secundum quid. Nam in amore concupiscentiae, quodammodo fertur amans extra seipsum: inquantum scilicet, non contentus gaudere de bono quod habet, quaerit frui aliquo extra se. Sed quia illud extrinsecum bonum quaerit sibi habere, non exit simpliciter extra se, sed talis affectio in fine infra ipsum concluditur. Sed in amore amicitiae, affectus alicuius simpliciter exit extra se: quia vult amico bonum, et operatur, quasi gerens curam et providentiam ipsius, propter ipsum amicum.”

true. For when someone loves [his] neighbor for the sake of his own utility or delight, he does not truly love [his] neighbor, but himself.<sup>74</sup>

This description of the second great commandment echoes Aquinas' discussion of the difference between the love of friendship and the love of concupiscence, and makes it clear that he understands it as referring to the love of friendship. The love that is thus commanded, then, cannot be interpreted egoistically, such that other persons are always only means to one's beatitude. But in this passage Aquinas is speaking at the level of moral theology, for he speaks of the second great commandment as a commandment of charity. Does the same non-egoistic interpretation of the commandment hold on the natural level, the level of ethical philosophy? The discussion in the first section of this chapter implies that this is the case, but confirmation for this view can be obtained by digging deeper into Aquinas' understanding of the proper objects and order of the love of friendship, an understanding that applies to both charity and natural love.

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<sup>74</sup> *Ibid.*, II-II, q. 44, a. 7, c. (Leon. 8:336): "Respondeo dicendum quod hoc praeceptum convenienter traditur: tangitur enim in eo et diligendi ratio et dilectionis modus. Ratio quidem diligendi tangitur ex eo quod *proximus* nominatur: propter hoc enim ex caritate debemus alios diligere, quia sunt nobis proximi et secundum naturalem Dei imaginem et secundum capacitatem gloriae. . . . Modus autem dilectionis tangitur cum dicitur, *sicut teipsum*. Quod non est intelligendum quantum ad hoc quod aliquis proximum aequaliter sibi diligit; sed similiter sibi. Et hoc tripliciter. Primo quidem, ex parte finis: ut scilicet aliquis diligit proximum propter Deum, sicut et seipsum propter Deum debet diligere; ut sic sit dilectio proximi *sancta*. – Secundo, ex parte regulae dilectionis: ut scilicet aliquis non condescendat proximo in aliquo malo, sed solum in bonis, sicut et suae voluntati satisfacere debet homo solum in bonis; ut sic sit dilectio proximi *iusta*. – Tertio, ex parte rationis dilectionis: ut scilicet non diligit aliquis proximum propter propriam utilitatem vel delectationem, sed ea ratione quod velit proximo bonum, sicut vult bonum sibi ipsi; ut sic dilectio proximi sit *vera*. Nam cum quis diligit proximum propter suam utilitatem vel delectationem, non vere diligit proximum, sed seipsum." Aquinas' requirement that love of neighbor be just is echoed by Kant's position that treating a person as an end in himself does not entail that it is always legitimate to do what the other consents to. See above, chapter 1, section 5, p. 48.

*The Natural Objects and Order of the Love of Friendship*

Charity is a kind of friendship between man and God,<sup>75</sup> and, although it belongs to the supernatural order, its structure, i.e., its objects and their hierarchy or order, applies to love in the natural order as well. It will be helpful, then, before exploring Aquinas' understanding of natural love, to quickly consider his account of the structure of charity, for he presents it more explicitly than he presents the structure of naturally virtuous love.

Aquinas tells us that there are four primary objects of charity: God, oneself, one's neighbors, and one's body.<sup>76</sup> Included under the term neighbor is every human and angelic person who has not lost heaven eternally. Thus charity entails loving enemies & sinners, but not demons. The four mentioned objects of charity are loved with the love of friendship, while other things are loved out of charity with a love of concupiscence, especially charity itself, which is a good that is loved as good for God, for oneself, and for others.<sup>77</sup>

There is an order according to which one ought to love these objects of charity. One must love God above all things, more, even, than one loves oneself. After God, one rightfully loves oneself most of all, and then one's neighbors, and finally, one's body. Not all neighbors, however, ought to be loved equally, but rather one ought to love more intensely those who are more closely connected to one.<sup>78</sup>

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<sup>75</sup> *Ibid.*, II-II, q. 23, a. 1, c.

<sup>76</sup> *Ibid.*, II-II, q. 25, a. 12.

<sup>77</sup> *Ibid.*, II-II, q. 25, a. 2, c. & ad 1.

<sup>78</sup> In this regard Aquinas makes the following distinction. One can consider the degree of love both in regards to the good which one wills for another, and in regards to the intensity with which one loves the other and wishes him good. One ought to wish greater goods to more virtuous people, so that justice is preserved. (In heaven, though not on earth, one will love some persons even more than oneself in this sense, though not more intensely. Cf. *Ibid.*, II-II, q. 26, a. 13, c.) One ought, however, to love more intensely those who are more closely connected to one. If one's fellow citizen is less virtuous than a foreigner, one should wish for a greater good for the foreigner, but wish more intensely for the citizen's lesser good. Cf. *Ibid.*, II-II, q. 26, a. 7, c.



In what follows I will both validate my claim that this same structure is found in the love that is required by the natural law—and explore the justification Aquinas can offer for his hierarchical ordering of love—by looking at his broader philosophy, particularly his understanding of goodness and its relationship to the actions and inclinations of natural and volitional agents. Crucial for Aquinas’ theory of the natural law is his belief that any agent has a natural inclination to or love for the common good.<sup>79</sup> As we shall see, this entails that other persons are to be loved with the love of friendship. Aquinas’ acceptance of God and the order of the universe as objective common goods provides him with powerful means for explaining how a person can, and why he ought to, treat all other persons as ends in themselves, as a matter of both charity and natural law (as the formal common good of universal lawfulness allows Kant to explain how a person can and ought to treat another person as an end in himself.<sup>80</sup>) For in the natural order of the universe, ordained by God and preserved in the supernatural order, all persons exist as ends in themselves, and all non-rational creatures exist for their sake.

All actions performed by any agent, whether natural or volitional, are performed for the sake of what is either really or apparently good. Although goodness is convertible with

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<sup>79</sup> Thomas Osborne argues that this natural inclination to the common good is what is distinctive in Aquinas’ moral theory. Aquinas argues “for the natural love of God over self on the basis that there is in every creature a natural inclination for the good of the whole over its own good. . . . This basic argument is not an incidental aspect of his ethics, but is his consistent and novel treatment of the natural love of God.” He argues that “the central difference between the ethical theories of such great ethical thinkers as Thomas Aquinas and John Duns Scotus is not about morality and self-interest. Instead, the difference is between Thomas’ belief that morality is based on a natural inclination for the common good of the universe and Scotus’ position that nature is self directed. Consequently, although Scotus agrees with Thomas that there could be a natural love of God over self, Scotus thinks that this natural love is made possible by the fact that the will is not limited by a self-directed natural inclination.” (Thomas M. Osborne, Jr., *Love of Self and Love of God in Thirteenth-Century Ethics* (Notre Dame: University of Notre Dame Press, 2005), p. 73, 1.) Osborne’s interpretation of Aquinas is solid in its key points, but he does not explore at any length—as it is outside the scope of his work—Aquinas’ understanding of the love of neighbor and its relationship to the love of God.

<sup>80</sup> See above, chapter 1, section 3, p. 33, and below, chapter 4, section 2, p. 168ff.

being, such that anything that is, is good insofar as it is,<sup>81</sup> nevertheless, finite beings do not pursue or produce just any good thing whatever. Creatures have a limited power, and must act in accordance with the principles of their action, the first of which is their form. Each being's form gives it an aptitude (a 'natural love') for a certain fitting condition or activity, for something good *for it*, and the being can only act in accordance with this form. Thus fire, according to Aquinas, has a natural inclination to move upwards and to heat and set other things on fire. Although water is also a being, and therefore good, fire does not produce water.

A thing's form determines what is good for it in several different senses. In one sense, things are good for something because they are necessary for its existence under a specific form. Thus a certain range of temperature is good for a man because his form cannot exist in his matter otherwise.<sup>82</sup> Existing under that form is itself good. Moreover, certain accidental perfections are suited to a form, as the virtues are to the human soul. Most importantly, however, a thing's form gives it an order to an external end, to something beyond itself, such that it is good when it is properly related to that thing:

For each thing is said to be good according as it is perfect. The perfection of something, however, is threefold. First, indeed, insofar as it is constituted in its own being. The second, however, insofar as certain accidents are superadded to it,

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<sup>81</sup> *Ibid.*, I, q. 5, a. 1.

<sup>82</sup> *Ibid.*, I, q. 5, a. 5, c. (Leon. 4:63): "Each thing is called good insofar as it is perfect, for thus it is desireable, as has been said above. That is called perfect, however, to which nothing is lacking according the mode of its own perfection. Since, however, each thing is that which it is through its own form, and certain things are prerequisite for a form, and certain things follow upon it of necessity, therefore for something to be perfect and good it is necessary that it have a form, and those things which are prerequisite for it, and those things which follow upon it. Prerequisite for a form, however, are a determination or commensuration of its principles, either material or efficient. (Unumquodque dicitur bonum, inquantum est perfectum: sic enim est appetibile, ut supra dictum est. Perfectum autem dicitur, cui nihil deest secundum modum suae perfectionis. Cum autem unumquodque sit id quod est, per suam formam; forma autem praesupponit quaedam, et quaedam ad ipsam ex necessitate consequuntur; ad hoc quod aliquid sit perfectum et bonum, necesse est quod formam habeat, et ea quae praeexiguntur ad eam, et ea quae consequuntur ad ipsam. Praeexigitur autem ad formam determinatio sive commensuratio principiorum, seu materialium, seu efficientium ipsam.)"

necessary for its own perfect operation. The third perfection of something, however, consists in attaining something else as an end.<sup>83</sup>

In the same article Aquinas says that “the goodness of a created thing is not its very essence, but something superadded, either its very being, or some superadded perfection, or an order to an end.”<sup>84</sup> Besides their very being (according to which things are good in a certain respect, not simply<sup>85</sup>), things can have a twofold further goodness. As substances, certain accidents are perfections for them. For human beings, the activity of knowledge is the preeminent accidental perfection. Nothing is fully perfect, however, unless it is in proper relation to its end, which is always, ultimately, the common good. As Aquinas quotes Augustine as saying: “every part not suited to its whole is base.”<sup>86</sup> In his *Sentences* commentary, Aquinas uses this distinction between aspects of perfection to address the question of whether love or knowledge is higher, and his answer is revealing as to the relative importance of these two aspects:

A twofold perfection is found in all things: one by which it subsists in itself, another by which it is ordered to other things. . . . The knowing power can therefore be compared to the appetitive power in three ways. . . . Third, they can be compared according to eminence and dignity, and in this way they are related to each other in such a way that they both exceed each other. For if the intellect and will and those things which pertain to them are considered as certain properties and accidents of him in whom they are, then the intellect and those things which pertain to it are more excellent. If, however, they are considered as powers, that is, according to their order to acts and objects, then the will and those things which pertain to it exceed [the intellect and those things which pertain to it.] If however it is sought which of these is more worthy simply, it ought to be said that certain things are superior to the soul and certain things are inferior. And since by [his] will and love a human being is in a

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<sup>83</sup> *Ibid.*, I, q. 6, a. 3, c. (Leon. 4:68): “Unumquodque enim dicitur bonum, secundum quod est perfectum. Perfectio autem alicuius rei triplex est. Prima quidem, secundum quod in suo esse constituitur. Secunda vero, prout ei aliqua accidentia superadduntur, ad suam perfectam operationem necessaria. Tertia vero perfectio alicuius est per hoc, quod aliquid aliud attingit sicut finem.”

<sup>84</sup> *Ibid.*, ad 3 (Leon. 4:68): “Bonitas rei creatae non est ipsa eius essentia, sed aliquid superadditum; vel ipsum esse eius, vel aliqua perfectio superaddita, vel ordo ad finem.”

<sup>85</sup> *Ibid.*, I, q. 5, a. 1, ad 1.

<sup>86</sup> See above, chapter 2, section 1, p. 62–63.

certain way drawn into the very things that he wills and loves, while, conversely, by knowledge the things known are brought to be in the knower through their similitudes, therefore the love of those things which are above the soul is higher and more noble than the knowledge of them; of those things, however, which are below the soul, knowledge is better. Whence also the knowledge of many things is good of which the love is bad.<sup>87</sup>

A human being's own happiness consists in contemplating God, the ultimate accidental perfection of the highest faculty in man, his intellect.<sup>88</sup> His greatest good, however, is to be properly ordered to God, the common good of the universe, who is his ultimate end. The egoist seeks his own perfection insofar as he subsists in himself. He wants to subsist as the substance that he is with the greatest accidental perfection available to his mode of being. He does not subordinate his own proper good to the common good, and so fails to attain perfection in regards to his relationship with the whole of which he is a part. Aquinas' explanation of the sin of the angels in the *Summa contra Gentiles* sheds further light on this. (In this passage Aquinas uses the concept of the ultimate end, not the common good, but there are grounds in the *Summa contra Gentiles* for connecting them.<sup>89</sup>)

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<sup>87</sup> *In III Sent.*, d. 27, q. 1, a. 4, c. (Moos ed., vol. 3, p. 868–69.): “*In rebus omnibus duplex perfectio invenitur: una qua in se subsistit, alia qua ad res alias ordinatur. . . . Potest ergo comparari potentia cognoscitiva ad appetitivam tripliciter. . . . Tertio possunt comparari secundum eminentiam vel dignitatem; et sic se habent ut excedentia et excessa, quia si consideretur intellectus et voluntas et quae ad ipsa pertinent, ut quaedam proprietates et accidentia ejus in quo sunt, sic intellectus est praestantior, et quae ad ipsum pertinent. Si autem considerentur ut potentiae, id est secundum ordinem ad actus et objecta; sic voluntas et quae ad ipsam pertinent excedit. Si autem quaeratur quid harum simpliciter dignius sit, dicendum quod res quaedam sunt anima superiores et quaedam inferiores. Unde cum per voluntatem et amorem homo in ipsas res volitas et amatas quodammodo trahatur, per cognitionem autem e converso res cognitae efficiantur per sui similitudines; earum quae sunt supra animam, est nobilior et altior amor quam cognitio; illarum vero quae sunt infra animam, est cognitio potior. Unde etiam multarum rerum quarum est malus amor, est bona cognitio.*” See also *STh* I, q. 82, a. 3, c. & II-II, q. 23, a. 6, ad 1, as well as *QDdVer* q. 22, a. 11. I owe these references to Peter Kwasniewski, *On Love and Charity*, p. 137. The superiority of love over knowledge is not accidental, that is, something due only to the imperfection of our earthly knowledge of God. For Aquinas uses the very same argument to defend the appropriateness of ranking the Seraphim, whose name is derived from love, above the Cherubim, whose name is derived from knowledge, in the hierarchy of angels. *STh* I, q. 108, a. 6, obj. 3 & ad 3.

<sup>88</sup> *STh* I-II, q. 3, a. 5 & 6.

<sup>89</sup> *SCG* III, c. 17 (Marietti ed., vol. 3, p. 20–21): “In all ordered ends it is necessary that the ultimate end be the end of all the preceding ends, just as, if a medicinal drink is prepared in order that it may be given to a sick man, and it is given in order that he may be purged, and he is purged in order that he may be thinned, and he is

Any will, however, naturally wills the volitional agent's own good—namely that he himself be perfect—nor can it will the contrary of this. It is not possible, therefore, that there occur any sin of the will in that volitional agent whose own good is the ultimate end which is not contained under the order of a higher end, but rather all other ends are contained under its order. Such a volitional agent, however, is God, whose Being is the highest goodness, which is the ultimate end. In God, therefore, there cannot be sin of the will. In every other volitional agent, however, whose own good must be contained under the order of a higher good, it is possible for sin of the will to occur, if it be considered in its own nature. For although there is a natural inclination in every volitional agent to will and to love its very own perfection, so that it cannot will the contrary, nevertheless it is not so imposed on him that he order his own perfection to another end that he is unable to depart from this, since the higher end is not proper to his own nature, but to a higher nature. It is left to his own choice, therefore, that he order his own perfection to a higher end. . . . It was possible, therefore, for there to be sin in the will of a separate substance due to the fact that he did not order his own good and perfection to the ultimate end, but adhered to his own good as end.<sup>90</sup>

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thinned in order that he may be healed, it is necessary that health be the end of the thinning and of the purgation and of the other preceding things. But all things are found to be ordered in diverse grades of goodness under one highest good, which is the cause of every goodness. And for this reason, since the good has the notion of an end, all things are ordered under God as preceding ends under the ultimate end. It is necessary, therefore, that the end of all things be God. Furthermore, a particular good is ordered to the common good as to an end, for the being of the part is for the sake of the being of the whole. Whence also the good of a nation is more divine than the good of one man. The highest good, however, which is God, is the common good, since the good of everybody depends on Him. The good, however, by which anything is good, is the particular good of itself and of those which depend on it. All things, therefore, are ordered, as to an end, to one good, which is God. (In omnibus finibus ordinatis oportet quod ultimus finis sit finis omnium praecedentium finium: sicut, si potio conficitur ut detur aegroto, datur autem ut purgetur, purgatur autem ut extenuetur, extenuatur autem ut sanetur; oportet quod sanitas sit finis et extenuationis et purgationis et aliorum praecedentium. Sed omnia inveniuntur in diversis gradibus bonitatis ordinata sub uno summo bono, quod est causa omnis bonitatis: ac per hoc, cum bonum habeat rationem finis, omnia ordinantur sub Deo sicut fines praecedentes sub fine ultimo. Oportet igitur quod omnium finis sit Deus. — Praeterea. Bonum particulare ordinatur in bonum commune sicut in finem: esse enim partis est propter esse totius; unde et *bonum gentis est divinius quam bonum unius hominis*. Bonum autem summum, quod est Deus, est bonum commune, cum ex eo universorum bonum dependeat: bonum autem quo quaelibet res bona est, est bonum particulare ipsius et aliorum quae ab ipso dependent. Omnes igitur res ordinantur sicut in finem in unum bonum, quod est Deus.)”

<sup>90</sup> SCG III, c. 109 (Marietti ed., vol. 3, p. 165–66): “Quaelibet autem voluntas naturaliter vult illud quod est proprium volentis bonum, scilicet ipsum esse perfectum, nec potest contrarium huius velle. In illo igitur volente nullum potest voluntatis peccatum accidere cuius proprium bonum est ultimus finis, quod non continetur sub alterius finis ordine, sed sub eius ordine omnes alii fines continentur. Huiusmodi autem volens est Deus, cuius esse est summa bonitas, quae est ultimus finis. In Deo igitur peccatum voluntatis esse non potest. In quocumque autem alio volente, cuius proprium bonum necesse est sub ordine alterius boni contineri, potest peccatum accidere voluntatis, si in sua natura consideratur. Licet enim naturalis inclinatio voluntatis insit unicuique volenti ad volendum et amandum sui ipsius perfectionem, ita quod contrarium huius velle non possit; non tamen sic est ei inditum naturaliter ut ita ordinet suam perfectionem in alium finem quod ab eo deficere non possit: cum finis superior non sit suae naturae proprius, sed superioris naturae. Relinquitur igitur suo arbitrio quod propriam perfectionem in superiorem ordinet finem. . . . Potuit igitur in voluntate substantiae separatae esse peccatum ex hoc quod proprium bonum et perfectionem in ultimum finem non ordinavit, sed inhaesit proprio

Since God is the ultimate end, man ought to love God above all things, even more than himself and his own perfection as a subsisting being. To be fully good, he must subordinate himself to God, the common good of the universe. This is so not only on the supernatural level, the level of charity, but even on the natural level. For Aquinas, the natural moral law always accords with natural inclinations, taken in their integrity,<sup>91</sup> and both natural and supernatural virtues always perfect the natural inclinations:

Just as natural knowledge is always true, even so natural love is always right, since natural love is nothing other than the inclination of nature imposed by the author of the nature. To say, therefore, that the natural inclination is not right is to disparage the author of the nature. Nevertheless, the rectitude of natural love is one thing, and the rectitude of charity and virtue is another thing, because one rectitude is perfective of the other. Just as also the truth of natural knowledge is one thing, and the truth of infused or acquired knowledge is another.<sup>92</sup>

But Aquinas holds that all things naturally love God and the common good more than themselves, and he identifies this greater love as a love of friendship, not a love of concupiscence:

Certain people have said that angels love God more than themselves with a natural love, in the sense of the love of concupiscence, since, namely, they desire for themselves the divine good more than their own good. [They said also that angels

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bono ut fini.”

<sup>91</sup> Cf. *STh* I-II, q. 94, a. 2, c. (Leon. 7:170): “This is therefore the first precept of the law: that good is to be done and pursued, and evil avoided. And upon this all other precepts of the law of nature are founded, so that, namely, all those things to be done or avoided pertain to the precepts of the law of nature that practical reason naturally apprehends as human goods. Since, however, good has the notion of end, evil, however, the notion of the contrary, thence it is that reason apprehends all those things to which man has a natural inclination as goods, and consequently as to be pursued in operation, and their contraries as evil and to be avoided. (Hoc est ergo primum praeceptum legis, quod *bonum est faciendum et prosequendum, et malum vitandum*. 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. Quia vero bonum habet rationem finis, malum autem rationem contrarii, inde est quod omnia illa ad quae homo habet naturalem inclinationem, ratio naturaliter apprehendit ut bona, et per consequens ut opere prosequenda, et contraria eorum ut mala et vitanda.)”

<sup>92</sup> *Ibid.*, I, q. 60, a.1, ad 3 (Leon. 5:98): “Sicut cognitio naturalis semper est vera, ita dilectio naturalis semper est recta: cum amor naturalis nihil aliud sit quam inclinatio naturae indita ab Auctore naturae. Dicere ergo quod inclinatio naturalis non sit recta, est derogare Auctori naturae. – Alia tamen est rectitudo naturalis dilectionis, et alia est rectitudo caritatis et virtutis: quia una rectitudo est perfectiva alterius. Sicut etiam alia est veritas naturalis cognitionis; et alia est veritas cognitionis infusae vel acquisitae.”

love God more than themselves] as regards the love of friendship in a certain sense, insofar, namely, as angels naturally will a greater good for God than for themselves, for they naturally will God to be God, and will themselves to have their own nature. But simply speaking, with a natural love they love themselves more than God, because they naturally love themselves more intensely and more principally than God. But the falsity of this opinion is manifest, if one considers that to which natural things are naturally moved. For the natural inclination in those things which lack reason manifests the natural inclination in the will of the intellectual nature. Every natural thing however, inasmuch as, according to nature, it belongs essentially to another (*quod secundum naturam hoc ipsum quod est, alterius est*), is more inclined, and more principally, towards that to which it belongs than to itself. And this natural inclination is demonstrated from those things which are done naturally, since “everything is born apt to act, just as it naturally acts,” as is said in *Physics* II. For we see that the part naturally exposes itself for the preservation of the whole, as the hand is exposed to a blow without deliberation for the preservation of the whole body. And because reason imitates nature we find such an inclination in the political virtues, for it belongs to the virtuous citizen that he expose himself to danger of death for the preservation of the whole republic. And if the human being were a natural part of this state, this inclination would be natural to him. Since, therefore, God himself is the universal good, and under this good angel and human being and every creature is contained—because every creature naturally, according to that which it is, belongs to God—it follows that by natural love both angel and human being love God more, and more principally, than themselves. Otherwise, if naturally one were to love himself more than God, it would follow that natural love was perverse, and that it would not be perfected by charity, but destroyed.<sup>93</sup>

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<sup>93</sup> *STh* I, q. 60, a. 5, c. (Leon. 5:104): “Quidam dixerunt quod angelus naturali dilectione diligit Deum plus quam se, amore concupiscentiae: quia scilicet plus appetit sibi bonum divinum quam bonum suum. Et quodammodo amore amicitiae, inquantum scilicet Deo vult naturaliter angelus maius bonum quam sibi: vult enim naturaliter Deum esse Deum, se autem vult habere naturam propriam. Sed simpliciter loquendo, naturali dilectione plus diligit se quam Deum: quia intensius et principalius naturaliter diligit se quam Deum. Sed falsitas huius opinionis manifeste apparet, si quis in rebus naturalibus consideret ad quid res naturaliter moveatur: inclinatio enim naturalis in his quae sunt sine ratione, demonstrat inclinationem naturalem in voluntate intellectualis naturae. Unumquodque autem in rebus naturalibus, quod secundum naturam hoc ipsum quod est, alterius est, principalius et magis inclinatur in id cuius est, quam in seipsum. Et haec inclinatio naturalis demonstratur ex his quae naturaliter aguntur: quia *unumquodque, sicut agitur naturaliter, sic aptum natum est agi*, ut dicitur in II *Physic*. Videmus enim quod naturaliter pars se exponit, ad conservationem totius: sicut manus exponitur ictui, absque deliberatione, ad conservationem totius corporis. Et quia ratio imitatur naturam, huiusmodi inclinationem invenimus in virtutibus politicis: est enim virtuosus civis, ut se exponat mortis periculo pro totius reipublicae conservatione; et si homo esset naturalis pars huius civitatis, haec inclinatio esset ei naturalis. Quia igitur bonum universale est ipse Deus, et sub hoc bono continetur etiam angelus et homo et omnis creatura, quia omnis creatura naturaliter, secundum id quod est, Dei est; sequitur quod naturali dilectione etiam angelus et homo plus et principalius diligit Deum quam seipsum. — Alioquin, si naturaliter plus seipsum diligeret quam Deum, sequeretur quod naturalis dilectio esset perversa; et quod non perficeretur per caritatem, sed destrueretur.” I have benefitted in my translation of this passage from the translation of Osborne, in *Love of Self and Love of God*, p. 79, although I differ with his translation to a small extent.

Parts belong to the whole. They cannot be good unless the whole of which they are a part is doing well. They thus love the good of the whole more than their own good as a part. Aquinas states further that “the part indeed loves the good of the whole according as [that good] is suitable to it, not, however, in such a way that it refers the good of the whole to itself, but rather in such a way that it refers itself to the good of the whole.”<sup>94</sup> The common good is never to be loved in such a way that it is subordinated to one’s own, personal good. The common good itself is one’s *ultimate* end. If one understands that the common good is a divine personal subject, then one will also understand that he is to love that divine subject with the love of friendship, even more than he loves himself. If, however, the common good is only understood in a more abstract way and is not seen as a personal subject, then it cannot be consciously loved with a love of friendship, but it is still to be loved *as common*, and thus as something whose goodness exists for many different personal subjects. One is therefore to love with the love of friendship all those persons for whom the common good exists, and to subordinate one’s personal good to the shared, common good for the sake of all those persons who make up the whole.<sup>95</sup> Hence the first great commandment, whether it is understood abstractly or concretely, cannot be interpreted egoistically: since the common good is the end of the part, an individual person ought to love the common good more than himself.

One can already see that the second great commandment of the natural law will flow from the first great commandment. We have seen Aquinas argue that those who share a

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<sup>94</sup> *STh* II-II, q. 26, a. 3, ad 2 (Leon. 8:211): “Bonum totius diligit quidem pars secundum quod est sibi conveniens: non autem ita quod bonum totius ad se referat, sed potius ita quod seipsam refert in bonum totius.”

<sup>95</sup> Cf. De Koninck, *Primacy of the Common Good*, p. 74–75, & “In Defence of St. Thomas: A Reply to Father Eschmann’s Attack on *The Primacy of the Common Good*,” in *The Writings of Charles De Koninck*, volume 2, p. 254–55.



common good ought to be united in affection to one another.<sup>96</sup> Aquinas also holds that rational beings have a unique place in the universe: they alone have the perfection of self-determination, and they alone directly attain the common good of the universe, for they alone have the capacity to know and to love God. Aquinas uses this fact to argue that rational beings exist for their own sakes, and that everything else exists for their sakes in a passage from the *Summa contra Gentiles* that is worth quoting at length:

For [rational and intellectual natures] excel all other creatures both in the perfection of their nature and in the dignity of their end. [They excel] in the perfection of their nature, indeed, because only the rational creature has dominion of its own act, directing itself freely to operation. The rest of creatures, however, are rather directed to their proper operations than direct themselves, as is clear from what was said above. In the dignity of their end, however, because only the intellectual creature attains the very ultimate end of the universe by its own operation, namely by knowing and loving God. Other creatures, however, are not able to attain to the ultimate end except through some participation of its similitude. . . .

The very condition of intellectual nature, according to which it is master of its own acts, requires that care of providence by which it be provided for for its own sake. The condition of other things, however, which do not have mastery of their own acts, indicates this, that care is not expended on them for their sake, but as though ordered to others. For what is acted upon only by another has the notion of an instrument, what, however, acts by itself has the notion of a principal agent. The instrument, however, is not sought for its own sake, but in order that the principal agent may use it. Whence it is necessary that all diligence of operation which is employed concerning instruments be referred to the principal agent as to an end. Attention, however, devoted to a principal agent, insofar as he is a principal agent, either by him or by another, is for his sake. Intellectual creatures, therefore, are disposed by God as if cared for for their own sake, other creatures, however, as if ordered to rational creatures.

In addition, what has mastery of its own act, is free in acting, *for the free man is he who is for his own sake (liber enim est qui sui causa est)*. What, however, is moved to operation by another by a certain necessity, is subject to servitude. Every other creature, therefore, is naturally subject to servitude, only the intellectual nature is free. In any government, however, the free are provided for for their own sakes, slaves, on the other hand, in order that they may be of use to the free. In this way, therefore,

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<sup>96</sup> Above, section 1, p. 67–68.

intellectual creatures are provided for by divine providence for their own sakes, other creatures, however, for them.

Further, whenever things are ordered to some end, if any among them are not able to attain to the end through themselves, it is necessary that they be ordered to those which reach the end, which are ordered to the end for their own sake. . . . Only the intellectual nature, therefore, is sought for its own sake in the universe, all other things, however, for him.<sup>97</sup>

Although God, not the human being, is the ultimate end and the common good of the universe, He is absolutely perfect and self-sufficient, and gains nothing from creation.

Rather, He creates so that others might share in His goodness,<sup>98</sup> particularly, so that rational creatures might know and love Him. God has created rational creatures free, their own masters, and so in a very important sense they each exist as ends in themselves.

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<sup>97</sup> SCG III, c. 111, 112 (Marietti ed., vol. 3, p. 170, 171.): “[Intellectuales et rationales naturae] praecellunt enim alias creaturas et in perfectione naturae, et in dignitate finis. In perfectione quidem naturae, quia sola creatura rationalis habet dominium sui actus, libere se agens ad operandum; ceterae vero creaturae ad opera propria magis aguntur quam agant; ut ex supra (cap. 47) dictis patet. In dignitate autem finis, quia sola creatura intellectualis ad ipsum finem ultimum universi sua operatione pertingit, scilicet cognoscendo et amando Deum: aliae vero creaturae ad finem ultimum pertingere non possunt nisi per aliqualem similitudinis ipsius participationem. . . . Ipsa conditio intellectualis naturae, secundum quam est domina sui actus, providentiae curam requirit qua sibi propter se provideatur: aliorum vero conditio, quae non habent dominium sui actus, hoc indicat, quod eis non propter ipsa cura impendatur, sed velut ad alia ordinatis. Quod enim ab altero tantum agitur, rationem instrumenti habet: quod vero per se agit, habet rationem principalis agentis. Instrumentum autem non quaeritur propter seipsum, sed ut eo principale agens utatur. Unde oportet quod omnis operationis diligentia quae circa instrumenta adhibetur, ad principale agens referatur sicut ad finem: quod autem circa principale agens vel ab ipso vel ab alio adhibetur, inquantum est principale agens, propter ipsum est. Disponuntur igitur a Deo intellectuales creaturae quasi propter se procuratae, creaturae vero aliae quasi ad rationales creaturas ordinatae. — Adhuc. Quod dominium sui actus habet, liberum est in agendo, *liber enim est qui sui causa est*: quod autem quadam necessitate ab alio agitur ad operandum, servituti subiectum est. Omnis igitur alia creatura naturaliter servituti subiecta est: sola intellectualis natura libera est. In quolibet autem regimine, liberis providetur propter seipsos: servis autem ut sint in usum liberorum. Sic igitur per divinam providentiam intellectualibus creaturis providetur propter se, ceteris autem creaturis propter ipsas. — Amplius. Quandocumque sunt aliqua ordinata ad finem aliquem, si qua inter illa ad finem pertingere non possunt per seipsa, oportet ea ordinari ad illa quae finem consequuntur, quae propter se ordinantur in finem. . . . Sola igitur intellectualis natura est propter se quaesita in universo, alia autem omnia propter ipsam.” The phrase ‘liber enim est qui sui causa est’ is a translation of a phrase from Aristotle’s *Metaphysics* (I, 982b25–26). See Finnis, *Aquinas: Moral, Political, and Legal Theory* (Oxford: Oxford University Press, 1998), p. 170, n. 167. He footnotes this passage, among others, in reference to his claim that Aquinas holds that persons are ends in themselves. See also Jamie A. Spiering, “‘*Liber est Causa Sui*’: Thomas Aquinas and the Maxim ‘The Free is the Cause of Itself,’” *Review of Metaphysics* 65 (2011): 351–76.

<sup>98</sup> SCG III, c. 18.

The common good of the universe as a whole, of which intellectual natures are the principal parts, includes both the ordering of the parts of the universe to one another (the intrinsic common good of the universe), and, more fundamentally, the ordering of the whole universe to God (the extrinsic common good of the universe).<sup>99</sup> Therefore a human being, if he is to love the common good of the universe more than himself, must preserve its natural order, willed by its Creator and ultimate end.<sup>100</sup> But it would be a violation of this natural order if a person were to subordinate another person to himself as a mere means, since God created this other person for his own sake.

Yet a person ought not, on Aquinas' view, to love another finite person *more* than himself—indeed, there is not much indication that he even thinks it possible to do so—because God created each and every man to himself attain the ultimate end of the universe by knowing and loving Him, and God gave him free choice by which to direct himself towards his end. It is the natural order of things that each and every man focus primarily on ordering himself to the common and universal good and on achieving his own perfection. A man himself is, in fact, the only one who could ever do this for him. In the final analysis, no one can ever bring it about that another person attain his perfection, because in each case this must be accomplished freely by the person himself. Moreover, although man, through his intellect and will, is in a way receptive to and thus able to direct himself towards all things,<sup>101</sup> his power is not actually infinite, and he can only act in accord with the natural inclinations

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<sup>99</sup> See *STh* I, q. 65, a. 2, c. Cf. De Koninck, "In Defence of St. Thomas," p. 216–19.

<sup>100</sup> The natural order of the universe, insofar as it exists as an eternal plan in God's mind, is the eternal law. The natural inclinations are the basis for the creature's reception of, or participation in, the eternal law, i.e., for man they are the basis of the natural law.

<sup>101</sup> Cf. *In III Sent.*, d. 27, q. 1, a. 4, c. Intellect and will in men are only "in a way [*quodammodo*]" infinite, for they are directed to being and goodness without determination.

which are the principles of his every choice.<sup>102</sup> These inclinations naturally direct him to his own perfection<sup>103</sup> and to the common good, which is his end. Thus a man is always naturally inclined to love himself most after the common good.

Although a person ought to love his neighbors less than himself (not to the same degree), nevertheless, he ought to love them *as* himself (i.e., in the same way). He must love them with a love of friendship and not merely with a love of concupiscence. A man's neighbors, as he himself, exist for their own sakes. It would be contrary to the order of nature and to the common good if they were to be subordinated to him as mere means to his own perfection. Thus he must treat other persons as ends in themselves, as they are by nature; in other words, he must love his neighbors as himself.

In accordance with this natural order, there is a natural inclination, inscribed in man by his Creator, to love his neighbor as himself. Such love does not belong only to the supernatural level, the level of charity, but is proper to the natural level as well:

Angels and men naturally love themselves. That, however, which is one with something, is that thing itself. Whence everything loves that which is one with itself. And if, indeed, it be one with it by a natural union, it loves it with a natural love. If, however, it be one with it with a non-natural union, it loves it with a non-natural love. In this way a man loves his fellow citizen with the love of political virtue, his own relative, however, with a natural love, insofar as he is one with him in the principle of natural generation. It is manifest, however, that that which is one with something in genus or species is one by nature. And therefore with a natural love anything loves that which is one with itself according to species, insofar as it loves its own species. And this is apparent even in those things which lack knowledge, for fire has a natural inclination to communicate to another its own form, which is its good, just as it is naturally inclined to seek its own good, that it be high up.<sup>104</sup>

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<sup>102</sup> *STh* I-II, q. 10, a. 1, c.

<sup>103</sup> Aquinas seems to hold that it is part of the very nature of inclination that it direct one to one's own perfection. Cf. David Gallagher, "Desire for Beatitude and Love of Friendship," p. 1. This should not, however, be taken to mean that the human being inevitably orders the common good to his own perfection.

<sup>104</sup> *Ibid.*, I, q. 60, a. 4, c. (Leon. 5:103): "Angelus et homo naturaliter seipsum diligit. Illud autem quod est unum cum aliquo, est ipsummet: unde unumquodque diligit id quod est unum sibi. Et si quidem sit unum sibi unione

But Aquinas adds that an angel, and, by a parity of reasoning, a man, has a natural inclination to love himself more than another:

The word ‘as’ [in the phrase ‘love another as oneself’] does not designate equality, but likeness. For since natural love is founded on natural unity, that which is less one with [the angel] is naturally loved less. Whence he naturally loves more what is one in number [with himself] than what is one in species or in genus. But it is natural that he have a love for another like his love for himself, to the extent that he loves another insofar as he wills his good, just as he loves himself insofar as he wills good for himself.<sup>105</sup>

The precept of loving one’s neighbor as oneself, i.e., with the love of friendship, belongs, then, to the natural law. It corresponds to the natural order of the universe and to the natural inclinations found in human beings. The order of charity corresponds to the naturally proper order of love, whereby a man loves the common good above all and even more than himself, loves himself next, and then his neighbors as himself with the love of friendship. If Aquinas seems in some places to explain duties to one’s neighbors in terms of the advantages

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naturali, diligit illud dilectione naturali: si vero sit unum secum unione non naturali, diligit ipsum dilectione non naturali. Sicut homo diligit civem suum dilectione politicae virtutis; consanguineum autem suum dilectione naturali, inquantum est unum cum eo in principio generationis naturalis. Manifestum est autem quod id quod est unum cum aliquo, genere vel specie, est unum per naturam. Et ideo dilectione naturali quaelibet res diligit id quod est secum unum secundum speciem, inquantum diligit speciem suam. Et hoc etiam apparet in his quae cognitione carent: nam ignis naturalem inclinationem habet ut communicet alteri suam formam, quod est bonum eius; sicut naturaliter inclinatur ad hoc quod quaerat bonum suum, ut esse sursum.” See also above, section 1, p. 66. Although non-rational creatures also have a ‘natural love’ for other members of their species and for the common good of their species, they are further ordered towards man’s use: “[The fact that rational creatures exist for their own sake, and other creatures for them] is not opposed to the fact that individuals are for the sake of their own species. For by the fact that they are ordered to their own species, they have a further order to intellectual nature. For something corruptible is not ordered to man for the sake of one individual of the human species only, but for the sake of the whole human species. Something corruptible would not be able to serve the whole human species unless according to its own whole species. The order, therefore, by which corruptible things are ordered to man requires that individuals be ordered to the species. (Praedictis non obviat quod individua sunt propter proprias species. Per hoc enim quod ad suas species ordinantur, ordinem habent ulterius ad intellectualem naturam. Non enim aliquod corruptibile ordinatur ad hominem propter unum individuum hominis tantum, sed propter totam humanam speciem. Toti autem humanae speciei non posset aliquod corruptibile deservire nisi secundum suam speciem totam. Ordo igitur quo corruptibilia ordinantur ad hominem, requirit quod individua ordinentur ad speciem.)” (*SCG* III, c. 112 (Marietti ed., vol. 3, p. 171–72)).

<sup>105</sup> *STh* I, q. 60, a. 4, ad. 2 (Leon. 5:103): “*Ly sicut non designat aequalitatem, sed similitudinem. Cum enim dilectio naturalis super unitatem naturalem fundetur, illud quod est minus unum cum eo, naturaliter minus diligit. Unde naturaliter plus diligit quod est unum numero, quam quod est unum specie vel genere. Sed naturale est quod similem dilectionem habeat ad alium sicut ad seipsum, quantum ad hoc, quod sicut seipsum diligit inquantum vult sibi bonum, ita alium diligit inquantum vult eius bonum.*” See also *Ibid.*, I-II, q. 27, a. 3, c.

that come from following them,<sup>106</sup> this does not exclude a more ultimate, non-egoistic reason for these duties. The natural law precept to love one's neighbors as oneself does not command an egoistic love of concupiscence, but a love of friendship which takes one's neighbors as ends in themselves, only not in such a way that they become ends that one subordinates oneself to. For one is also oneself an end in himself, ordered directly to the common good as a principal participant in it.

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<sup>106</sup> See above, section 2, p. 71–72.

## Chapter 3

### Justice in Aquinas

As I have argued in the previous chapter, for Aquinas the two great commandments to love God and to love neighbor are principles of the natural law, and the Ten Commandments are their proximate conclusions. While the natural law prescribes acts of all the virtues,<sup>1</sup> the Ten Commandments, the preeminent precepts of the natural law, prescribe acts of the virtue of justice and proscribe acts of injustice. Among the cardinal virtues, justice is the one most closely related to love, for it is the cardinal virtue whose domain is precisely a man's relationship with others. Each and every person is morally bound to act justly towards all other persons with whom he interacts.

In order, then, to provide a clearer picture of Aquinas' understanding of the principle of humanity in its normative aspect, I intend to consider his theory of justice. By showing how justice instantiates the principle of treating persons always as ends in themselves and not as mere means, further confirmation will be provided for the claim that Aquinas accepts a version of the principle of humanity. I will show that justice prevents one from using another as a mere means, and in so doing implies an at least minimal respect for the other's status as an end in himself.

The consideration of justice and the principle of humanity, however, will involve me in a discussion of Aquinas' views on slavery, for he appears to approve of the institution, and to see it as a relationship in which the slave is an instrument, or means, of his master. I will

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<sup>1</sup> *STh* I-II, q. 94, a. 3.

argue that, although he improperly condones some form of the institution of slavery—accepting that it is natural for some people to be slaves—he does not see the slave as ever being *fully* reduced to the condition of mere means. As slave, the slave is an instrument, but as a human being, he exists as an end in himself and must be treated as such. The condition of servitude only extends to the slave’s physical labor, and he retains rights in all other aspects of his life. This discussion will leave intact my thesis that Aquinas accepts the principle of humanity while also beginning to show where he comes up short in its regard.

Finally, I will show that justice, in Aquinas’ view, is closely related to, although distinct from, the love of friendship, and is oriented towards friendship proper. Justice has as its object external goods insofar as these are due to other people, while the love of friendship has as its object other people themselves. Yet the virtue of justice implies the presence of an at least minimal goodwill, the “beginning of friendship,”<sup>2</sup> and preserves the necessary (but not sufficient) conditions for the existence of friendship. Friendship itself is a deeper sort of relationship, for which justice is a prerequisite. People can hardly remain friends if one or the other consciously and intentionally acts unjustly towards the other.

The sort of deepening of the love of friendship which goes beyond justice and leads ultimately to friendship proper also leads to a more complete fulfillment of the principle of humanity. For while the emphasis in justice is on avoiding the use of others as mere means, the emphasis in the love of friendship is on the first part of the principle of humanity, “treat others as ends.”<sup>3</sup> Moreover, a person can be treated as an end in two senses, as an end *cui*,

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<sup>2</sup> Cf. *Ibid.*, II-II, q. 27, a. 2, c.

<sup>3</sup> Thomas A. Cavanaugh, in a short article (“Double Effect and the End-Not-Means Principle: A Response to Bennet,” *Journal of Applied Philosophy* 16, n. 2 (1999): 181–85), distinguishes between avoiding the use of others as mere means, which is a moral obligatory minimum, and positively treating others as ends, which is



and as an end *cuius*. An end *cui* is one for whose sake a good is obtained or promoted. Justice requires us to refrain from treating another as a mere means insofar as one recognizes him as naturally a *finis cui* of the universe, to whom certain goods are due, and whose due good is thus to be rendered to him. Justice thus involves treating another as a *finis cui*. But the love of friendship also treats a person as a *finis cuius*; the love of friendship involves experiencing another as valuable in himself, as one with whom one wants to share life in some way.

## Section 1 - Justice and the Good of Others

### *The Virtues of Justice*

Justice is one of the four cardinal virtues, along with prudence, fortitude, and temperance.<sup>4</sup> Prudence rectifies man's practical reason in its capacity of commanding concrete actions, while temperance and fortitude rectify his internal passions so that he flourishes as a rational being. Justice, on the other hand, rectifies a man's external actions and possessions insofar as by these he interacts with and relates to other persons.<sup>5</sup>

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morally praiseworthy. According to him, the "End-Not-Means Principle" (the principle of humanity) requires that we either merely avoid using people as means or go even further and treat people positively as ends, but the principle grounds both of these moral forms of behavior on the fact that persons exist for their own sake (p. 184). On my interpretation of Aquinas, he endorses a similar view of interpersonal morality, although I develop a connection between justice and the necessary minimum on the one hand, and friendship and positive treatment of others as ends, on the other hand. I further emphasize the way in which the moral law requires us to orient ourselves towards the deeper fulfillment of the principle of humanity including a treatment of every other human being as an end *cuius*.

<sup>4</sup> For a general treatment of the topic of justice in Aquinas, see Jean Porter, *The Recovery of Virtue: The Relevance of Aquinas for Christian Ethics* (Louisville: Westminster/John Knox Press, 1990), p. 124–54. (She states, mistakenly as will be seen below, that "Aquinas does not even consider the possibility that there is such a thing as a class of natural slaves" (p. 138).) See also Alasdair MacIntyre, *Whose Justice? Which Rationality?* (Notre Dame: Notre Dame University Press, 1988), p. 198–205, Etienne Gilson, *The Christian Philosophy of St. Thomas Aquinas*, trans. L. K. Shook, C.S.B. (Notre Dame: University of Notre Dame Press, 1994), p. 306–32, and R. P. Sertillanges, *La Philosophie Morale de Saint Thomas D'Aquin*, new ed. (Paris: Aubier, Éditions Montaigne, 1946), p. 167–190. For an unconventional view, see Finnis, *Aquinas*, p.118–40.

<sup>5</sup> Aquinas says that one can consider the four cardinal virtues in two ways. On the one hand, one can take the four cardinal virtues to be four formalities that belong to every virtue. On the other hand, one can take them as four separate and distinct virtues which have separate and distinct subject-matters. In this way they are cardinal

All things whatever that can be rectified by reason are the matter of moral virtue, which is defined by right reason, as is clear from the Philosopher in *Ethics* II. Both interior passions of the soul, however, and exterior actions and things which come into the use of man, can be rectified by reason. However, the ordering of one man to another is considered through exterior actions and through exterior things, by which men are able to communicate with one another. According to the interior passions, however, the rectification of a man in himself is considered. And therefore, since justice is ordered to another, it is not concerned with the whole matter of moral virtue, but only with exterior actions and things according to a certain special notion of the object, as, namely, according to them one man is coordinated to another.<sup>6</sup>

Temperance and fortitude, having as their proper object a man's internal passions, are directed towards a man's own perfection as an individual being.<sup>7</sup> Justice, on the other hand,

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because it is in regard to their specific subject matters that the four formalities of virtue shine most preeminently. For example, fortitude in the second sense causes one to endure in the face of mortal dangers. In such dangers the characteristic of virtue according to which one adheres firmly to reason's command in the face of trial is displayed most of all. *STh.* I-II, q. 61, a. 4, c. (Leon. 6:397): "The aforementioned four virtues are taken in two ways by different people. For certain take them according as they signify certain general conditions of the human soul, which are found in every virtue. . . . Others, however, which is better, take these four virtues according as they are determined to special matters, each one of them indeed to one matter, in which principally that general condition is praised from which the name of the virtue is taken. (Praedictae quatuor virtutes dupliciter a diversis accipiuntur. Quidam enim accipiunt eas, prout significant quasdam generales condiciones humani animi, quae inveniuntur in omnibus virtutibus. . . . Alii vero, et melius, accipiunt has quatuor virtutes secundum quod determinantur ad materias speciales; unaquaeque quidem illarum ad unam materiam, in qua principaliter laudatur illa generalis conditio a qua nomen virtutis accipitur.)" (Cf. a. 2 & 3 as well.) In this latter sense, which is the preferred one for Aquinas, (particular) justice is the virtue which rectifies commutations (such as buying and selling) and distributions, in which above all something equal is due, which is the formal notion according to which justice is considered cardinal. Other virtues are 'annexed' to justice, such as religion, piety, gratitude, friendliness & truthfulness. These virtues are similar to justice, but what they render to others is either not 'due' in the same sense or else falls short of equality. Cf. *Ibid.*, II-II, q. 80, a. un.

<sup>6</sup> *Ibid.*, II-II, q. 58, a. 8, c. (Leon. 9:16): "Omnia quaecumque rectificari possunt per rationem sunt materia virtutis moralis, quae definitur per rationem rectam, ut patet per Philosophum, in II *Ethic.* Possunt autem per rationem rectificari et interiores animae passiones, et exteriores actiones, et res exteriores quae in usum hominis veniunt: sed tamen per exteriores actiones et per exteriores res, quibus sibi invicem homines communicare possunt, attenditur ordinatio unius hominis ad alium; secundum autem interiores passiones consideratur rectificatio hominis in seipso. Et ideo, cum iustitia ordinetur ad alterum, non est circa totam materiam virtutis moralis, sed solum circa exteriores actiones et res secundum quandam rationem obiecti specialem, prout scilicet secundum eas unus homo alteri coordinatur."

<sup>7</sup> Cf. *Ibid.*, I-II, q. 56, a. 6, ad 1 (Leon. 6:362): In responding to an objection against the possibility of virtues of the will, Aquinas says that "it is to be said that that argument holds concerning the virtue which orders [one] to the volitional agent's own good, such as temperance and fortitude, which concern human passions and other such things, as is clear from what has been said. (Dicendum quod ratio illa habet locum de virtute quae ordinat ad bonum proprium ipsius volentis: sicut temperantia et fortitudo, quae sunt circa passiones humanas et alia huiusmodi, ut ex dictis patet.)" Virtues that order one to another's good can belong to the will. The body of the article gives charity and justice as examples of virtues of the will. Cf. also II-II, q. 57, a. 1, c.

is directed to the good of another and to establishing or preserving one in the right relationship to the other.

If we speak of particular justice, it excels the other moral virtues, for a twofold reason, the first of which can be taken on the part of the subject, because, namely, [justice] is in the more noble part of the soul, that is, in the rational appetite, i.e., the will, while the other moral virtues exist in the sensitive appetite to which the passions pertain, which are the matter of the other moral virtues. The second reason is taken on the part of the object. For the other virtues are praised only according to the good of the virtuous man himself. Justice, however, is praised according as the virtuous man relates well to another, and thus justice in a certain way is the good of another, as is said in *Ethics* V.<sup>8</sup>

It is interesting to discover that Aquinas holds that justice is a virtue of the will, and that he compares it to charity for precisely this reason. His account is illuminating:

Since by a habit a power is perfected for acting, a power needs a habit perfecting [it] for acting well, which habit indeed is a virtue, when the proper *ratio* of the power does not suffice for this. Every proper *ratio* of a power, however, is considered in [its] order to the object. Whence, since the object of the will is the good of reason proportioned to the will, as has been said, as far as for this the will is not in need of a perfecting virtue. But if it so be that a good that is to be willed confronts man that exceeds the proportion of the one who wills—either as far as the whole human species, such as the divine good, which transcends the limits of human nature, or as far as the individual, such as the good of a neighbor—in that case the will is in need of virtue. And therefore such virtues as order the affection of man unto God or unto neighbor are in the will as in a subject, as charity, justice, and such like.<sup>9</sup>

<sup>8</sup> *Ibid.*, II-II, q. 58, a. 12, c. (Leon. 9:19): “Si loquamur de iustitia particulari, praecellit inter alias virtutes morales, duplici ratione. Quarum prima potest sumi ex parte subiecti: quia scilicet est in nobiliori parte animae, idest in appetitu rationali, scilicet voluntate; aliis virtutibus moralibus existentibus in appetitu sensitivo, ad quem pertinent passiones, quae sunt materia aliarum virtutum moralium. – Secunda ratio sumitur ex parte obiecti. Nam aliae virtutes laudantur solum secundum bonum ipsius virtuosus. Iustitia autem laudatur secundum quod virtuosus ad alium bene se habet: et sic iustitia quodammodo est bonum alterius, ut dicitur in V *Ethic.*” I explain the distinction between particular justice and general justice below, p. 107ff.

<sup>9</sup> *Ibid.*, I-II, q. 56, a. 6, c. (Leon. 6:361–62): “Cum per habitum perficiatur potentia ad agendum, ibi indiget potentia habitu perficiente ad bene agendum, qui quidem habitus est virtus, ubi ad hoc non sufficit propria ratio potentiae. Omnis autem potentiae propria ratio attenditur in ordine ad obiectum. Unde cum, sicut dictum est, obiectum voluntatis sit bonum rationis voluntati proportionatum, quantum ad hoc non indiget voluntas virtute perficiente. Sed si quod bonum immineat homini volendum, quod excedat proportionem volentis; sive quantum ad totam speciem humanam, sicut bonum divinum, quod transcendit limites humanae naturae, sive quantum ad individuum, sicut bonum proximi; ibi voluntas indiget virtute. Et ideo huiusmodi virtutes quae ordinant affectum hominis in Deum vel in proximum, sunt in voluntate sicut in subiecto; ut caritas, iustitia et huiusmodi.”

The sense appetite needs no virtue merely in order to tend towards delectable objects, that arises from the very nature of the power.<sup>10</sup> A virtue is needed in those matters in which a power is capable of inclining in one direction or another. As a habit, a virtue makes a power incline steadily in one direction, and so is a kind of second nature.<sup>11</sup> The will of its very nature inclines towards the good presented by reason, and, like any appetitive power, the will inclines to things to which it has been in some way proportioned, to which it has connaturality or *complacentia*,<sup>12</sup> and hence anything to which the will inclines either is or appears good *for it*. Hence, in order for a person to will his own good (if one abstracts from his order to the common good and to other individuals) he needs no virtue of the will. What he needs are virtues of the sense appetite—primarily temperance and fortitude—and the virtue of the intellect that is called prudence; the first so that his sense appetite be inclined towards delectable objects in accord with reason (for it naturally inclines towards sensible pleasures indiscriminately), and the latter so that his reason be able to intelligently determine what is best for him in the particular situation that he finds himself in.<sup>13</sup>

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<sup>10</sup> *Quaestio disputata de Virtutibus in Communi* (hereafter *QDViCo*), a. 5, c. (*Quaestiones disputatae*, Marietti ed., vol. 2, p. 720): “Virtue, however, orders powers to the good; for it is what makes the one who has it good, and renders his deed good. The will, however, from the very notion of its power, has that which virtue causes in the other powers, for its object is the good. Whence to tend to the good is related to the will in the same way that to tend to that which is delectable is related to the concupiscible power, and in the same way as to be ordered to sound relates to hearing. Whence the will is not in need of a habit of virtue inclining it to the good which is proportioned to it, because it tends to this from the very notion of the power. (Virtus autem ordinat potentias ad bonum; ipsa enim est quae bonum facit habentem, et opus eius bonum reddit. Voluntas autem hoc quod virtus facit circa alias potentias, habet ex ipsa ratione suae potentiae: nam eius obiectum est bonum. Unde tendere in bonum hoc modo se habet ad voluntatem sicut tendere in delectabile ad concupiscibilem, et sicut ordinari ad sonum se habet ad auditum. Unde voluntas non indiget aliquo habitu virtutis inclinante ipsam ad bonum quod est sibi proportionatum, quia in hoc ex ipsa ratione potentiae tendit.)”

<sup>11</sup> See *STh* I-II, q. 49, a. 4. For application to the will, see q. 50, a. 5.

<sup>12</sup> See above, chapter 2, section 3, p. 79–80, 83 & n. 60 & 71.

<sup>13</sup> Cf. *STh* II-II, q. 58, a. 2, ad 4 (Leon. 9:11): “A man’s actions which are directed to himself are sufficiently rectified if the passions are rectified through the other moral virtues. But his actions which are directed to another are in need of a special rectification, not only by comparison to the agent, but also by comparison to the one to whom the action is directed. And therefore there is a special virtue concerning them, which is justice. (Actiones quae sunt hominis ad seipsum sufficienter rectificantur rectificatis passionibus per alias virtutes

In order, however, to promptly and steadily will what is good for another person, a man needs a habit in his will. Aquinas identifies justice as such a habit. Justice, since its object is what is due to and hence good for another, is closely related to (although distinct from) the love of friendship. In both we will what is good for the other as such. In fact, in the passage just quoted, Aquinas indicates that justice involves an ordering of the *affection* of a man unto his neighbor.<sup>14</sup> Justice prevents one from using another person as a mere means, for it causes one to will the other's good.

What was just said, however, applies most properly to what Aquinas calls 'particular justice.' The most basic distinction in Aquinas' account of justice is that between 'general' (or 'legal') justice and 'particular' (or 'special') justice. General justice establishes one in the proper order with regards to the common good, while particular justice establishes one in the proper order with regards to other individual persons.<sup>15</sup>

Aquinas explains general justice in the following manner:

It is manifest, however, that all who are contained under some community are compared to the community as parts to a whole. The part essentially belongs to the whole, however (*Pars autem id quod est totius est*), and so any good of the part is orderable to the good of the whole. Accordingly, therefore, the good of any virtue—whether the virtue orders one in regards to himself, or orders him to other, singular persons—is referable to the common good, to which one is ordered by justice. And accordingly the acts of all virtues can pertain to justice, according as it orders man to the common good. And to this extent justice is called a general virtue. And because it pertains to law to order to the common good, as has been held above, such justice, general in the aforementioned way, is called legal justice, because, namely, through it

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morales. Sed actiones quae sunt ad alterum indigent speciali rectificatione, non solum per comparisonem ad agentem, sed etiam per comparisonem ad eum ad quem sunt. Et ideo circa eas est specialis virtus, quae est iustitia.)”

<sup>14</sup> Although the language of affection in *STh* I-II, q. 56, a. 6, c. (quoted above) is significant, it seems to be an imprecision on Aquinas' part, as I will show further on. (Particular) justice is closely related to affection for one's neighbor, but is not exactly such affection.

<sup>15</sup> *STh* II-II, q. 58, a. 7. The distinction, of course, comes from Aristotle. See *Nicomachean Ethics*, V.1.

a man is in harmony with the law ordering the acts of all the virtues to the common good.<sup>16</sup>

General justice, while it is a virtue distinct from all other virtues, is general insofar as for the sake of the common good it commands the acts of all the other virtues.<sup>17</sup> The natural law, as all law, is ordered to the common good, and every precept of the natural law commands what it commands for the sake of the common good. Whenever a man intentionally follows the natural law as such, he is acting out of general justice. The ‘just’ or ‘righteous’ man, who follows the law in all things, and the ‘good’ man are the same, and differ only logically.<sup>18</sup>

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<sup>16</sup> *Ibid.*, II-II, q. 58, a. 5, c. (Leon. 9:13): “Manifestum est autem quod omnes qui sub communitate aliqua continentur comparantur ad communitatem sicut partes ad totum. Pars autem id quod est totius est: unde et quodlibet bonum partis est ordinabile in bonum totius. Secundum hoc igitur bonum cuiuslibet virtutis, sive ordinantis aliquem hominem ad seipsum sive ordinantis ipsum ad aliquas alias personas singulares, est referibile ad bonum commune, ad quod ordinat iustitia. Et secundum hoc actus omnium virtutum possunt ad iustitiam pertinere, secundum quod ordinat hominem ad bonum commune. Et quantum ad hoc iustitia dicitur virtus generalis. Et quia ad legem pertinet ordinare in bonum commune, ut supra habitum est, inde est quod talis iustitia, praedicto modo generalis, dicitur *iustitia legalis*: quia scilicet per eam homo concordat legi ordinanti actus omnium virtutum in bonum commune.” Cf. also II-II, q. 58, a. 9, ad 3 (Leon. 9:17): “The common good is the end of the singular persons existing in community, as the good of the whole is the end of any one of the parts. The good of one singular person, however, is not the end of another. And therefore legal justice, which is ordered to the common good, is more able to extend itself to the interior passions, by which a man is disposed in some way in himself, than particular justice, which is ordered to the good of another singular person. Legal justice, however, more principally extends itself to other virtues as far as their exterior operations, insofar, namely, as ‘the law commands doing the works of the brave man, and those of the temperate man, and those of the mild man,’ as is said in book V of the *Ethics*. (Bonum commune est finis singularum personarum in communitate existentium, sicut bonum totius finis est cuiuslibet partium. Bonum autem unius personae singularis non est finis alterius. Et ideo iustitia legalis, quae ordinatur ad bonum commune, magis se potest extendere ad interiores passiones, quibus homo aequaliter disponitur in seipso, quam iustitia particularis, quae ordinatur ad bonum alterius singularis personae. Quamvis iustitia legalis principaliter se extendat ad alias virtutes quantum ad exteriores operationes earum: inquantum scilicet *praecipit lex fortis opera facere, et quae temperati, et quae mansueti*, ut dicitur in V *Ethic*.)” Although one must treat other persons as ends, they are not ends one subordinates oneself to.

<sup>17</sup> *Ibid.*, II-II, q. 58, a. 6.

<sup>18</sup> For Aquinas, the paradigmatic sense of general or legal justice is an orientation towards the good of the state to which one belongs, and to whose law one is subject. The human law of one’s political community, if it is just, is derived from the natural law by way of logical conclusion or by way of determination of the indeterminate requirements of the natural law (e.g., the determination of the specific punishment for a specific crime.) To whatever extent, however, distinct political states form some community between them, it seems that the virtue of general justice will have a broader signification as well. It should also be noted that if legal justice is referred to the common good of a particular political community, and that community has bad laws, then the ‘just’ man who follows the law and the ‘good’ man can differ really. See *Ibid.*, I-II, q. 92, a. 1, c.

The natural law and general justice require of a man two kinds of things: the rational ordering of his internal passions, and external actions which preserve or restore the proper relationship between him and other individual persons. The latter is the sphere of particular justice. Aquinas says that the notion of obligation is more evident in interpersonal matters than in personal ones, for “in those things which regard oneself, it seems at first glance that a man is lord of himself, and that he is allowed to do anything, but in those things which concern another, it is manifest that man is obligated to another to render to him what he owes.”<sup>19</sup> Accordingly, the Ten Commandments, the proximate conclusions of the two great commandments and the principal precepts of the natural law, concern matters of particular justice.<sup>20</sup>

For present purposes, the first three commandments, which prescribe duties in regard to God, can be set aside. Of the final seven commandments, there are two kinds, to which belong, respectively, the fourth and the final six commandments. As Jean Porter states, for Aquinas “the central tenets of justice are non-maleficence and the fulfillment of special obligations (Ia2ae 100.5).”<sup>21</sup> The fourth commandment, “Honor your mother and father,” commands the fulfillment of a special obligation to one’s parents in virtue of one’s indebtedness to them. The final six commandments each forbid some sort of harm from being inflicted on any of one’s neighbors.

Natural reason immediately dictates to man that he not injure anyone, and therefore the precepts prohibiting harm extend to everyone. But natural reason does not

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<sup>19</sup> *Ibid.*, II-II, q. 122, a. 1, c. (Leon. 9:474): “In his quae spectant ad seipsum, videtur primo aspectui quod homo sit sui dominus, et quod liceat ei facere quodlibet; sed in his quae sunt ad alterum, manifeste apparet quod homo est alteri obligatus ad reddendum ei quod debet.”

<sup>20</sup> Or, at least, the last six precepts concern particular justice. The first three concern the virtue of religion, and the fourth concerns the virtue of piety, both of which are virtues ‘annexed’ to justice. *Ibid.*, I-II, q. 122, a. 1, c.

<sup>21</sup> Jean Porter, “*De ordine caritatis: Charity, Friendship, and Justice in Thomas Aquinas’ Summa Theologiae*,” *The Thomist* 53 (1989): 208.

immediately dictate that something is to be done for another, except for one to whom a man owes something. The debt, however, of son to father is so manifest that it cannot be denied by any subterfuge, for the father is the principle of generation and being, and besides that, of education and of teaching. And therefore it does not come under precept of the Decalogue that some beneficence or complaisance be shown to anyone except to parents.<sup>22</sup>

The final seven of the Ten Commandments follow from the second great commandment to love one's neighbors as conclusions from their principle. If one is to love his neighbors, he must at least refrain from causing them any harm, and repay his debts. This is why Aquinas refers to another principle of the Ten Commandments, a principle which he says is explanatory of the second great commandment: do unto others what you would have them do unto you.<sup>23</sup> Along with this principle goes another, which also seems to be merely explanatory of the second great commandment, or at least to follow from it: do no harm to anyone.<sup>24</sup> Justice, since it refrains from harming anyone and repays debts, involves a sort of lowest common denominator of love.

One can see this more clearly by considering a person's possible motives for refraining from injustice. If one refrains from injury to another merely out of fear of punishment, then he is not truly just. But suppose there were no such fear, and that one were in a situation in which he could steal another's private possession without any possibility of ever being found out. If one refrains from theft in such a situation, the most obvious

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<sup>22</sup> *STh*, I-II, q. 100, a. 5, ad 4 (Leon. 7:212): "Statim ratio naturalis homini dictat quod nulli iniuriam faciat: et ideo praecepta prohibentia nocumentum, extendunt se ad omnes. Sed ratio naturalis non statim dictat quod aliquid sit pro alio faciendum, nisi cui homo aliquid debet. Debitum autem filii ad patrem adeo est manifestum quod nulla tergiversatione potest negari: eo quod pater est principium generationis et esse, et insuper educationis et doctrinae. Et ideo non ponitur sub praecepto decalogi ut aliquid beneficium vel obsequium alicui impendatur nisi parentibus."

<sup>23</sup> *Ibid.*, I-II, q. 100, a. 1, ad 3.

<sup>24</sup> Cf. *ibid.*, I-II, q. 100, a. 1, c.



explanation for such restraint is that one has an at least minimal concern for the other's well-being, whether immediate or mediated by one's concern for the common good.<sup>25</sup>

It might be objected that such restraint could be derived from a concern for one's own internal perfection. In some situations this is surely the case, as it would lead to intemperance or some other personal imperfection to have or to consume something owned by another. However, in many cases, one could temperately enjoy, if not another's possession, at least an entirely similar one. Suppose, for example, that it is one o'clock, and, intent on work, one has had nothing to eat. It would be temperate to eat a sandwich, and it would be good if one did not have to interrupt his work by packing up his books and laptop and walking to the cafeteria. Somebody's sandwich is in the office refrigerator, and no one is around. Further, one knows that if he were to eat the sandwich, the owner would suppose that it had been thrown out during a regular refrigerator cleanup. If one does not steal the sandwich in such a situation, then it seems that he must have an at least minimal concern for the owners' well-being. Such restraint is not due primarily to one's concern for internal virtues such as temperance, for it is only because the possession belongs to another man, because taking it would be unjust, that it would be intemperate to take it in such a situation. Thus it is clear that justice causes one to will another's good as such, which requires loving the other at least minimally. Justice thus considers the other as an end in himself, as a *finis cui*, as someone not to be subordinated to oneself as a mere means.

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<sup>25</sup> In some cases, this respect for the other's well-being might in fact be nothing more than a respect for his autonomy, such as when one refrains from stealing from another what one is fairly certain the other will use to his own detriment (e.g., one could steal a donut from another person with a cholesterol problem). I am grateful to David Forte for making this point.

*Right and Equality*

The relationship between justice and the principle of humanity, however, will emerge more clearly if one turns to consider a central concept in Aquinas' understanding of justice: that of 'right' (*ius*). Aquinas says that 'right' is the object of justice. Justice rectifies external actions rather than internal passions, as has been said, and there are objectively right actions to perform in certain interpersonal situations (e.g., paying the exact price of a purchased good), whereas in matters of temperance and fortitude what is at issue is not so much the external actions, but the internal disposition. The objectively right action, the one that is appropriate for the other person affected by the action, is the 'just action' (*iustum*), or the (other's) 'right' (*ius*).<sup>26</sup> The 'right' is what is 'due' or 'owed' (*debitum*) to the other person, or what is 'his own.'<sup>27</sup>

Particular justice gives to or does for the other what is due to him, although 'justice' can 'be done' even if one does not act out of the virtue of justice. The just action and the virtue of justice are more separable than the acts of other virtues are from their virtues, for in the case of justice there is an external, objective standard. There is value in the just action, even if it is not done out of justice, for the other person is preserved from harm even if it is

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<sup>26</sup> *Ibid.*, II-II, q. 57, a. 2, c. (Leon. 9:5): "Right, or what is just, is some work adequated to another according to some mode of equality. (Ius, sive iustum, est aliquod opus adaequatum alteri secundum aliquem aequalitatis modum.)" While it is true that Aquinas has a primarily 'objective' view of rights, there are elements of 'subjective rights' language in some of his discussions. See Paul J. Cornish, "Marriage, Slavery, and Natural Rights in the Political Thought of Aquinas," *The Review of Politics* 60 (1998): 557–61.

<sup>27</sup> *SCG*, II, c. 28 (Marietti ed., vol. 2, p. 139): "For justice, according to the Philosopher, in book V of the *Ethics*, is towards another person, to whom it renders what is owed. (Iustitia enim, secundum Philosophum, in V *Ethic.*, ad alterum est, cui debitum reddit.)"; *STh* I, q. 21, a. 1, obj. 3 & ad 3 (Leon. 4:258): "Moreover, the act of justice is to render what is owed. . . . To the third it ought to be said that anyone is owed what is his own. (Praeterea, actus iustitiae est reddere debitum. . . . Ad tertium dicendum quod unicuique debetur quod suum est. . . .)" See also *STh* II-II, q. 58, a. 11, c.

only due to, e.g., a fear of punishment. The value of temperate actions, however, requires that they arise out of or tend towards the virtue of temperance.

Of course, in any attempt to understand justice, everything hinges on the question “How does one determine what is due to someone?” Aquinas provides some sort of answer to this question when he discusses God’s justice:

Anyone is owed what is his own. That is said to be someone’s own which is ordered to him, as the slave is the master’s, and not the reverse. For the free man is he who is for his own sake. In the phrase ‘what is due,’ therefore, is implied a certain order of exigency or necessity belonging to something to which it is ordered. There is, however, a twofold order to be considered in things. One [is that] by which something created is ordered to another created thing, as parts are ordered to the whole, and accidents to substances, and each thing to its own end. Another order [is that] by which all created things are ordered to God. Thus also ‘due’ can be considered in two ways in divine operation: either according as something is due to God, or according as something is due to a created thing. And in either way God renders what is due. For it is due to God that there be fulfilled in things that which His wisdom and will intend, and that He manifest His own goodness, and according to this God’s justice respects what is becoming to Him (*decentiam ipsius*), according to which He renders to Himself what is due to Himself. It is also due to any created thing that it have that which is ordered to it, as to man [it is due] that he have hands, and that the other animals serve him. And thus also God performs justice, when He gives to each thing what is due to it according to the notion of its own nature and condition. But this due depends on the first, because that is due to each thing which is ordered to it according to the order of divine wisdom.<sup>28</sup>

Things have natures, and those natures carry with them a natural teleology, according to which some things belong to other things, or are subservient to them. As Aquinas says,

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<sup>28</sup> *STh* I, q. 21, a. 1, ad 3 (Leon 4:258–59): “Unicuique debetur quod suum est. Dicitur autem esse suum alicuius, quod ad ipsum ordinatur; sicut servus est Domini, et non e converso; nam liberum est quod sui causa est. In nomine ergo debiti, importatur quidam ordo exigentiae vel necessitatis alicuius ad quod ordinatur. Est autem duplex ordo considerandus in rebus. Unus, quo aliquid creatum ordinatur ad aliud creatum: sicut partes ordinantur ad totum, et accidentia ad substantias, et unaquaeque res ad suum finem. Alius ordo, quo omnia creata ordinantur in Deum. Sic igitur et debitum attendi potest dupliciter in operatione divina: aut secundum quod aliquid debetur Deo; aut secundum quod aliquid debetur rei creatae. Et utroque modo Deus debitum reddit. Debitum enim est Deo, ut impleatur in rebus id quod eius sapientia et voluntas habet, et quod suam bonitatem manifestat: et secundum hoc iustitia Dei respicit decentiam ipsius, secundum quam reddit sibi quod sibi debetur. Debitum etiam est alicui rei creatae, quod habeat id quod ad ipsam ordinatur: sicut homini, quod habeat manus, et quod ei alia animalia serviant. Et sic etiam Deus operatur iustitiam, quando dat unicuique quod ei debetur secundum rationem suae naturae et conditionis. Sed hoc debitum dependet ex primo: quia hoc unicuique debetur, quod est ordinatum ad ipsum secundum ordinem divinae sapientiae.”

men ought to have hands. It is unnatural and unfortunate when they do not have them. For one man to deprive another of his hands through bodily injury is, of course, unjust.

Moreover, animals exist for the sake of human beings, in order to serve as food, to provide beautiful sights to contemplate, and for myriads of other purposes. It would be unnatural and unjust if their interests were placed on a par with, or worse, given priority to, those of human beings.<sup>29</sup> So too, it seems to follow from Aquinas' principles that because all persons are created for their own sakes, in order to themselves attain the ultimate end of the universe, it is unjust for one human being to subordinate another human being to himself as a mere means, by depriving him of a good due to him in order to satisfy a passion or purpose of his own.

Aquinas says explicitly that all human beings are created equal in liberty, whereby they exist for their own sakes. They are not equal in talent or virtue, but they are all radically free and no one's good is by nature subordinated to another:

Nature made all men equal in liberty, not however, in natural perfections. For that is free, according to the Philosopher in *Metaphysics* I, c. 3, which is for its own sake. For one man by his own nature is not ordered to another as to an end, and therefore the second mode of preeminence, which takes away the liberty of the subject, did not exist [in the pre-fall state], but the first mode, which carries no prejudice to liberty, could have existed, in which the subjects are not ordered to the good of the one placed over them, but rather the opposite: the government of the one placed over them is ordered to the good of the subjects.<sup>30</sup>

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<sup>29</sup> Aquinas explicitly makes the converse argument, that a man may use animals in any way he wants and may kill them without injustice because they are in natural teleological subordination to human beings. *SCG* III, c. 112 (Marietti ed., vol. 3, p. 172): "Through these things, however, is excluded the error of those who posit that it is a sin for man if he kill brute animals. For by divine providence they are ordered to the use of man. Whence, without injury man uses them, either by killing them, or in any other way. (Per haec autem excluditur error ponentium homini esse peccatum si animalia bruta occidat. Ex divina enim providentia naturali ordine in usum hominis ordinantur. Unde absque iniuria eis utitur homo, vel occidendo, vel quolibet alio modo.)"

<sup>30</sup> *In II Sent.*, d. 44, q. 1, a. 3, ad 1 (Mandonnet ed., vol. 2, p. 1122): "Natura omnes homines aequales in libertate fecit, non autem in perfectionibus naturalibus; liberum enim, secundum Philosophum, in I *Metaphysic.*, cap. III, est quod sui causa est. Unus enim homo ex natura sua non ordinatur ad alterum sicut ad finem; et ideo secundus modus praelationis non fuisset qui libertatem subditis tollit, sed primus modus esse posset, qui nullum praejudicium libertati affert, dum subditi ad bonum praepositi non ordinantur, sed e converso regimen praepositi ad bonum subditorum." (Hermann Weidemann is incorrect in thinking that Aquinas fails to realize that "causa"

Since justice gives to others their ‘right’ (*ius*) or what is due to them, and what is due to someone depends on the natural order among things, and since, further, men are naturally *not* ordered to one another, but are instead naturally equal, justice requires that one refrain from using others as mere means.

Applying these considerations to some of the Ten Commandments, one can say that to kill or injure another to satisfy a purpose of one’s own is contrary to the natural order of things, and so unjust. It is to destroy one in whom the ultimate end of the universe is supposed to be attained, not respecting his status as an end, but regarding him as to be disposed of however is most useful. So too, to disrupt family life, which is a chief part of the flourishing intended by nature for man, by adultery or other sexual sin, is unjust. It places the good of a whole family of persons in subordination to one’s own satisfaction. Moreover, the resources of the earth are by nature means of sustenance subordinated to human beings. To effectively use such things people have to know that their projects will remain undisturbed. Without private property, the resources of the earth cannot be properly cared for and used. So to take what belongs to other human beings, except in cases of extreme necessity (for it is also due to the one who takes that he have enough resources for sustenance), is to ignore their status as ends in themselves, to whom the property taken is subordinated as means.<sup>31</sup> In all of these situations, transgressing the other’s right involves treating him as a mere means.

The principle of humanity has, in a sense, two parts: do not treat others as mere means, and treat others as ends. It is clear, from what has been said in this sub-section and at

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in the phrase “*sui causa*” or “*causa sui*” is in the ablative, and takes it always instead as in the nominative: “the cause of himself.” See “Freiheit als Selbstursächlichkeit. Ein fruchtbares Mißverständnis bei Thomas von Aquin?” *Metaphysica* 2 (2001): 26–27. See also Jamie Spiering, “*Liber est Causa Sui*.”)

<sup>31</sup> See *STh* II-II, q. 66, a. 1 & 2. On cases of extreme necessity, see *ibid.*, a. 7.

the end of the last, that to refrain from treating another as a mere means can only arise out of an at least minimal respect for him as an end in himself. Justice, then, by upholding the rights of another, does fulfill the principle of humanity in both of its parts in the sense that it treats each human being as a *finis cui*, as one for whose sake the rest of creation exists. But at the same time the principle of humanity urges one on towards a deeper embrace of the other for his own sake. This happens when one moves beyond mere justice and actively promotes another's good and participates in his life, which belongs to friendship. I will turn to Aquinas' account of friendship and its relation to justice in the final section of this chapter, but first I must deal with the thorny issue of Aquinas' views on slavery.

## Section 2 - Freedom and Servitude

Aquinas frequently quotes Aristotle's dictum that the free man is he who exists for his own sake. Aquinas says that what differentiates the rule of a master over his slaves and a king or other kind of ruler over his free subjects is that in the former the master governs the slave for his, the master's, benefit, while in the latter the king governs his subjects for their benefit.<sup>32</sup> For "the slave differs from the free man in the fact that the 'free man is for his own sake,' as said in the beginning of the *Metaphysics*; the slave, however, is ordered to another."<sup>33</sup> Aquinas says further that "nature made all men equal in liberty" and "every other creature is naturally subjected to servitude, only the intellectual nature is free."<sup>34</sup> This is, on

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<sup>32</sup> *In II Sent.*, d. 44, q. 1, a. 3, c.; *STh* I, q. 96, a. 4, c.

<sup>33</sup> *STh* I, q. 96, a. 4, c. (Leon. 5:429): "Servus in hoc differt a libero, quod *liber est causa sui*, ut dicitur in principio *Metaphys.*; servus autem ordinatur ad alium."

<sup>34</sup> *In II Sent.*, d. 44, q. 1, a. 3, ad 1 (Mandonnet ed., vol. 2, p. 1122): "Natura omnes homines aequales in libertate fecit." *SCG* III, c. 112 (Marietti ed., vol. 3, p.171): "Omnis igitur alia creatura naturaliter servituti subiecta est: sola intellectualis natura libera est."

the one hand, very close to an explicit endorsement of the principle of humanity, but yet, on the other hand, when these statements are coupled with Aquinas' apparent acceptance of the institution of slavery, they suggest that Aquinas definitively rejects the principle that no human being must ever be treated as a mere means. Does Aquinas not explicitly reduce slaves to the status of mere means, of ensouled instruments?<sup>35</sup> It is necessary, then, for me to consider Aquinas' views on slavery.

There are widely different opinions about Aquinas' views on slavery. John Killoran sees him as condoning the institution and basing it on what Killoran considers Aristotle's theory of natural slavery, according to which some are naturally slaves due to lack of 'intellectual aptitudes.'<sup>36</sup> Stephen Brett, on the other hand, attempts to vindicate Aquinas on this issue, saying that Aquinas "made it plain that servitude of any sort is repugnant to the plan of God and human wisdom."<sup>37</sup> Paul J. Cornish argues that Aquinas did not accept Aristotle's theory of natural slavery and only allowed for slavery by convention, and that in a rather circumscribed sense, which respected a number of rights possessed by the slaves.<sup>38</sup> My

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<sup>35</sup> *In II Sent.*, d. 44, q. 1, a. 3, c. (Mandonnet ed., vol. 2, p. 1122): "Whence also the Philosopher, in the same place, compares the slave to a tool, saying that the slave is an animate tool and the tool is an inanimate slave. (Unde etiam Philosophus, ibidem, servum comparat organo, dicens, quod servus est organum animatum, et organum est servus inanimatus.)"

<sup>36</sup> See John B. Killoran, "Aquinas and Vitoria: Two Perspectives on Slavery," in *The Medieval Tradition of Natural Law*, ed. Harold J. Johnson (Kalamazoo: Western Michigan University Press, 1987) p 87–92. (The issue of slavery in Aquinas is often discussed in conjunction with the views of late Spanish scholastics on the topic, especially those of Vitoria.) Oscar J. Brown claims that "about slavery-by-nature there can be no doubt either that Aristotle espouses such a doctrine in his *Politics* or that Aquinas accepts that espousal in his own commentary on the *Politics*, as well as elsewhere. ("Aquinas' Doctrine of Slavery in Relation to Thomistic Teaching on Natural Law." *Proceedings of the American Catholic Philosophical Association* 53 (1979), p. 173.) His article considers Aquinas' views on what he calls "slavery-by-convention."

<sup>37</sup> Stephen F. Brett, *Slavery and the Catholic Tradition: Rights in the Balance*, American University Studies, series V, vol. 157 (New York: Peter Lang, 1994), p. ix. This claim is far too strong, as will be clear from my treatment of the matter. Joseph E. Capizzi criticizes both Killoran and Brett in "The Children of God: Natural Slavery in Thought of Aquinas and Vitoria," *Theological Studies* 63 (2002): 31–52. He does not directly address Aquinas, but rather Killoran, Brett, and Vitoria.

<sup>38</sup> Cornish, "Marriage, Slavery, and Natural Rights," p. 550–53.

view is that, although Aquinas did accept some form of the theory of natural slavery, he does so in a sense sufficiently circumscribed that it does not reduce the slave to the status of a mere means.

I have no intention of taking a position with regards to what precisely Aristotle's views on slavery are. It is sufficient to say that he considers the matter in the beginning of his *Politics*, and appears to condone the institution in some way or another. Aquinas, of course, wrote a commentary on the first two books, and part of the third, of the *Politics*, which is more important for my purposes than Aristotle's *Politics* itself. In the commentary, one can get a sense of how Aquinas read Aristotle, which is helpful for understanding Aquinas' own views. However, it is not safe to assume *a priori* that the comments he makes concerning Aristotle's text correspond straightforwardly to his (Aquinas') own views.<sup>39</sup>

#### *Natural Slavery*

In his *Commentary on the Politics*, Aquinas reports on Aristotle's distinction between slavery by nature, and slavery by convention:

For 'to serve' and 'slave' are said in two ways: one way, indeed, is according to natural aptitude, as has been said above, but someone is also a slave or one serving according to the law established among men. For there is a certain promulgation of law that those who are conquered in war are said to be the slaves of those who have

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<sup>39</sup> On the topic of Aquinas' Aristotelian commentaries, see for example Leo Elders, "The Aristotelian Commentaries of St. Thomas Aquinas," *The Review of Metaphysics* 63 (2009): 29–53, esp. 51–53, as well as Christopher Kaczor, "Thomas Aquinas's Commentary on the Ethics: Merely an Interpretation of Aristotle?" *American Catholic Philosophical Quarterly* 78 (2004): 353–378 & Mark D. Jordan, "Thomas as Commentator in Some Programs of Neo-Thomism: A Reply to Kaczor," *American Catholic Philosophical Quarterly* 78 (2004): 379–86. Although I do not wish, as I have said, to take a position on the nature of Aquinas' Aristotelian commentaries, I definitely do not agree with Mark Jordan that Catholics ought not to conceive of philosophy as an autonomous discipline. Just such a conception of philosophy seems to me to be called for in John Paul II's *Fides et Ratio*, (Vatican translation (Boston: Pauline Books & Media, 1998)). See especially § 75–79.



prevailed over them; and this right, as it were, all nations use, whence also it is called the right of nations (*ius gentium*).<sup>40</sup>

According to Aquinas, Aristotle first argues that there are certain people who are by nature slaves, and belong by nature to their masters. Then, in the following chapter, he considers the topic of slavery by convention, i.e., by martial conquest. Aquinas provides a reason for the latter convention which goes beyond Aristotle's text: if victors are allowed to take defeated enemies as slaves, then they have an incentive not to simply slay them on the spot. It also gives them a motive to fight more eagerly, so as to acquire slaves for themselves.<sup>41</sup> Concerning the first type of slavery, Aquinas reports Aristotle's view in the following way:

First he shows what sort are they in soul who naturally rule or are subjected; second he sets down a comparison between men who are naturally slaves and brute animals who also naturally serve, there at 'And they share in reason' etc. He says, therefore, first that since the soul naturally has dominion of the body and man of beasts, whoever are so distant from others as soul from body and man from beast, because of the eminence of reason in certain men and the defect in others, those are naturally the masters (*domini*) of the others: according to which Solomon also says that 'He who is foolish shall serve the wise.' Those whose chief work is the use of the body, however, are disposed in this way, namely, that some relate to them as man to beasts, or soul to body, and that this is the best which can be had from them, for they are vigorous for carrying out corporal works, but powerless for the works of reason. And those are naturally slaves for whom it is better that they be ruled by the wise, if what is held true by the aforementioned reasons is fitting, because in this way the government of reason is allotted. And that those are naturally slaves is clear because that one is naturally a slave who has a natural aptitude to be another's, insofar, namely, as he is not able to be ruled by his own reason through which a man is lord of himself

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<sup>40</sup> *Sententia libri Politicorum* (hereafter *SLP*) I, c. 4 (Leon. 48:A90–91): "Dupliciter enim dicitur seruire et seruus: unus quidem modus est secundum aptitudinem naturalem, ut supra dictum est; set etiam est aliquis seruus vel seruiens secundum legem inter homines positam. Est enim quedam promulgatio legis ut illi qui sunt uicti in bello dicantur esse serui eorum, qui contra eos preualuerunt; et hoc iure quasi omnes gentes utuntur, unde et ius gentium nominatur." For the *Sententia libri Politicorum* I have consulted *Commentary on Aristotle's Politics*, trans. Richard J. Regan (Indianapolis: Hackett Publishing Company, 2007). In this passage Aquinas is following Aristotle's text very closely, but adds that the law concerning those conquered in war belongs to the right of nations.

<sup>41</sup> *SLP* I, c. 4 (Leon. 48:A91–92).

(*dominus sui*), but only by the reason of another, because of which he is naturally another's, as though a slave.<sup>42</sup>

This passage certainly appears to condone the concept of natural slaves, but one must be careful here. Aquinas is following the Moerbeke version of Aristotle very closely, almost paraphrasing it:

Indeed, whoever therefore are as distant as soul from body and man from beasts, are disposed in this way: whoever's work is the use of the body, and from whom this is the best thing [that can be had], those indeed are slaves by nature, for whom it is better to be ruled by this [kind of] dominion, if indeed what was said is also believed; for he is by nature a slave who is able to be another's, because of which he also is another's.<sup>43</sup>

An important addition by Aquinas is the quote from Proverbs (11:29) "He who is foolish shall serve the wise." It is certainly significant that Aquinas would gloss Aristotle's text with a quotation from Scripture, which is, of course, of infallible authority for Aquinas. Moreover, Aquinas uses the same verse from Proverbs, in what appears to be a very similar way, in the *Summa contra Gentiles*:

By the same reason, however, an order is found among men themselves. For those who are preeminent in intellect naturally have dominion; those, however, who are deficient in intellect, but robust in body, seem appointed by nature for serving, as

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<sup>42</sup> SLP I, c. 3 (Leon. 48:A88): "Primo ostendit quales sunt secundum animam qui naturaliter principantur uel subiciuntur; secundo ponit comparationem inter homines qui naturaliter sunt serui et bruta animalia que etiam naturaliter seruiunt, ibi *Et communicant ratione* etc. Dicit ergo primo quod cum anima naturaliter dominetur corpori et homo bestiis, quicumque tantum distant ab aliis sicut anima a corpore et homo a bestia, propter eminentiam rationis in quibusdam et defectum in aliis, isti sunt naturaliter domini aliorum: secundum quod etiam Salomon dicit quod "Qui stultus est seruiet sapienti." Disponuntur autem hoc modo, scilicet quod ad eos se habeant aliqui sicut homo ad bestias, uel anima ad corpus, illi quorum opus principale est usus corporis; et quod hoc est optimum quod ab eis haberi potest, sunt enim ualidi ad exequenda opera corporalia, impotentes autem ad opera rationis: et isti sunt naturaliter serui quibus melius est quod regantur a sapientibus, si conueniens est quod credatur rationibus supra dictis, quia in hoc sortiuntur regimen rationis. Et quod isti sint naturaliter serui, patet per hoc quia ille est naturaliter seruus qui habet aptitudinem naturalem ut sit alterius, in quantum scilicet non potest regi propria ratione per quam homo est dominus sui, set solum ratione alterius: propter quod naturaliter alterius est, quasi seruus."

<sup>43</sup> Leon. 48:A85: "Quicumque quidem igitur tantum distant quantum anima a corpore et homo a bestia, disponuntur autem hoc modo: quorumcumque est opus corporis usus, et hoc est ab ipsis optimum, isti quidem sunt natura serui, quibus melius est regi hoc principatu, siquidem et dictis creditur; est enim natura seruus qui potest alterius esse, propter quod et alterius est." On the Latin text used by Aquinas in his *Commentary*, see the introduction to the Leonine edition (Leon. 48:A44–47).

Aristotle says in his *Politics*, with which accords the judgment of Solomon also, who says, *Prov.* 11:29, 'He who is foolish shall serve the wise.' And in *Exod.* 18:21–22 it is said 'Provide wise men who fear God from every multitude, who may judge the people at all time.'<sup>44</sup>

This passage, however, appears in the context of a discussion of the hierarchical order of the entire universe, according to which higher creatures everywhere rule over lower creatures. All Aquinas needs to establish is that there is some kind of hierarchy among men themselves. However, if one is after Aquinas' views on slavery, the essential question is which type of ruling and serving is Aquinas talking about here: rule for the benefit of the ruled, or rule for the benefit of the ruler, i.e., rule over the free, or rule over slaves?<sup>45</sup> The second Scripture quotation that Aquinas provides, the one from Exodus, seems clearly to be speaking about rule over the free, rule for the benefit of the ruled. While this passage certainly appears at first glance to support Aristotle's theory of natural slavery, on the basis of this text alone one might still wonder whether Aquinas intended anything more than to make tactful use of Aristotle's *Politics* to support the notion that some people are natural leaders and others are natural followers.

Definitive evidence that Aquinas holds to a theory of natural slavery can be found in his *Commentary on Colossians*. St. Paul says: "Here there cannot be Greek and Jew,

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<sup>44</sup> SCG III, c. 81 (Marietti ed., vol. 3, p. 116): "Ex eadem autem ratione, et inter ipsos homines ordo invenitur. Nam illi qui intellectu praeminent, naturaliter dominantur; illi vero qui sunt intellectu deficientes, corpore vero robusti, a natura videntur instituti ad serviendum; sicut *Aristoteles* dicit in sua *Politica*. Cui etiam concordat sententia *Salomonis*, qui dicit, *Proverb.* 11,29: *Qui stultus est, serviet sapienti*. Et *Exod.* 18 dicitur: 21 *Provide de omni plebe viros sapientes et timentes Deum*, 22 *qui iudicent populum omni tempore*." Killoran points to just this passage, saying that "This being so, natural slavery may not be simply congruous with the requirements of the natural law as the texts from the *Summa Theologiae* seem to suggest. Rather, it can be argued that the natural law, as St. Thomas understands it, dictates that some men should be slaves because they lack intellectual aptitudes; and moreover, he invokes the authority of Sacred Scripture to sustain the Aristotelian position on natural slavery. For St. Thomas, therefore, the doctrine of natural slavery receives support from the realms of natural reason and of divine revelation." ("Aquinas and Vitoria," p. 90.)

<sup>45</sup> Although, as will be seen, Aquinas holds that slavery can in fact be beneficial to the slave, the rule of a master over the slave is, as such, for the benefit of the master. See above, p. 116.

circumcised and uncircumcised, barbarian, Scythian, slave, free man, but Christ is all, and in all.”<sup>46</sup> In his comments on this verse, Aquinas states the following:

Barbarity, however, denotes being foreign, whence barbarians [are] as it were foreigners. And he is a barbarian simply who is foreign to man as man, i.e., as rational. And therefore those are barbarians who are not ruled by reason and laws, and therefore barbarians are naturally slaves, and they do not differ in Christ because even if they do not have civil right (*ius civile*), nevertheless, they have the law of Christ.<sup>47</sup>

This is clear evidence that Aquinas held that ‘lawless savages’ are natural slaves.

However, to understand Aquinas’ theory of slavery one must consider carefully the status of the ‘naturalness’ of natural slavery, and also take into consideration the rights that Aquinas attributes to slaves. The former consideration will occupy the rest of the present sub-section, and the latter consideration will be taken up in the next.

One must keep in mind that Aquinas holds that “nature made all men equal in liberty,” and that slavery is only in existence due to the fall.<sup>48</sup> Philosophically speaking, natural slavery only comes about insofar as someone fails to measure up to the nature which he possesses. Aquinas is committed to a metaphysical doctrine of natural kinds, and defines man as ‘rational animal.’ To be a member of the human species at all, a creature must have a body and a rational soul, and rational beings are by nature free and exist for their own sakes. However, in his commentaries on the *Ethics* and *Politics*, Aquinas discusses two ways in which human beings can fall into near total irrationality. On the one hand, some peoples live

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<sup>46</sup> Col 3:11 (RSV CE)

<sup>47</sup> *Super Epistolam ad Colossenses Lectura* (hereafter *In Col.*) (*Super Epistolas S. Pauli Lectura*, ed. P. Raphael Cai, O.P., 8<sup>th</sup> ed. (Turin-Rome: Marietti, 1953), vol. 2, p. 154) c. 3, l. 2: “Barbarietas autem extraneitatem dicit; unde barbari quasi extranei. Et simpliciter est barbarus qui extraneus est ab homine inquantum homo, et hoc est inquantum rationalis. Et ideo illi barbari sunt, qui non reguntur ratione et legibus, et ideo barbari naturaliter sunt servi, et in Christo non differunt, quia et si ius civile non habent, tamen legem habent Christi.” For Aquinas’ commentary on the Colossians, I have consulted the translation of Fabian Larcher, O.P., accessed February 24, 2012, [http://nvjournal.net/index.php?option=com\\_content&view=article&id=53&Itemid=62](http://nvjournal.net/index.php?option=com_content&view=article&id=53&Itemid=62).

<sup>48</sup> *In II Sent.*, d. 44, q. 1, a. 3 & *STh* I, q. 96, a. 4.

in such terrible climates that the exercise of rationality is impeded by physical defects, with the result that their societies as a whole engage in bestial behavior; such physical defects and the bestial behavior that follows from them are unnatural. On the other hand, some peoples are so accustomed and habituated to vice that lawless and irrational behavior has become second nature in their societies, which, again, is unnatural; their second nature is at odds with their first nature.<sup>49</sup> In both cases the irrationality of the ‘barbarians’ is *unnatural*, and they still *do* have rational souls, and *some* ability to exercise rationality. Therefore, they exist by nature as ends in themselves, although they are severely impaired in their ability to exercise reason, which ability is precisely what gives them the status of existing for their own sakes.<sup>50</sup>

In his commentary on the *Sentences*, Aquinas provides some further explanation of the sense of the ‘naturalness’ of slavery:

Nothing prevents something from being contrary to nature as far as its first intention, which is not contrary to nature as far as its second intention, just as every corruption and defect and debility of old age is contrary to nature—as is said in book II of *De Caelo*—because nature intends being and perfection; nevertheless it is not contrary to

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<sup>49</sup> SLP I, c. 1/a (Leon. 48:A74–75): “For a man can be called foreign either simply, or in a certain respect. He who is lacking in reason, according to which one is said to be a man, seems to be simply foreign to the human race. And therefore those are named barbarians simply who are lacking in reason, either because of plague from heaven, which they are allotted in excess so that they are found to be for the most part dull due to the very disposition of the region, or also because of some evil custom existing in certain lands, due to which it arises that men are rendered irrational and as if brutish. (Potest enim aliquis homo extraneus dici uel simpliciter, uel quoad aliquem. Simpliciter quidem extraneus uidetur ab humano genere, qui deficit ratione secundum quam homo dicitur: et ideo simpliciter barbari nominantur illi qui ratione deficiunt, uel propter plagam celi quam intemperatam sortiuntur, ut ex ipsa dispositione regionis hebetes ut plurimum inueniantur; uel etiam propter aliquam malam consuetudinem in aliquibus terris existentem, ex qua prouenit ut homines irrationales et quasi brutales reddantur.)” In this passage of his *Commentary*, Aquinas leaves Aristotle’s text behind to discuss the meaning of the word ‘barbarian.’ Accordingly, although it still belongs to an Aristotelian commentary, it carries some more weight. For the *Commentary on the Nicomachean Ethics*, see below.

<sup>50</sup> In the important passage from the *Summa contra Gentiles* (III, c. 111, 112), quoted above, p. 95–96, Aquinas said that human beings, as free, have the nature of principal agents and not of instruments, and hence they exist by nature for their own sakes, and not as means. Freedom is tied essentially to rationality for Aquinas (as it is for Kant), for the will is a “rational appetite,” an appetite for the good of reason. To the extent that anyone truly lacks reason, he also lacks freedom, and hence lacks what makes him an end in himself. Moreover, Aquinas also argues in the same passage that rational beings are sought for their own sakes because they alone, among the parts of the universe, can attain the ultimate end of creation by knowing and loving God. This requires, of necessity, the exercise of rationality. I address this same issue at the end of the next section.

the second intention of nature, for due to the fact that nature cannot preserve being in one it preserves it in another, which is generated by the corruption of another. And when nature is not able to bring [something] to a greater perfection, it brings [it] to a lesser one, just as when it is not able to make a male, it makes a female, which is a misbegotten male (*mas occasionatus*), as is said in *On Animals* 16. Similarly also I say that servitude is contrary to the first intention of nature, but not contrary to the second, since natural reason inclines to this, and nature desires this, namely, that any person be good. But from the fact that someone sins, nature is also inclined that he bear punishment in return, and thus servitude was introduced in punishment of sin. . . . Natural right dictates that punishment be inflicted for a fault, and that no one ought to be punished without fault. But to determine the punishment according to the condition of the person and the fault, belongs to positive right, and therefore servitude, which is a certain determinate punishment, is a matter of positive right, and proceeds from natural right, as the determinate from the indeterminate.<sup>51</sup>

Although Aquinas seems to be speaking here about penal servitude, imposed by law in punishment for a crime,<sup>52</sup> it sheds light on his understanding of the natural servitude of ‘barbarians.’ Indeed, the two forms of slavery are closely related. Sin involves departing from the order of reason and causes a person to fall away from the dignity of his nature. For Aquinas this legitimizes certain forms of behavior towards him which would otherwise be

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<sup>51</sup> *In IV Sent.*, d. 36, q. 1, a. 1, ad 2, ad 3 (*STh* Supp., q. 52, a. 1, ad 2, ad 3) (*Sancti Thomae Aquinatis Opera Omnia* (Parma: Typis Petri Fiaccadori, 1858), t. 7, vol. 2, p. 994–95): “Nihil prohibet esse aliquid contra naturam quantum ad primam intentionem ipsius, quod non est contra naturam quantum ad secundam ejus intentionem; sicut omnis corruptio et defectus et senium est contra naturam, ut dicitur in 2 Caeli et Mundi. (text. com. 18), quia natura intendit esse et perfectionem; non tamen est contra secundam intentionem naturae, quia ex quo natura non potest conservare esse in uno, conservat in altero, quod generatur corruptione alterius; et quando natura non potest perducere ad majorem perfectionem, inducit ad minorem; sicut quando non potest facere masculum, facit feminam, quae est mas occasionatus, ut dicitur in 16 de Animalibus (vel 2 de Gener. Animal., cap. 5). Similiter etiam dico, quod servitus est contra primam intentionem naturae, sed non contra secundam; quia naturalis ratio ad hoc inclinatur, et hoc appetit natura ut quilibet sit bonus; sed ex quo aliquis peccat, natura etiam inclinatur ut ex peccato poenam reportet; et sic servitus in poenam peccati introducta est. . . . Jus naturale dictat quod poena sit pro culpa infligenda, et quod nullus sine culpa puniri debeat; sed determinare poenam secundum conditionem personae et culpae, est juris positivi; et ideo servitus, quae est quaedam poena determinata, est de jure positivo, et a naturali proficiscitur, sicut determinatum ab indeterminato.” The same view of slavery is expressed, implicitly, in *STh* I, q. 96, a. 4, c., especially if one reads the word ‘poena’ as ‘punishment,’ and not simply as ‘pain,’ the word used by the translation of the Fathers of the English Dominican province. Aquinas’ acceptance of the concept of women as ‘misbegotten males’ is surely not to be imitated.

<sup>52</sup> In the passage just quoted, Aquinas says simply that “servitude was introduced in punishment of sin.” Although he could be referring to original sin, it seems more likely that he is referring to individual sin, especially given that he also says that “natural right dictates that punishment be inflicted for a fault, and that no one ought to be punished without fault.” If slavery were a punishment for original sin itself (not just insofar as original sin leads to actual sin or barbarity), then it would seem that everyone would be under the same punishment of slavery.

unacceptable.<sup>53</sup> Both criminals and barbarians engage in immoral behavior which causes them to a certain extent to fall away from the dignity of their nature. The *Commentary on the Nicomachean Ethics* suggests that ‘barbarians’ in fact fall into bestiality (bestiality being a moral condition worse than vice according to Aristotle in the *Nicomachean Ethics*):

And [Aristotle] says that certain men are naturally irrational, not because they have no reason, but exceedingly little and about singulars which they apprehend by sense, so that they only live according to sense; and such are as if naturally bestial, which happens chiefly among certain barbarians dwelling at the ends of the world, where because of the intemperance of the air even their bodies are of evil disposition, due to which the use of reason is impeded in them.<sup>54</sup>

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<sup>53</sup> It is helpful to compare Aquinas’ account of slavery with his views on capital punishment. In the *Secunda Secundae*, Aquinas justifies capital punishment by arguing that sin in a certain manner reduces a man to the condition of a beast, and he quotes the same verse from Proverbs that he glosses Aristotle’s account of natural slavery with: “By sinning man withdraws from the order of reason, and therefore he falls away from human dignity—according as, namely, man is naturally free and exists for his own sake—and he falls in a certain manner into the servitude of the beasts so that, namely, it is ordained concerning him according as is useful to others, according to the psalm: ‘Man, when he was in honor, did not understand; he has been compared to senseless beasts of burden, and has been made like to them,’ and in *Proverbs* 11 it is said ‘He who is foolish shall serve the wise.’ And therefore, although to kill a man who remains in his own dignity is according to itself evil, nevertheless, to kill a sinner can be good, just as to kill a beast [can be good.] For an evil man is worse than a beast, and does more harm, as the Philosopher says in book I of the *Politics* and in book VII of the *Ethics*. (Homo peccando ab ordine rationis recedit: et ideo decedit a dignitate humana, prout scilicet homo est naturaliter liber et propter seipsum existens, et incidit quodammodo in servitutem bestiarum, ut scilicet de ipso ordinetur secundum quod est utile aliis; secundum illud Psalm., *Homo, cum in honore esset, non intellexit: comparatus est iumentis insipientibus, et similis factus est illis*; et *Prov.* XI dicitur: *Qui stultus est serviet sapienti*. Et ideo quamvis hominem in sua dignitate manentem occidere sit secundum se malum, tamen hominem peccatorem occidere potest esse bonum, sicut occidere bestiam: peior enim est malus homo bestia, et plus nocet, ut Philosophus dicit, in I *Polit.* et in VII *Ethic.*)” (*STh* II-II, q. 64, a. 2, ad 3 (Leon. 9:68))

<sup>54</sup> *SLE* VII, c. 5 (Leon. 47.2:401): “Et dicit quod quidam naturaliter sunt irrationabiles, non quia nihil habeant rationis, sed valde modicum et circa singularia quae sensu apprehendunt, ita quod vivunt solum secundum sensum, et tales sunt quasi secundum naturam bestiales, quod praecipue accedit circa quosdam Barbaros in finibus mundi habitantes, ubi propter intemperiem aeris etiam corpora sunt malae dispositionis, ex qua impeditur rationis usus in eis.” Concerning bestial men, Aquinas says slightly earlier in the same chapter that “such men, however, who because of a pernicious nature are like beasts, have indeed something of universal apprehension, but exceedingly little, because reason is suppressed in them due to the bad character of their constitution, just as it is clearly suppressed in the infirm because of corporal indisposition. That, however, which is little seems to be as if nothing, nor does it happen easily that a little force of reason repels strong concupiscent desires. (Huiusmodi autem homines qui propter perniciosam naturam sunt bestiis similes habent quidem aliquid universalis apprehensionis, sed valde modicum, propter hoc quod ration in eis est oppressa ex malitia complexionis, sicut manifeste opprimitur in infirmis propter indispositionem corporalem; illud autem quod est modicum quasi nihil esse videtur nec contingit de facili quod modica vis rationis concupiscentias fortes repellat.)” (Leon. 47.2:400) Although these passages are from an Aristotelian commentary, they show at least that Aquinas was familiar with the ideas, and they seem to correspond with his claim that barbarians are not ruled by reason or by law.

Since the ‘barbarians’ are understood to have fallen into immorality, due to ‘evil custom’ or intemperate climates, it is implied that they have committed and will continue to commit serious injustices, and hence are liable to the punishment of slavery. Accordingly, the slavery of barbarians and criminals can be treated as the same, nor does Aquinas ever clearly distinguish them.

Nature intends all human beings to have the full exercise of reason, but when this intention is frustrated in one way or another, nature allows for other arrangements in order to bring some good out of the situation. Slavery, whether judicially imposed for a crime or ‘natural,’ carries pain with it, since it involves ceding one’s liberty and its fruits, which naturally belong to oneself, to another.<sup>55</sup> Given the irrational behavior of the criminal or barbarian, however, slavery, and indeed even the pain associated with it, are beneficial to him.

Considering [it] absolutely, that this man be a slave, rather than another, does not have a natural reason, but [it is] only in accordance with some consequent utility, insofar as it is useful to this one that he be ruled by a wiser man, and to that one that he be helped by this one, as is said in book I of the *Politics*.<sup>56</sup>

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<sup>55</sup> *STh* I, q. 96, a. 4, c. (Leon. 5:429): “The slave differs in this way from the free man: that *the free man exists for his own sake*, as is said in the beginning of the *Metaphysics*; the slave, however, is ordered to another. Someone rules over (*dominatur*) someone as a slave, therefore, when he refers the one whom he rules to his own, namely the master’s, utility. And because his own good is desirable to each person, and consequently it is grievous to him that he cedes to another alone that good which ought to be his own, therefore such rule cannot exist without pain (*poena*) on the part of the subjects. For this reason, there would not have been such dominion of man over man in the state of innocence. (Servus in hoc differt a libero, quod *liber est causa sui*, ut dicitur in principio *Metaphys.*; servus autem ordinatur ad alium. Tunc ergo aliquis dominatur alicui ut servo, quando eum cui dominatur ad propriam utilitatem sui, scilicet dominantis, refert. Et quia unicuique est appetibile proprium bonum, et per consequens contristabile est unicuique quod illud bonum quod deberet esse suum, cedat alteri tantum; ideo tale dominium non potest esse sine poena subiectorum. Propter quod, in statu innocentiae non fuisset tale dominium hominis ad hominem.)”

<sup>56</sup> *STh*, II-II, q. 57, a. 3, ad 2 (Leon. 9:6): “Hunc hominem esse servum, absolute considerando, magis quam alium, non habet rationem naturalem: sed solum secundum aliquam utilitatem consequentem, in quantum utile est huic quod regatur a sapientiori, et illi quod ab hoc iuvetur, ut dicitur in I *Polit.* Et ideo servitus pertinet ad ius gentium est naturalis secundo modo, sed non primo.” This statement would apply to what is called, in the *Commentary on the Politics*, ‘natural slavery,’ as opposed to ‘slavery by convention,’ which there means slavery by martial conquest. However, the slavery of criminals is closer to what is called natural slavery there



Aquinas views slavery as being beneficial for those who are naturally slaves because the guidance of their master prevents them from doing evil, keeps them safe, and allows them to make satisfaction for their crimes.<sup>57</sup> He may also think that, in some cases, being guided by a wiser man may help the slave to learn to act more reasonably in the future, thus preparing him for the possibility of self-guidance.<sup>58</sup>

*Slaves as Slaves and Slaves as Men*

Even though, according to Aquinas, slavery does happen to be beneficial for the ‘natural slave,’ nevertheless, the essence of slavery consists in the master’s use of the slave for his own, the master’s, benefit. That is what differentiates it from the relationship of a governor to his free subjects. The principle of humanity, then, seems to be still in peril. One

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than it is to slavery by convention. For the criminal, by being enslaved, is ruled by one who is his superior in virtue—and in this sense such slavery is natural—which is not necessarily the case in slavery by martial conquest.

<sup>57</sup> Aquinas holds that even capital punishment is beneficial, not just to the community, but to the criminal himself, insofar as by his death the criminal either expiates his sin, if he repents, or is at least prevented from committing further crimes. He says, at the same time, however, that capital punishment is to be used when there is more chance that the criminal will do further harm to others than that he emend his ways: “As the Philosopher says in book IX of the *Ethics*, the benefits of friendship are not to be taken away from friends who are sinners, as long as one has hope of their healing, but they are to be helped to recover virtue more than [they would be helped] to recover money if they had lost it, insofar as virtue is more closely connected to friendship than money [is]. But when they fall into the greatest malice and become incurable, then the familiarity of friendship is not to be shown to them. And therefore such sinners, concerning whom harm to others is presumed rather than their own emendation, are commanded to be killed according to divine and human law. And nevertheless the judge does this not out of hatred of them, but out of the love of charity, by which the public good is preferred to the life of a singular person. And nevertheless the death inflicted by the judge is beneficial to the sinner: if he is converted, for the expiation of his fault; if he is not converted, for the termination of his fault, because the power of sinning further is taken away from him by this. (Amicis peccantibus, sicut Philosophus dicit, in IX *Ethic.*, non sunt subtrahenda amicitiae beneficia, quousque habeatur spes sanationis eorum: sed magis est eis auxiliandum ad recuperationem virtutis quam ad recuperationem pecuniae, si eam amisissent, quanto virtus est magis amicitiae affinis quam pecunia. Sed quando in maximam malitiam incidunt et insanabiles fiunt, tunc non est eis amicitiae familiaritas exhibenda. Et ideo huiusmodi peccantes, de quibus magis praesumitur nocumentum aliorum quam eorum emendatio, secundum legem divinam et humanam praecipiuntur occidi. – Et tamen hoc facit iudex non ex odio eorum, sed ex caritatis amore, quo bonum publicum praefertur vitae singularis personae. – Et tamen mors per iudicem inflicta peccatori prodest, sive convertatur, ad culpae expiationem; sive non convertatur, ad culpae terminationem, quia per hoc tollitur ei potestas amplius peccandi.)” (*STh*, II-II, q. 25, a. 6, ad 2 (Leon. 8:202))

<sup>58</sup> Cf. *STh* I-II, q. 95, a. 1, c. & ad 1, & I-II, q. 87, a. 7, c.

would have to conclude that Aquinas only held that civilized people, and neither barbarians nor criminals, had to be treated as ends in themselves, if it were not for the fact that Aquinas restricts the condition of servitude to a certain aspect of the slave's life, leaving him free in other aspects.<sup>59</sup> The slave is never reduced to being merely a slave, to being merely a means, and remains in some respects a human being equal to all others. Accordingly, justice makes some demands on the man who is a master in regards to the man who is a slave, so that the master-slave relationship is not like the relationship of an owner to his livestock, or to his inanimate property, which he may use however he likes:

'Right' (*ius*) or 'the just' (*iustum*) is spoken of in regards to commensuration to another. 'Another,' however, can be said in two ways. In one way, [it can be said of] what is simply other as what is wholly distinct, as happens with two men of whom one is not under another, but both are under one leader of the city. And between such men, according to the Philosopher, in *Ethics* V, there is justice (*iustum*) simply. In another way, something is said to be another not simply, but as though something belonging to a person. And in this way in human affairs the son is something of his father's, because he is in a certain fashion a part of him, as is said in *Ethics* VIII, and the servant is something of the master's, because he is his instrument, as is said in *Politics* I. And therefore the comparison of the father to the son is not as to what is simply another, and for this reason there is not justice (*iustum*) simply there, but justice (*iustum*) in a certain manner, namely paternal [justice]. And for the same reason neither is there [justice simply] between master and slave, but there is dominative 'justice' (*iustum*) between them. . . . To the second it is to be said that the son, insofar as he is son, is something of his father's, and similarly the slave, insofar as he is slave, is something of the master's. Nevertheless, either one, according as he is considered as a certain man, is something subsisting in himself, distinct from others. And therefore, insofar as either is a man there is justice towards (*iustitia*) them in some way. And for this reason some laws are even given about those things which concern a father's relationship with his son, or a master's with his slave. But insofar

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<sup>59</sup> John Killoran recognizes that there are limits to the condition of slavery in Aquinas' view, but he seems to hold that these limits arise from theological considerations, and not from considerations of natural justice: "St. Thomas's remarks on how the Church may interpose itself between a Christian slave and his infidel master indicates that in his social thought natural slavery can be circumscribed by theological considerations. To begin with, he asserts in *S. T.* II-II. 104. 5 that slaves are obliged to obey their masters only in matters that pertain to servile tasks. In the same passage he says that slaves are not obliged to obey their masters in matters of virginity and matrimony. Clearly St. Thomas wished to limit slavery to concerns relating to the sustenance and preservation of human livelihood; however, the constraints of the institution of slavery do not apply to the spiritual life of the slave." ("Aquinas and Vitoria," p. 91).

as either is something of the other's, according to this there is lacking there the perfect notion of justice (*iusti*) or of right.<sup>60</sup>

The master cannot treat his slave entirely as a slave, but must in certain respects relate to him as a distinct and equal human being. Just as a father cannot do whatever he wants with his son, but has responsibilities towards him, so must a master respect certain rights of the slave. Aquinas provides some examples of those matters in which the master must respect the rights of his slave:

And similarly it can happen for two reason that a subject is not bound to obey his own superior in all things. In one way, because of the command of a higher power. . . . In another way, an inferior is not bound to obey his own superior if he command him [to do] something in which he is not subjected to him. For Seneca says in *De Beneficiis* III: "If anyone supposes that servitude falls upon the whole man, he errs. His better part is excepted. Bodies are subject and assigned to masters; the mind, indeed, is *sui iuris*." And therefore in those things which pertain to the interior motion of the will, a man is not bound to obey man, but only God. A man is bound to obey man, however, in those things which are to be done exteriorly by means of the body. Even among these things, a man is not bound to obey man, but only God, in those things which pertain to the nature of the body, because all men are equal by nature: namely in those things which pertain to the sustenance of the body and the generation of offspring. Whence neither are slaves bound to obey masters, nor sons parents, as regards contracting marriage or preserving virginity, nor in some other such thing. But in those things which pertain to the disposition of human things and acts, the subject is bound to obey his own superior according to the notion of the superiority, as soldiers [are bound to obey] the leader of the army in those things which pertain to war, the slave his master in those things which pertain to carrying out servile works, and the

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<sup>60</sup> *Ibid.*, II-II, q. 57, a. 4, c., ad 2 (Leon. 9:7): "Ius, sive iustum, dicitur per commensurationem ad alterum. Alterum autem potest dici dupliciter. Uno modo, quod simpliciter est alterum, sicut quod est omnino distinctum: sicut apparet in duobus hominibus quorum unus non est sub altero, sed ambo sunt sub uno principe civitatis. Et inter tales, secundum Philosophum, in V *Ethic.*, est simpliciter iustum. – Alio modo dicitur aliquid alterum non simpliciter, sed quasi aliquid eius existens. Et hoc modo in rebus humanis filius est aliquid patris, quia quodammodo est pars eius, ut dicitur in VIII *Ethic.*; et servus est aliquid domini, quia est instrumentum eius, ut dicitur in I *Polit.* Et ideo patris ad filium non est comparatio sicut ad simpliciter alterum: et propter hoc non est ibi simpliciter iustum, sed quoddam iustum, scilicet paternum. Et eadem ratione nec inter dominum et servum: sed est inter eos dominativum iustum. . . . Ad secundum dicendum quod filius, inquantum filius, est aliquid patris; et similiter servus, inquantum servus, est aliquid domini. Uterque tamen prout consideratur ut quidam homo, est aliquid secundum se subsistens ab aliis distinctum. Et ideo inquantum uterque est homo, aliquo modo ad eos est iustitia. Et propter hoc etiam aliquae leges dantur de his quae sunt patris ad filium, vel domini ad servum. Sed inquantum uterque est aliquid alterius, secundum hoc deficit ibi perfecta ratio iusti vel iuris."

son his father in those things which pertain to the discipline of life and domestic care; and in like manner concerning others.<sup>61</sup>

Even though the slave is an instrument, a means, of his master, he is so only in a certain restricted area of life, namely, in those things which concern labor, most of all household chores.<sup>62</sup> As regards eating, sleeping, and marriage, all men are equal by nature, and the slave is not bound to obey his master if he command him not to sleep, or eat, or marry.<sup>63</sup> Perhaps most interesting of all, however, is the fact that Aquinas approvingly quotes Seneca, who says that in his mind the slave is ‘sui iuris.’ Although Aquinas makes it clear that everyone, whether slave or free, is bound to obey God even as regards his interior life, nevertheless, no one, not even a slave, is bound to obey another man as regards his own internal thoughts and choices. A master can command a slave to cook him a meal, but he cannot command him to do it out of servile fear, or out of a desire for reward, or out of respect for his master, or out of love. That is between the slave and God.<sup>64</sup>

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<sup>61</sup> *Ibid.*, II-II, q. 104, a. 5, c. (Leon. 9:390): “Et similiter ex duobus potest contingere quod subditus suo superiori non teneatur in omnibus obedire. Uno modo, propter praeceptum maioris potestatis. . . . Alio modo, non tenetur inferior suo superiori obedire, si ei aliquid praecipiat in quo ei non subdatur. Dicit enim Seneca, in III *de Benefic.*: *Errat si quis existimat servitutem in totum hominem descendere. Pars eius melior excepta est. Corpora obnoxia sunt et adscripta dominis: mens quidem est sui iuris.* Et ideo in his quae pertinent ad interiorem motum voluntatis, homo non tenetur homini obedire, sed solum Deo. Tenetur autem homo homini obedire in his quae exterius per corpus sunt agenda. In quibus tamen etiam, secundum ea quae ad naturam corporis pertinent, homo homini obedire non tenetur, sed solum Deo, quia omnes homines natura sunt pares: puta in his quae pertinent ad corporis sustentationem et proles generationem. Unde non tenentur nec servi dominis, nec filii parentibus obedire de matrimonio contrahendo vel virginitate servanda, aut aliquo alio huiusmodi. – Sed in his quae pertinent ad dispositionem actuum et rerum humanarum, tenetur subditus suo superiori obedire secundum rationem superioritatis: sicut miles duci exercitus in his quae pertinent ad bellum; servus domino in his quae pertinent ad servilia opera exequenda; filius patri in his quae pertinent ad disciplinam vitae et curam domesticam; et sic de aliis.”

<sup>62</sup> Cf. *SLP* I, c. 2

<sup>63</sup> *In IV Sent.*, d. 36, q. 1, a 2, ad 2. Cf. c., & ad 1.

<sup>64</sup> ‘Sui iuris’ can be translated as ‘one’s own master,’ or ‘independent.’ Insofar as this status of the slave is connected to his ability to use practical reason and the virtue of prudence, this concept can be fruitfully compared to Kant’s conception of autonomy. One point of contact that can be noted is that Kant distinguishes between, on the one hand, those moral duties for which there can legitimately be an external legislation, about which he treats in the first section of his *Metaphysik der Sitten*, the “Doctrine of Right (*Rechtslehre*),” and, on the other hand, those moral duties which concern the internal determination of the mind to pursue a definite end,

Since man is rational, and only as such an end in himself, it is the activities of reason in which a man's true dignity lies. Aquinas holds that there are two principal activities of reason, namely speculation and the practical activity of setting-in-order which is proper to the virtue of prudence.<sup>65</sup> The order of reason, determined by prudence, is put into exterior actions and the interior passions through the other cardinal virtues (justice, fortitude, and temperance). It is extremely significant, then, that Aquinas attributes a form of the virtue of prudence to slaves:

Prudence is in the reason. To rule and to govern, however, are proper to reason. And therefore, to whatever extent someone participates in rule and governance, to that extent is it fitting for him to have reason and prudence. It is manifest, however, that to rule and to govern are not the subject's as subject, nor the slave's as slave, but rather to be ruled and to be governed. And therefore prudence is not the virtue of the slave insofar as he is a slave, nor of the subject insofar as he is a subject. But because any man, insofar as he is rational, participates somewhat in ruling according to the choice (*arbitrium*) of reason, to that extent it is fitting for him to have prudence. Whence it is manifest that prudence is in the prince, indeed, "in the manner of a master art (*artis architectonicae*)," as is said in *Ethics* VI, but in subjects "in the manner of handicraft" . . . To the second it is to be said that the slave does not have the consiliative [power] insofar as he is slave, for thus he is an instrument of his master. He is nevertheless consiliative insofar as he is a rational animal.<sup>66</sup>

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which duties cannot be subject to external legislation. He treats the latter in the second division of the *Metaphysik der Sitten*, the "Doctrine of Virtue (*Tugendlehre*)."<sup>65</sup> Positive law can require a man to fulfill a contract, but it cannot command that he do it out of respect for the moral law, rather than fear of punishment. The ends for which a person acts are subject only to his own, self-given law.

<sup>65</sup> *QDViCo*, a. 5 ad 8 (*Quaestiones Disputatae*, Marietti ed., vol. 2, p. 721): "Certain things are prerequisite to happiness as dispositions. as the acts of the moral virtues, through which impediments to happiness are removed, namely the unrest of the mind due to the passions, and due to exterior perturbations. There is an act of virtue, however, which is essentially happiness itself when it is complete, namely the act of reason or of intellect. For contemplative happiness is nothing other than the perfect contemplation of the highest truth; active happiness, however, is the act of prudence, by which a man governs both himself and others. (Ad felicitatem quaedam praeexiguntur sicut dispositiones, sicuti actus virtutum moralium, per quos removentur impedimenta felicitatis; scilicet inquietudo mentis a passionibus, et ab exterioribus perturbationibus. Aliquis autem actus est virtutis qui est essentialiter ipsa felicitas quando est completus; scilicet actus rationis vel intellectus. Nam felicitas contemplativa nihil aliud est quam perfecta contemplatio summae veritatis; felicitas autem activa est actus prudentiae, quo homo et se et alios gubernat.)" Happiness, and man's dignity, consists in the activity of his reason. The moral virtues which concern passions (temperance and fortitude) and external actions (justice) provide the conditions for the exercise of reason and allow one to put the order determined by reason into effect. Cf. *STh* I-II, q. 61, a. 2, c.

<sup>66</sup> *STh* II-II, q. 47, a. 12, c., ad 2 (Leon. 8:360): "Prudentia in ratione est. Regere autem et gubernare proprie

This passage, taken together with the previous one, shows that Aquinas attributes practical rational activity, the activity of prudence, to men who are slaves, and that in at least two ways. In one way, men who are slaves exercise prudence in their own affairs, where they are not subject to their masters, such as in determining whether or not, and whom, to marry. In a second way, men who are slaves participate to some extent in governance by exercising prudence in determining the details of the execution of the general commands of their masters, just as a carpenter might determine how to carry out the instructions of the architect. A third passage seems to indicate that slaves also exercise prudence by determining themselves to obey the commands of their masters (or by determining *not* to obey their commands if they exceed their authority, or command them to do something immoral):

The slave is moved by his master, and the subject by his prince, by means of a command, but in a different way than irrational and inanimate beings are moved by their movers. For inanimate and irrational beings are only acted upon by another, they do not, however, act upon themselves, because they do not have mastery of their own acts through free choice. And therefore the rectitude of their governance is not in them, but only in the movers. But men who are slaves, or any subjects whatsoever, are acted upon by others by means of commands in such a way that they nevertheless act upon themselves through free choice. And therefore a certain rectitude of governance is required in them through which they direct themselves in obeying their princes. And the species of prudence which is called political pertains to this.<sup>67</sup>

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rationis est. Et ideo unusquisque in quantum participat de regimine et gubernatione, in quantum convenit sibi habere rationem et prudentiam. Manifestum est autem quod subditi in quantum est subditus, et servi in quantum est servus, non est regere et gubernare, sed magis regi et gubernari. Et ideo prudentia non est virtus servi in quantum est servus, nec subditi in quantum est subditus. Sed quia quilibet homo, in quantum est rationalis, participat aliquid de regimine secundum arbitrium rationis, in quantum convenit ei prudentiam habere. Unde manifestum est quod prudentia quidem in principe est *ad modum artis architectonicae*, ut dicitur in VI *Ethic.*: in subditis autem *ad modum artis manu operantis*. . . . Ad secundum dicendum quod servus non habet consiliativum in quantum est servus: sic enim est instrumentum domini. Est tamen consiliativus in quantum est animal rationale.”

<sup>67</sup> *Ibid.*, II-II, q. 50, a. 2, c. (Leon. 8:375): “Servus per imperium movetur a domino et subditus a principante, aliter tamen quam irrationalia et inanimata moveantur a suis motoribus. Nam inanimata et irrationalia aguntur solum ab alio, non autem ipsa agunt seipsa: quia non habent dominium sui actus per liberum arbitrium. Et ideo rectitudo regiminis ipsorum non est in ipsis, sed solum in motoribus. Sed homines servi, vel quicumque subditi, ita aguntur ab aliis per praeceptum quod tamen agunt seipsos per liberum arbitrium. Et ideo requiritur in eis quaedam rectitudo regiminis per quam seipsos dirigant in obediendo principatibus. Et ad hoc pertinet species

Slaves thus at bottom retain the status of ends in themselves. For Aquinas gives two main reasons in *Summa contra Gentiles*, book III, c. 111 & 112, why human beings are ends in themselves. One is that, unlike irrational creatures, they move themselves by their free choice and hence have the status of principal agents who exist for their own sakes. The other is that they alone can know and love God, who is the ultimate end of the entire universe. It is clear, however, from the passage just quoted, that Aquinas attributes the activities of prudence and self-direction to men who are slaves; they also retain, in principle, the capability of knowing and loving God (and indeed, can become Christians), although sin renders them, as it renders any man, less and less able to exercise that capability.<sup>68</sup>

Because they have those attributes which render them ends in themselves, and, accordingly, have rights as discussed above, slaves are not *mere* means, even though they are to a certain extent legitimately used as means for their masters to care for their households. They cannot be used in whatever manner their masters wish, as animals and inanimate things can. Outside of the arena of their labor, slaves must not be treated as mere means anymore than other people; their masters must act justly towards them. While Aquinas' doctrine of slavery is one of the most unattractive aspects of his moral philosophy, and is certainly not acceptable, it at least has the merit of not reducing slaves entirely to the status of mere means, and does not entirely rob them of their human dignity.<sup>69</sup>

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prudentialia quae politica vocatur.”

<sup>68</sup> *Ibid.*, I, q. 93, a. 4, c., obj. 3, & ad 3.

<sup>69</sup> It should be noted that even Kant thinks that people can and should be condemned to slavery by a court of law, either for a definite time or for life, as a punishment for theft (*MdS*, Ak. 6:333). He also thinks that people can enter into contracts to become domestic servants (*Ibid.*, Ak. 6:282–84).

### Section 3 - Justice and Friendship<sup>70</sup>

In the discussion of Aquinas' theory of justice, it was shown that justice involves willing the good of another as such, and not as ordered towards one's own individual good. Justice prevents a man from looking on another as a mere means, to be used however he wants. When it is an act of the virtue of justice, refraining from using another as a mere means comes from a recognition of the other's status as an end in himself, and from respect for this status of his. However, this respect only involves a minimal treatment of the other as an end in himself. If one fully embraces another's status as an end in himself, he will actively promote the other's good whenever the circumstances are appropriate and it does not detract from his own, true good (since he is, himself, also an end in himself.) Justice is a necessary condition of and a first step towards this deeper treatment of another as an end, which finds its fullest expression in friendship between persons. The demands of justice have a point; justice and the entire natural law orient one towards friendship, and thus towards a full embrace of others as ends in themselves.

#### *The Point of Justice*

I argued in the second chapter that, for Aquinas, the two great commandments to love God and to love neighbor are principles or ends of the natural law. The love of neighbor that is thus commanded is the love of friendship (*amor amicitiae*, which is not itself friendship, but the sort of love that is required in friendships of virtue), and not the love of

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<sup>70</sup> On the topic of friendship in Aquinas, see Daniel Schwartz, *Aquinas on Friendship* (Oxford: Clarendon Press, 2007), and James McEvoy, "The Other as Oneself: Friendship and Love in the Thought of St. Thomas Aquinas," in *Thomas Aquinas: Approaches to Truth: The Aquinas Lectures at Maynooth, 1996–2001*, ed. James McEvoy & Michael Dunne, 16–37 (Dublin: Four Courts Press, 2002).



concupiscence (*amor concupiscentiae*, which is found in friendships of utility and pleasure).

In the course of his treatment of the Old Law, in the context of discussing how all the precepts of the Law are included in the commandment to love one's neighbors, Aquinas states significantly that "every law aims (*tendit*) at constituting friendship, either of men with one another, or of men with God."<sup>71</sup> In the body of the same article, he explains that

A precept of the law, since it is obligatory, is about something which ought (*debet*) to be done. That something ought to be done, however, arises from the necessity of some end. Whence it is manifest that it is of the notion of a precept that it carry with it an order to an end, insofar, namely, as that is commanded (*praecipitur*) which is necessary or expedient for the end.<sup>72</sup>

The precepts of the law, then, are ordered towards the establishment of friendship. In the next question, Aquinas says that

The divine law fittingly proposes precepts concerning the acts of all the virtues, in such a way, nevertheless, that certain matters, without which the order of virtue, which is the order of reason, cannot be kept, fall under the obligation of a precept; certain matters, however, which pertain to the well being of perfect virtue, fall under the admonition of a counsel.<sup>73</sup>

Some things are so necessary for the end of the moral life, for friendship and love of God (or the common good) and neighbor, that without them love and friendship cannot exist.

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<sup>71</sup> *STh*, I-II, q. 99, a. 1, ad 2 (Leon. 7:199): "Ad hoc enim omnis lex tendit, ut amicitiam constituat vel hominum ad invicem, vel hominis ad Deum." See also *Ibid.*, I-II, q. 99, a. 2, c. (Leon. 7:200): "Just as the principal intention of human law is that it produce friendship of men with one another, so the intention of divine law is that it constitute principally the friendship of man with God. (Sicut intentio principalis legis humanae est ut faciat amicitiam hominum ad invicem; ita intentio legis divinae est ut constituat principaliter amicitiam hominis ad Deum.)"

<sup>72</sup> *Ibid.*, I-II, q. 99, a. 1, c. (Leon. 7:199): "Praeceptum legis, cum sit obligatorium, est de aliquo quod fieri debet. Quod autem aliquid debeat fieri, hoc provenit ex necessitate alicuius finis. Unde manifestum est quod de ratione praecepti est quod importet ordinem ad finem, inquantum scilicet illud praecipitur quod est necessarium vel expediens ad finem." One should compare this statement with Kant's discussion of hypothetical and categorical imperatives. Aquinas speaks here of commandments as being necessary, not in themselves, but for an end, but the end itself is necessary in some way. This topic will be taken up in chapter 5.

<sup>73</sup> *Ibid.*, I-II, q. 100, a. 2, c. (Leon. 7:207): "Lex divina convenienter proponit praecepta de actibus omnium virtutum: ita tamen quod quaedam, sine quibus ordo virtutis, qui est ordo rationis, observari non potest, cadunt sub obligatione praecepti; quaedam vero, quae pertinent ad bene esse virtutis perfectae, cadunt sub admonitione consilii."

These matters fall under precepts. Other things are not strictly necessary for or incompatible with friendship, but nevertheless promote friendship or weaken it. Such things are matters not of precept, but of counsel. All of the law, however, is ordered towards friendship.

Although the natural law contains precepts about acts of all virtues, the most prominent precepts are those which concern a man's relation to his neighbors, which prescribe acts of the virtue of particular justice. Among these are the commandments of the second tablet, the later seven commandments of the Decalogue. The acts of particular justice above all are necessary for the end of friendship. They bear with them the notion of obligation because injustice injures one's neighbor, which is directly contrary to the end of love or friendship.<sup>74</sup> Failures in justice are strictly incompatible with friendship between men.

As I argued in the first section of this chapter, the virtue of justice involves a kind of inchoate love of friendship. Acts of justice benefit one's neighbor, and acts of injustice harm him. If one performs acts of justice out of fear of punishment or hope of reward, his neighbor's good is served, but one does not thereby love his neighbor. Human positive law can demand no more than this. If the same actions, however, are performed *because* they are just, or out of the virtue of justice, then the neighbor's good as such is chosen and one has 'goodwill' towards him, the beginning of the love of friendship. The natural, moral law demands acts of justice in this sense.<sup>75</sup>

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<sup>74</sup> This can be inferred, *mutatis mutandis*, from Aquinas' theological statement at *Ibid.*, II-II, q. 59, a. 4, c. (Leon. 9:24): "Mortal sin is what is opposed to charity, through which is the life of the soul. Every harm caused to another is repugnant of itself to charity, which moves [one] to will another's good. And therefore, since injustice always consists in another's harm, it is manifest that to do injustice is a mortal sin by its genus. (Peccatum mortale est quod contrariatur caritati, per quam est animae vita. Omne autem nocumentum alteri illatum ex se caritati repugnat, quae movet ad volendum bonum alterius. Et ideo, cum iniustitia semper consistat in nocumento alterius, manifestum est quod facere iniustum ex genere suo est peccatum mortale.)"

<sup>75</sup> The moral precepts of the Old Law, which belong to the natural law, require that one choose acts of virtue for their own sakes. It does not demand that one have the virtues, for one cannot have them simply by choosing, but

*The Distinction between Justice and the Love of Friendship*

Justice and the love of friendship must nevertheless be distinguished. The love of friendship involves some union of affection between one man and another. Out of the love of friendship one does wish good to the beloved; one does so, however, *because* he loves *the person*. The other person, not the other's good, is the object of the love of friendship. The other's good is the object of a love of concupiscence arising out of that love of friendship.<sup>76</sup> The object of the virtue of justice, properly speaking, is not the other person, but the *good due to him*, an external thing or action.<sup>77</sup> It is accordingly a habit of acting out of a specific kind of love of concupiscence. Since the object, however, is something good for another as such, and not as ordered to one's self, it has to arise out of, be commanded by, something other than a love of friendship for oneself.

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it demands that one perform those acts which, when repeated, engender virtue. *Ibid.*, I-II, q. 100, a. 9, esp. ad 3 & c.

<sup>76</sup> See above, chapter 2, section 3, p. 80–81, and *STh* I-II, q. 26, a. 4, c., which is quoted there, as well as *STh* I-II, q. 28, a. 1, c. & ad 2, where it is said that the union of affection by which a person relates to another as to himself is what *amor amicitiae* is. That the object of *amor amicitiae* is the other person himself is also clear from Aquinas' discussion of the effect of mutual inhesion, especially as regards the aspect of apprehension. See above, chapter 2, section 3, p. 82–84, and *STh* I-II, q. 28, a. 2, c. See also David Gallagher, "Desire for Beatitude and Love of Friendship," p. 9–10, 13–15. A particularly nice statement of the nature of personal love is found in *In III Sent.*, d. 27, q. 1, a. 1, c: Love is a 'transformation' of a person's appetite into that which is loved (which seems to correspond with what, in the *Summa Theologiae*, is called "union of affection" (I-II, q. 28, a. 1)), and because of this transformation, the person is lead to act according to the needs of that which is loved; put in other words, *amor concupiscentiae* arises out of *amor amicitiae*. Although this text does not mention the distinction between *amor amicitiae* and *amor concupiscentiae* by name, Aquinas is aware of the distinction even at this early point of his career, for it shows up in d. 29, q. un., a. 3, c. There Aquinas says that the object of *amor amicitiae* (or *amor benevolentiae*) is the real term of the appetitive motion of love, whereas the object of *amor concupiscentiae* is further directed to the object of *amor amicitiae*. The twofold structure of love is visible in d. 27, q. 1, a. 1, with the aspect later termed *amor amicitiae* being primary: That the love being described in d. 27, q. 1, a. 1, is primarily *amor amicitiae* is further confirmed by the definition of love found in Pseudo-Dionysius' *On the Divine Names* that Aquinas defends there.

<sup>77</sup> Aquinas incorporates 'the jurists'' definition of justice, which is as follows: "Justice is the constant and perpetual will imparting to everyone his own right. (*Iustitia est constans et perpetua voluntas ius suum unicuique tribuens.*)" (*Ibid.*, II-II, q. 58, a. 1, obj. 1 (Leon. 9:9)) He specifies that the matter of the virtue of justice is external operation or things, insofar as by them a person is related to others. (*Ibid.*, II-II, q. 58, a. 8) Furthermore, he identifies the 'right' (*ius*) as the object of justice (*STh* II-II, q. 57, a. 1), and the 'right' is what is due to another, not the other to whom something is due.

In the supernatural context, acts of particular justice are ultimately commanded by the virtue of charity, whereby we love God, and our neighbors for God's sake, with the love of friendship. Justice thus comprises certain minimal requirements of the love of charity. In the natural context, the acts of particular justice are commanded by the virtue of general justice, whereby one is ordered towards the human common good.<sup>78</sup> The common good requires 'ordered concord,'<sup>79</sup> which respects the natural order between persons. Since no person is naturally subordinated as a mere means to other persons, and all persons are naturally equal in liberty and exist for their own sakes, this ordered concord requires that each one be rendered his due according to the demands of particular justice. Without such particular justice there cannot be ordered concord and the common good cannot be maintained.

It is possible for one to render another his due without having much affection to speak of for him in particular, insofar as one is committed to the common good, and hence habitually wills that others have what is due to them. This would happen, for example, in the context of giving what one owes to an enemy who actively opposes one. In such a case, one who has the habit of particular justice is directly, perhaps even strongly inclined, because he is just, to give the enemy the external object which is his due, while yet having little or no affection for the person himself as an individual. Thus it is important to distinguish particular justice from the love of friendship. Nevertheless, justice requires, at the very least, that one not actively hate the other or be completely indifferent to him,<sup>80</sup> and that one choose to

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<sup>78</sup> Cf. *Ibid.*, II-II, q. 58, a. 6, c.

<sup>79</sup> Cf. *SCG* III, c. 128.

<sup>80</sup> One is sometimes required in justice, not only to refrain from harming another, but to actively benefit him: *In III Sent.*, d. 30, q. un., a. 2, ad 1 (Moos ed., vol. 3, p. 957) "Friendly benefits proceed from liberality [and] not from debt. Necessity, however, renders all things common [property]; and therefore in necessity even enemies are to be succored. But this is more an effect of justice than of friendship. (Beneficia amabilia procedunt ex liberalitate non ex debito. Necessitas autem facit omnia communia; et ideo in necessitate subveniendum est

respect his status as an end in himself. One recognizes him as a human being, and hence as one whose due good is to be chosen (which is to love him minimally).

Aquinas' distinction between goodwill (*benevolentia*, benevolence) and love (*amor*) in question 27 of the *Secunda Secundae* is pertinent here. The distinction comes from Aristotle but Aquinas develops it. He says that willing the good of another is involved in love, but that love implies something further in addition. If love is considered as a passion of the sensitive appetite, it involves a certain intensity which is lacking in simple goodwill. If love is considered as belonging to the will,

it implies a certain union of the lover to the loved according to affection, insofar, namely, as the lover regards the loved in a certain way as one with himself, or as pertaining to himself, and thus is moved unto him. But goodwill is a simple act of the will by which we will good to someone, even without the aforesaid union of affection to him being presupposed. . . . And for this reason the Philosopher says in the same place that goodwill is the beginning of friendship.<sup>81</sup>

Justice, strictly speaking, need only involve goodwill, and not love, and a goodwill that only extends as far as goods which are due to the other, and not to gratuitous benefits. Particular justice as such requires that one choose what is good for another as such, but not that he have affection for the other individual. He may only will the other's good out of an

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etiam inimicis. Sed hic est magis effectus justitiae quam amicitiae.)" If one were completely indifferent to another person, one would neither help nor harm him, except insofar as he was useful or harmful to oneself. See also *STh* II-II, q. 58, a. 11, ad 1. Eleonore Stump's article, "Aquinas on Justice" *Proceedings of the American Catholic Philosophical Association* 71 (1997): 61–78 is also helpful; she emphasizes the link between the common good and benefiting others, rather than focusing on the relationship with the other as such.

<sup>81</sup> *STh* II-II, q. 27, a. 2, c. (Leon. 8:225–26): "Importat enim quandam unionem secundum affectus amantis ad amatum: in quantum scilicet amans aestimat amatum quodammodo ut unum sibi, vel ad se pertinens, et sic movetur in ipsum. Sed benevolentia est simplex actus voluntatis quo volumus alicui bonum, etiam non praesupposita praedicta unione affectus ad ipsum. . . . Et propter hoc Philosophus dicit ibidem quod benevolentia est principium amicitiae." The phrase "the beginning of friendship," quoted by Aquinas in this article, is taken from Aristotle, *Nicomachean Ethics* IX (1167a3). As Kevin White points out ("Wanting Something for Someone: Aquinas on Complex Motions of Appetite," *The Review of Metaphysics* 61 (2007): 15–21), Aquinas says in this article that the definition of love which is found in Aristotle's *Rhetoric* ("to love is to will someone good (amare est velle alicui bonum)") is incomplete, for it names only the chief *act* of love, and not the union of affection which is involved in love.

intellectual recognition that the other belongs to the human species, and thus is an integral part of and natural beneficiary of the same common good which he himself also serves and benefits from. (It may even be permissible to interpret Aquinas as holding that justice, as involving a simple choice of the rational appetite, involves ‘loving’ the other only as an instance of a kind, such as ‘human’ or ‘citizen,’ whereas the love of friendship involves loving the other individual as the individual that he is,<sup>82</sup> even if it arises on the basis of shared features.<sup>83</sup>)

### *The Need for the Love of Friendship*

Even though goodwill is the “beginning of friendship,” affectionless justice is nevertheless tenuous, and the common good cannot be secure or complete so long as it rests on it alone. In the ranking of the precepts of the natural law, the commandment to love neighbor comes before the commandments about avoiding injury to one’s neighbor, and one is bound to fulfill all of the precepts of the natural law:

That one who renders what he ought (*quod debet*) to someone without affection, although he is not accused of the precept which is about the act of justice, is nevertheless accused of the precept which is about the act of charity. Whence in Romans 1 to be without affection is regarded as a vice.<sup>84</sup>

The natural law aims at establishing friendship between men, and friendship requires the love of friendship, whereby one is joined in his affection to his neighbor. Although

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<sup>82</sup> This idea was suggested to me by Karol Wojtyła. (See “Participation or Alienation?” in *Person and Community: Selected Essays*, trans. Theresa Sandok, OSM (New York: Peter Lang, 1993), p. 200–03.)

<sup>83</sup> Cf. *STh* I-II, q. 27, a. 3.

<sup>84</sup> *In III Sent.*, d. 29, q. 1, a. 2, ad 4 (Moos ed., vol. 3, p. 927): “Ille qui impendit quod debet alicui sine affectu, quamvis non sit reus praecepti quod est de actu iustitiae, est tamen reus praecepti quod est de caritate; unde *Rom.*, I, 31, sicut vitium reputatur ‘*sine affectione*’ esse.” Although he speaks here of charity, insofar as the second great commandment also belongs to the natural law, it would seem that this statement applies to the natural moral plane as well. See also *STh* I-II, q. 100, a. 10.

justice prevents conflict and discord from breaking out, and thus preserves the possibility of peace and protects the common good,<sup>85</sup> without the love of friendship a community does not truly flourish. Moreover, the surest guarantee for the fulfillment of the demands of justice itself is love for one's neighbor:

To such observance of justice, however, which is ordained by the divine law, man is inclined in two ways: in one way, interiorly, in another way, exteriorly. Man [is inclined] interiorly, indeed, so long as he is willing to observe those things which the divine law commands, which indeed takes place through man's love for God and neighbor. For he who loves someone renders to him what he owes spontaneously and with pleasure, and even liberally adds something more. Whence the fulfillment of the whole of the law depends on love, according to the [words] of the Apostle (Rom. 13:10): "Love is the fullness of the law." And the Lord says (Matt. 22:40) that "on two commandments," namely on love of God and of neighbor "the whole law rests." But because some are not interiorly disposed in such a way that they do spontaneously of themselves what the law commands, they are to be drawn exteriorly to fulfilling the justice of the law. Which indeed takes place so long as they fulfill the law through fear of punishments, not freely, but in the fashion of slaves (*serviliter*). Whence it is said in Isaiah 26:9: "when you shall have made your judgments in the earth," namely by punishing the evil, all "the inhabitants of the globe will learn justice."<sup>86</sup>

In this is found a sign of confirmation that friendship belongs to the natural law.

Nature intends persons to be disposed interiorly in a way that corresponds to the external actions which they need to perform. If the natural law requires, as no one can doubt, that one

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<sup>85</sup> SCG III, c. 34 (Marietti ed., vol. 3, p. 42); "The operations of justice are ordered towards preserving peace among men, by means of each man quietly possessing what is his own. (Operationes iustitiae ordinantur ad pacem inter homines servandam, per hoc quod unusquisque quiete quod suum est possidet.)"

<sup>86</sup> *Ibid.*, III, c. 128 (Marietti ed., vol. 3, p. 190): "Ad huiusmodi autem iustitiam observandam, quae lege divina statuitur, dupliciter homo inclinatur: uno modo, ab interiori; alio modo, ab exteriori. Ab interiori quidem, dum homo voluntarius est ad observandum ea quae praecipit lex divina. Quod quidem fit per amorem hominis ad Deum et proximum: qui enim diligit aliquem, sponte et delectabiliter ei reddit quod debet, et etiam liberaliter superaddit. Unde tota legis impletio ex dilectione dependet: secundum illud *Apostoli Rom. 13, 10: Plenitudo legis est dilectio*. Et Dominus dicit, *Matth. 22, 40*, quod *in duobus praeceptis*, scilicet in dilectione Dei et proximi, *universa lex pendet*. Sed quia aliqui interiorius non sunt sic dispositi ut ex seipsis sponte faciant quod lex iubet, ab exteriori trahendi sunt ad iustitiam legis implendam. Quod quidem fit dum timore poenarum, non liberaliter, sed serviliter legem implent. Unde dicitur *Isaiae 26, 9: Cum feceris iudicia tua in terra*, scilicet puniendo malos, *iustitiam discent omnes habitatores orbis*." Although in the next sentence Aquinas speaks of the first group of people, those inclined to fulfilling the law interiorly, as having charity, the same logic would apply to those having merely natural love.

give to others their due, and that one respect the equality of their status with one's own, then one should have enough affection for them as enables one to do so readily.<sup>87</sup> Human beings naturally love other human beings, and naturally love more those whose good they are more strictly bound in duty to promote, such as parents and children. Virtue preserves and reinforces such natural love.

### *Moral Progression*

As explained above, in the sub-section "Right and Equality," the act of the virtue of justice has value even if it is not done out of justice. The acts of justice, which uphold each person's rights, preserve the necessary, but not sufficient, external conditions for friendship. Even if a particular man persists in interior covetousness and never develops friendship with others himself, his exterior observance of justice through fear of punishment protects the peacefulness of the lives of others, necessary for the flourishing of virtue and friendship. If the acts of justice are done out of the *virtue* of justice, however, not only are the necessary external conditions for friendship preserved, but the internal obstacles to friendship are removed as well, such as coveting another's wife or goods. There is even a "beginning of friendship," insofar as goodwill is present. The affection one has towards one who is actually his friend, however, is settled and strong, going beyond simple goodwill, which might arise in an instant and might not move one to make any considerable effort to help the other person.<sup>88</sup> True friendship implies a union of affections such that each person is eager to

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<sup>87</sup> Cf. *STh* II-II, q. 26, a. 6, c. & *In III Sent.*, d. 29, q. un., a. 2, c.

<sup>88</sup> *STh* II-II, q. 27, a. 2, c.



promote the good of the other, and relates to him as another self.<sup>89</sup> The natural law is directed towards this friendship.

Although friendship is the end of the moral life, the second great commandment is not expressed as “Be friends with your neighbors.” Expressed that way the commandment would require too much, for more is required for friendship than the simple act of willing another’s good, even if it is accompanied by affection for him. Friendship requires both that love be returned—which is beyond one’s control—and that one build up good habits, i.e., virtues, which one cannot do all at once.<sup>90</sup>

Human beings must progress in the moral life from a less perfect condition to a more perfect one. External observance of justice promotes, although it does not necessarily result in, the internal observance of justice, and the acquisition of the *virtue* of justice. Acting out of the virtue of justice, in turn, promotes, but does not necessarily result in, the love of friendship for others. As one advances to each further stage, the observance of the external demands of justice becomes easier, yet failure in the observance of these demands is still possible. Acts of injustice, at any point in this moral progress, will not only fail to promote the growth of the love of friendship, but will harm or destroy such love and any friendships that have arisen on its basis.

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<sup>89</sup> They experience the effects of the love of friendship discussed in the previous chapter: mutual inhesion and extasis.

<sup>90</sup> Cf. *ibid.*, I-II, q. 100, a. 9, ad 2.

*The Range of Friendship*

Aquinas says that true friendship can only occur between those who are virtuous. (Aquinas also speaks of friendship as a *consequence* of virtue.)<sup>91</sup> The reasons for this claim may be something like the following: The love of friendship which one virtuous man has towards another human being is not yet friendship. Friendship requires, for one thing, *mutual* benevolence and *reciprocated* love of friendship. This can only come about insofar as both persons possess something of justice and the other virtues. Until two persons both acquire the habit of willing each other's due good as such, i.e., acquire the habit of justice, any mutual goodwill between them is tenuous. If either injures the other or fails to give him what he is owed, he damages or destroys their fledgling friendship. Other vices, besides injustice, can hinder true friendship as well. A man given to anger, for example, cannot do well as a friend, for he tends to reproach or accuse the other often. (For Aquinas, all the virtues are connected; one cannot truly have any virtue unless one has all of them, for any single vice will interfere

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<sup>91</sup> Cf. *Sth* II-II, q. 23, a. 3, ad 1 (Leon. 8:168): "It is possible to say that [friendship] is not a virtue distinct of itself from others. For it does not have the note of praiseworthiness and of nobility except from its object, according as, namely, it is founded upon the nobility of virtues, which is clear from the fact that not every friendship has the note of praiseworthiness and nobility, as for instance friendship of pleasure and utility. Whence virtuous friendship is more something consequent to virtues than it is a virtue. (Potest tamen dici quod non est virtus per se ab aliis distincta. Non enim habet rationem laudabilis et honesti nisi ex obiecto, secundum scilicet quod fundatur super honestate virtutum: quod patet ex hoc quod non quaelibet amicitia habet rationem laudabilis et honesti, sicut patet in amicitia delectabilis et utilis. Unde amicitia virtuosa magis est aliquid consequens ad virtutes quam sit virtus.)" Cf. also *In III Sent.*, d. 27, q. 2, a. 2, ad 1 (Moos ed., vol. 3, p. 878): "The friendship of which the Philosopher treats, is caused either by the inclination of nature, in the case of the friendship of pleasure and of utility, or, in the case of friendship of virtue, by the inclination of the habit of the virtuous man the inclination of nature being presupposed, insofar as everyone who forms a likeness to someone, is inclined to love that one. And therefore [friendship] is not posited as a virtue, but as a certain consequence of virtues. (Amicitia de qua Philosophus tractat, causatur *vel* ex inclinatione naturae quantum ad amicitiam delectabilis et utilis; *vel* ex inclinatione habitus virtuosi praesupposita inclinatione naturae quantum ad amicitiam honesti, inquantum omne quod facit similitudinem cum aliquo, inclinatur ad amorem illius. Et ideo non ponitur aliqua virtus, sed quiddam consequens ad virtutes.)" Also *Sth* II-II, q. 23, a. 1, ad 3 (Leon. 8:164): "One does not have the friendship of virtue except with the virtuous man, as to the principal person, but in consideration of him those who belong to him are loved even if they are not virtuous. (Amicitia honesti non habetur nisi ad virtuosum sicut ad principalem personam: sed eius intuitu diliguntur ad eum attinentes etiam si non sint virtuos.)" Cf. also *QDViCo*, a. 5, ad 5.

with the exercise of whatever inchoate virtue one might possess.<sup>92</sup>) Friendship is a relationship consisting in external activities rooted in internal affection, and vices or bad habits hinder these activities and tend to harm the internal affection between two friends.

However, Aquinas also says at times, following Aristotle, that it is “as if every man were naturally familiar to and a friend with every man,”<sup>93</sup> helping complete strangers up from falls, giving them directions when lost, etc. In his discussion of the virtue of affability in the *Summa Theologiae*, a virtue disposing one to act in a friendly manner towards others in social interactions,<sup>94</sup> Aquinas meets the objection that there is something disingenuous about this ‘virtue.’ For “that someone show the signs of friendship to those whom he does not love, seems to pertain to simulation, which is repugnant to virtue.”<sup>95</sup> Aquinas’ response is as follows:

Every man is naturally a friend to every man by a certain general love: as is also said in Ecclesiasticus 13, that “every animal loves that which is similar to itself.” And the signs of friendship which someone shows in words and deeds even to foreigners and strangers represent this love. Whence there is no simulation. For he does not show them the signs of perfect friendship: for he does not relate familiarly in the same way to foreigners as to those who are joined to himself by a special friendship.<sup>96</sup>

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<sup>92</sup> Cf. *Quaestio Disputata de Virtutibus Cardinalibus* (hereafter *QDVCard*), a. 2, c. & ad 4.

<sup>93</sup> *SCG* III, c. 117. Aquinas uses this text to argue that divine law commands love of neighbor, for ‘the divine law is offered to men as an aid to the natural law. It is, however, natural to all men that they love one another. (Lex divina profertur homini in auxilium legis naturalis. Est autem omnibus hominibus naturale ut se invicem diligant.) (Marietti ed., vol. 3, p.176) We have already seen that the second great commandment refers to the love of friendship, not to the love of concupiscence which is the foundation of friendships of utility and pleasure. The natural friendship which exists between men has the character of an inchoate friendship of virtue, a true friendship.

<sup>94</sup> For an interesting discussion of Aquinas’ view of affability as a virtue, see Kevin White “The Virtues of Man the *Animal Sociale*: *Affabilitas* and *Veritas* in Aquinas,” *The Thomist* 57 (1993): 641–53. White points out the connection Aquinas makes between these virtues and man’s nature as a social animal, giving them, as he sees it, more importance than they have in Aristotle’s treatment.

<sup>95</sup> *STh* II-II, q. 114, a. 1, obj. 2 (Leon. 9:441): “Quod aliquis signa amicitiae ostendat ad eos quos non amat, videtur pertinere ad simulationem, quae repugnat virtuti.”

<sup>96</sup> *Ibid.*, ad 2 (Leon. 9:441): “Omnis homo naturaliter omni homini est amicus quodam generali amore: sicut etiam dicitur *Eccli.* XIII, quod *omne animal diligit simile sibi*. Et hunc amorem repraesentant signa amicitiae quae quis exterius ostendit in verbis vel factis etiam extraneis et ignotis. Unde non est ibi simulatio. Non enim ostendit eis signa perfectae amicitiae: quia non eodem modo se habet familiariter ad extraneos sicut ad eos qui

The behavior of the affable man provides an external indication of the kind of friendship which the moral law directs us to have with every person in general insofar as we are able, even with those who have not obtained the virtues.

The natural law requires us to perform those actions which lead to the acquisition of virtues, which perfect our natural dispositions. The inchoate love of friendship which naturally exists between all men should be cultivated rather than vitiated. This friendship is cultivated by progress in all the virtues, which renders one more and more capable of loving selflessly, but it is cultivated more directly by acting in a friendly manner towards others. In Aquinas' view, if one person loves another with the love of friendship, i.e., is united in his affection with him, he is disposed to seek real union with him, i.e., to be with and converse with him,<sup>97</sup> and to promote his good.<sup>98</sup> Aquinas also seems to indicate that love increases as the lover and the beloved approach real union.<sup>99</sup> If a person chooses to act on his natural

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sunt sibi speciali amicitia iuncti.”

<sup>97</sup> SCG I, c. 91 (Marietti ed., vol. 2, p. 102): “It belongs to love to move towards union, as Dionysius says. For since, because of the similitude or fittingness of the lover and beloved, the affection of the lover is in a certain manner united to the beloved, [his] appetite tends towards the perfection of union, so that, namely, the union which has already begun in affection be completed in act: whence also it is proper to friends to enjoy each other's presence and living together and conversation. (Amoris est ad unionem movere, ut *Dionysius* dicit. Cum enim, propter similitudinem vel convenientiam amantis et amati, affectus amantis sit quodammodo unitus amato, tendit appetitus in perfectionem unionis, ut scilicet unio quae iam inchoata est in affectu, compleatur in actu: unde et amicorum proprium est mutua praesentia et convictu et colloctionibus gaudere.)” STh I-II, q. 28, a. 1, ad 2 (Leon. 6:197–98): “A certain union is an effect of love. And this is real union, which the lover seeks with the thing loved. And this union is indeed in accordance with what fits the [specific kind of] love [involved]: for as the Philosopher relates in *Politics* II, ‘Aristophanes says that lovers would desire to become one from the two,’ but because ‘this would result in either both or one being destroyed,’ they seek a union which is fitting and proper, namely, that they live together, and converse together, and are joined in other such things. (Quaedam vero unio est effectus amoris. Et haec est unio realis, quam amans quaerit de re amata. Et haec quidem unio est secundum convenientiam amoris: ut enim Philosophus refert, II *Politic.*, *Aristophanes dixit quod amantes desiderarent ex ambobus fieri unum: sed quia ex hoc accideret aut ambos aut alterum corrumpi*, quaerunt unionem quae convenit et decet; ut scilicet simul conversentur, et simul colloquantur, et in aliis huiusmodi coniungantur.)”

<sup>98</sup> See *In III Sent.*, d. 27, q. 1, a.1, c., and STh I-II, q. 26, a. 4, & q. 28, a. 2 & 3.

<sup>99</sup> SCG I, c. 91 (Marietti ed., vol. 2, p. 102): “For love for something is not less when it is possessed, but more, because there is greater affinity for something good when it is possessed; whence also motion towards an end in natural things is intensified by nearness of the end (sometimes, however, the contrary happens by accident, as

disposition towards real union with others—which is rooted in his natural friendship for human beings—rather than acting on other, selfish tendencies, he will strengthen the disposition and build up a habit of healthy affection for human beings in general which quickly actualizes itself into an active affection for whatever individual human beings he comes into contact with. He will be a friendly man.

Out of his affection for others, a virtuous man will go beyond the bare requirements of the Ten Commandments and other basic moral precepts, and actively promote the good of others. He will, moreover, grieve when others suffer and rejoice when others do well. He experiences others as ends in themselves, as being valuable in themselves, and their flourishing is therefore also valuable to him. Friendship fulfills the first part of the principle of humanity, “treat others as ends,” more deeply than mere justice does; it involves a deeper commitment to another as an end *cui* and also treats him as an end *cuius*, as someone whom one values in himself and whom one seeks out.<sup>100</sup>

Although a virtuous person will develop disinterested friendships at a basic level with anyone, other virtuous people are more loveable in themselves, have more in common with him, and are more able to return selfless love than people who are not virtuous. They have a

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when we experience something in the beloved which is repugnant to love: for then it is loved less when it is possessed.) (Nam amor est alicuius rei non minus cum habetur, sed magis, quia bonum aliquod fit nobis affinius cum habetur; unde et motus ad finem in rebus naturalibus ex propinquitate finis intenditur (quandoque autem contrarium per accidens accidit, utpote quando in amato experimur aliquid quod repugnat amori: tunc enim minus amatur quando habetur).)” *In III Sent.*, d. 27, q. 1, a. 1, c. (Moos ed., vol. 3, p. 855): “The lover, whose affection is informed by the good itself, which has the notion of end—although not always the ultimate [end]—is inclined by love to act according to the exigencies of the beloved; and such operation is most of all delightful to him, as if fitting for his own form. Whence whatever the lover does or suffers for the beloved, the whole [of it] is delightful to him, and he is ever more inflamed for the beloved, insofar as he experiences greater delight in the beloved in those things which he does or suffers for his sake. (Amans cujus affectus est informatus ipso bono quod habet rationem finis, quamvis non semper ultimi, inclinatur per amorem ad operandum secundum exigentiam amati. Et talis operatio est sibi maxime delectabilis, quasi formae suae conveniens. — Unde amans quicquid facit vel patitur pro amato totum est sibi delectabile et semper magis accenditur in amatum inquantum maiorem delectationem in amato experitur in his quae propter ipsum facit vel patitur.)”

<sup>100</sup> See above, Introduction, p. 2–3 & n. 5, and below, this chapter, Conclusion.

special quality, above and beyond what human beings have in common, which a virtuous person can love in them. Consequently, fully developed friendships, special relationships, arise only between two virtuous people according to Aquinas. (Such people will also be able to carry on a friendship without constantly harming or offending each other.) The friendship that the affable man has with most people is not a special relationship and so we would generally not call it ‘friendship.’ We say instead that he is ‘on good terms’ with others or ‘friendly’ to them. This is why Aquinas sometimes seems to say that only virtuous people can be friends.

### *Friendship and Shared Life*

Aquinas says that for friendship some *communicatio* between friends is required, some shared life between the two who have mutual affection for one another.<sup>101</sup> (If they have no contact with each other, not even two virtuous people can truly be friends.) This applies to both fully developed friendship between virtuous people and the more basic friendship that can develop even with those not yet virtuous. Such *communicatio* might come from the fact that they participate in the same household life, or that they work for the same company, are travelling together, or simply belong to the same country, in whose political life they both share. In effect, friends must have some common good.

The diverse species of friendships, however, are indeed taken . . . according to diversity in the communications (*communicationum*) on which friendships are based, as one species of friendship is that of blood-relatives, and another is of fellow citizens

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<sup>101</sup> *STh* II-II, q. 23, a. 1, c. On Aquinas’ use of the word *communicatio* in his account of friendship, see Joseph Bobik, “Aquinas on *Communicatio*, the Foundation of Friendship and *Caritas*,” *The Modern Schoolman* 64 (1986): 1–18. I am taking *communicatio* in the first of Bobik’s senses, that of “a social relational context” (p. 13–14), yet, as I see it, *communicatio* in the sense of a social relational context seems to imply, and definitely does imply in most cases, the existence of some sort of common good.

or of travelers, of which one is based on natural communication, the others on civil communication or that of travel, as is clear from the Philosopher, in *Ethics* VIII.<sup>102</sup>

People who follow the natural law will have friendship for one another to varying degrees. Whenever two people meet, they will have a base level of friendship insofar as they share human nature and wish each other well, helping each other up from falls, etc.<sup>103</sup> The shared life that we have as members of the same human species, inhabiting the same planet, is very minimal, however, and the friendship based upon it hardly deserves the name of friendship. It is much closer to mutual goodwill than to what one normally calls friendship.

Fellow citizens have more of a shared life, insofar as they participate in the same political life and the same political good. Citizens will have a closer friendship with one another, as a rule, than they will have with inhabitants of other countries. Accordingly, one can speak, as Aquinas does, of “political friendship.”<sup>104</sup> Such friendship can more easily lead to selfless acts. One can also share a family life, and on this is founded an even deeper friendship. Each additional form of shared life, of *communicatio*, leads to a deepening of friendship between well-disposed persons.<sup>105</sup> The relationship between loving others as ends

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<sup>102</sup> *Ibid.*, II-II, q 23, a. 5, c. (Leon. 8:169): “Diversae autem amicitiarum species accipiuntur quidem uno modo secundum diversitatem finis: et secundum hoc dicuntur tres species amicitiae, scilicet amicitia utilis, delectabilis et honesti. Alio modo, secundum diversitatem communicationum in quibus amicitiae fundantur: sicut alia species amicitiae est consanguineorum, et alia concivium aut peregrinantium, quarum una fundatur super communicatione naturali, aliae super communicatione civili vel peregrinationis; ut patet per Philosophum, in VIII *Ethic*.”

<sup>103</sup> *SCG* III, c. 117 (Marietti ed., vol. 3, p. 176): “The divine law is offered to men as an aid to the natural law. It is, however, natural to all men that they love one another. A sign of which is that man by a certain natural instinct comes to the aid of any man, even one unknown, for example by turning [him] back from the wrong way, by raising [him] up from a fall, and other such like things: ‘as if every man were naturally familiar to and a friend with every man.’ Therefore, mutual love (*dilectio*) is commanded of men by the divine law. (Lex divina profertur homini in auxilium legis naturalis. Est autem omnibus hominibus naturale ut se invicem diligant. Cuius signum est quod quodam naturali instinctu homo cuilibet homini, etiam ignoto, subvenit in necessitate, puta revocando ab errore viae, erigendo a casu, et aliis huiusmodi: *ac si omnis homo omni homini esset naturaliter familiaris et amicus*. Igitur ex divina lege mutua dilectio hominibus praecipitur.)”

<sup>104</sup> See, for example, *STh* II-II, q. 26, a. 2, c.

<sup>105</sup> *Ibid.*, II-II, q. 26, a. 7, c.

in themselves, the common good, and shared life will be the subject of a sustained consideration in the next chapter.

## Conclusion

### *Boyle's Interpretation of the Second Great Commandment*

The distinctions made in this chapter allow me now to address Joseph Boyle's position on the relationship between Kant's Formula of Humanity and the commandment to love one's neighbor as oneself in Aquinas' moral philosophy. Boyle, as a new natural law theorist, understands the commandment to love one's neighbor as oneself as the first moral principle in Aquinas' philosophy. It is already evident that I see it as the *second* moral principle; the first great commandment, which requires us to subordinate everything in love to God as the common good, is the true master principle of morality for Aquinas. This will be further discussed in chapter 5, section 3 below. However, Boyle also thinks that the love commandment, as formulated in Scripture and incorporated into Aquinas' moral philosophy, is equivalent to the principle of always promoting and never violating basic human goods. If the love commandment, as incorporated into Aquinas' moral theory, were to be formulated with philosophical precision, it would be in this way. Willing good to another is what loving another is, according to Aquinas, Boyle says.<sup>106</sup>

However, love and goodwill are *not* the same according to Aquinas (and this criticism applies as well to Alan Donagan's interpretation in *The Theory of Morality*, insofar as he accepts Germain Grisez's reading of Aquinas on this point.<sup>107</sup>) Willing what is good for

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<sup>106</sup> Boyle, "Aquinas, Kant, and Donagan," p. 400–03.

<sup>107</sup> Donagan, *The Theory of Morality*, p. 61.



another is the principal external act of love, but it is not identical with love.<sup>108</sup> Love itself is a union of affection. Its object is the other person himself, and not his good, due or otherwise. The second great commandment, as Aquinas understands it, does more than require that we promote the good of others. It directs us towards love and friendship, towards valuing others as ends *cuius* as well as *cui*.<sup>109</sup> That is to say, not only ought we to will good for others for their own sakes, but we ought to be interested in them in a disinterested way. We ought to have the love of friendship for them, with its effects of real union, mutual inhesion, and *extasis*. Two of the effects of love as Aquinas understands it are worth bringing to mind here:

This effect of mutual inhesion can be understood both in regards to the apprehensive power and as regards the appetitive power. For in regards to the apprehensive power the beloved is said to be in the lover insofar as the beloved dwells in the apprehension of the lover, according to Phillipians 1: “in that I have you in [my] heart.” The lover, however, is said to be in the beloved according to apprehension insofar as the lover is not content with a superficial apprehension of the beloved, but strives to investigate the particular things which pertain inwardly to the beloved, and thus to enter into his interior, just as it is said of the Holy Spirit, who is the love of God, in 1 Corinthians 2, that “He searches out even the deep things of God.”<sup>110</sup>

A certain union, however, is an effect of love. And this is real union, which the lover seeks with the thing loved. And this union, indeed, is according to what is fitting to [each particular kind of] love. For as the Philosopher relates, in *Politics* II, “Aristophanes said that lovers would desire to become one out of two,” but because “this would result in either both or one of them being destroyed,” they seek a union which is fitting and proper, as, namely, that they live together, and converse together, and are joined in other such things.<sup>111</sup>

<sup>108</sup> *STh* II-II, q. 27, a. 2, c. & ad 1.

<sup>109</sup> See above, Introduction, p. 2–3 and n. 5.

<sup>110</sup> *STh* I-II, q. 28, a. 2, c. (Leon. 6:198): “Iste effectus mutuae inhaesionis potest intelligi et quantum ad vim apprehensivam, et quantum ad vim appetitivam. Nam quantum ad vim apprehensivam, amatum dicitur esse in amante, inquantum amatum immoratur in apprehensione amantis; secundum illud *Philipp.* I, *eo quod habeam vos in corde*. – Amans vero dicitur esse in amato secundum apprehensionem, inquantum amans non est contentus superficiali apprehensione amati, sed nititur singula quae ad amatum pertinent intrinsecus disquirere, et sic ad interiora eius ingreditur. Sicut de Spiritu Sancto, qui est amor Dei, dicitur, I *ad Cor.* II, quod *scrutatur etiam profunda Dei*.”

<sup>111</sup> *Ibid.*, a. 1, ad 2 (Leon. 6:197–98): “Quaedam vero unio est effectus amoris. Et haec est unio realis, quam amans quaerit de re amata. Et haec quidem unio est secundum convenientiam amoris: ut enim Philosophus refert, II *Politic.*, *Aristophanes dixit quod amantes desiderarent ex ambobus fieri unum*: sed quia ex hoc

Aquinas' version of the principle of humanity is the second great commandment: "love your neighbor as yourself." This commandment directs us to have the love of friendship for other human beings, and this is to take other human beings as ends in themselves in two senses: every person is to be treated as a *finis cui*, one for whose sake good is willed. Every person is also to be treated as a *finis cuius*, as one whom one loves and seeks to be united to in some way. Every person must be seen as good and desirable in himself, and not merely as a means to one's own pleasure or perfection. One holds another person as a *finis cuius*, a good with whom union is sought, for both the other's sake and for one's own sake. Communion is good for all persons involved.

#### *Summary*

The results of this chapter can be summarized as follows. Based on one's basic orientation towards the common good, the second great commandment requires that one love other persons with the love of friendship, as was established in the previous chapter. The subordinate precepts of the natural law, particularly those of justice, state the minimal external requirements of such love; they proscribe those actions which are strictly incompatible with love. We must in addition, however, love our neighbors; we must not be totally without affection for them. Insofar as we progress in virtue, we will develop friendships with each other and place a value on one another great enough to cause us to actively benefit each other. For the natural law requires us to perform those actions which will engender in us justice—whereby we are disposed to will good to others as such—as well

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*accideret aut ambos aut alterum corrumpi, quaerunt unionem quae convenit et decet; ut scilicet simul conversentur, et simul colloquantur, et in aliis huiusmodi coniungantur.*"

as the other virtues. Insofar as we freely and repeatedly choose to perform these actions, we develop those virtues which enable us to love other people. Insofar as other people also follow the natural law and progress towards virtue, then, to the extent that one shares life with them in any way, friendship will arise as a consequence. The precepts of the natural law are directed to friendship as an end, but do not immediately require it of each individual. Friendship is the aim of the natural law, an aim which we are required to orient ourselves towards.

I have shown in section one that justice, which is always required of each person in his dealings with all other people (even slaves, as shown in the second section), involves a minimal satisfaction of the principle of humanity. It requires us to refrain from treating others as mere means, on the basis of a recognition that every other person is an end *cui*. I have further shown in section three that justice is oriented towards friendship, which more fully satisfies the principle of humanity. Friends actively benefit one another, and thus each treats the other as an end *cui* more fully than justice alone would lead him to. Moreover, one who loves another with the love of friendship also treats him as an end *cuius*, as a good whom he seeks to be united to, both for his own sake and for the sake of the other. I have thus shown that Aquinas implicitly accepts the principle of always treating persons as ends in themselves and not merely as means.

## Chapter 4

### Persons as Ends and the Common Good

In the previous chapters my task has been a predominantly exegetical one. Against the exegetical background I have developed I will now attempt to evaluate the respective merits of Aquinas' and Kant's philosophies with respect to their ability to provide an adequate theoretical foundation for morally excellent and fulfilling interpersonal relationships. The principle of humanity—treat persons as ends in themselves and not as mere means—is a clarion call to relate to other persons in a responsible way. Both Aquinas and Kant have merits in regards to constructing a philosophy conducive to this end.

My evaluation will center around the concept of the common good, as distinct from individual goods. If one remains at the level of 'individual goods' (or 'personal goods' or 'private goods'), that is, goods which can only be good for one individual, or one individual at a time, to the exclusion of others, then interpersonal relations remain always problematic. If each person egoistically seeks his own individual good, he comes into conflict with other persons who are also seeking their own individual good. Even if a person recognizes the objective value of another person and thus the value of what is good for him or her, so long as he remains at the level of individual goods he cannot enter into a united life with the other, as love bids him to do. The one who loves wishes to be united with that which he loves, and the way in which persons are united is by living and acting together. But if what is good for one person and what is good for another are at bottom distinct, their lives, their practical

activities—which are oriented around the pursuit of the good—remain two enclosed spheres, even if they dwell in close proximity to one another.

If one focuses exclusively on individual goods, moreover, one will often be faced with a dilemma: in a given situation one may be forced to choose between his own good (he himself is objectively valuable as well after all) and the good of another, or to choose between the good of some people and the good of others. Although in many situations what is good for one person may coincide with what is good for another person (e.g., when one person trades what is useless to himself, but useful to another, for something useful to himself and useless to the other), such coincidence of individual goods is always contingent, and very often individual goods do come into conflict. When one must choose between conflicting individual goods, particularly if no consensus can be reached, one must either use the other person, or render oneself an object of use for him.<sup>1</sup> Even if there is no intention beforehand of using persons, but rather a mutual affirmation of one another's value, it is inevitable that people fall into using others when action is focused exclusively on individual goods.<sup>2</sup>

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<sup>1</sup> To give an example, a husband and wife, neither of whom is currently feeling in love with the other, might disagree about who should do the dishes. Both want the dishes done so that the kitchen is clean and odor-free. Both have been working hard all day long, and each would like some time to relax. Each would very much like the other to do the dishes. If they focus exclusively on the individual good of relaxation and see doing the dishes as an individual evil, as something merely unpleasant, they might argue about who should do the dishes. If one of them, the wife say, finally decides that she will do the dishes, perhaps because she has just grown tired of arguing, or perhaps out of a reluctant choice to sacrifice her own comfort for that of the other, she may feel resentment as she does the dishes and the other kicks back. They might, as an alternative, split the work evenly out of a sense of justice. But if their relationship is based on justice alone, their marriage is on shaky ground. Moreover, justice itself is ultimately based on a kind of common good: the natural order of things. Nevertheless the kind of justice operative here is focused on a fair distribution of individual goods and evils. If, however, the spouses focus instead on the common good of their marriage, desiring to build it up, they can each see doing the dishes as a good thing, not a pleasant thing, but still good. Each now has a motivation to give up his own relaxation. One or both must still do the dishes, but it is easier for them to decide who will do them, and easier for both to accept doing them.

<sup>2</sup> I am drawing in this chapter, especially in section one, on Wojtyła, *Love and Responsibility*, esp. the section

The common good, provided it is understood properly, resolves this dilemma, at least in principle. The common good is not the good of the majority, or the good, say, of a society conceived as an entity foreign to its members. (It is important to keep in mind that I am not focusing exclusively or even primarily on the *political* common good, but am using the term in a broad sense.) The common good is not the sum of individual goods; as Aquinas understands it, a common good differs from an individual good not as many from few, but as a whole from a part.<sup>3</sup> A common good is what is good for a whole as such, but it is thereby good for every part of the whole. The common good of a community is good for every member of the community, and it is a better good *for each individual person* than that person's own individual good.<sup>4</sup> When a group of people have a common good, a single good which can be good for many individual people at the same time, each person can orient his life around this common good and not have to make a basic choice between his own good and that of others. The common good is his good *and* the good of others, and his attainment of it does not exclude others from attaining it; indeed, for the most part his enjoyment of the

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titled 'Critique of Utilitarianism,' p. 34–39. Wojtyła criticizes utilitarianism as necessarily involving use of persons due to the fact that the good is conceived of exclusively as pleasure. The argument proceeds by pointing out that pleasure is an inherently subjective good, and thus incapable of being a common good. Wojtyła's critique does not seem to address the possibility that one person might choose, without any reference to a common good, the individual good of another person over his own. It is certainly true that most people would choose their own individual good over that of others if push came to shove, and thus Wojtyła's critique remains compelling, but I have tried to address the possibility of radical altruism, of choosing another's individual good over one's own. This may or may not be possible, but one certainly might hold it possible and morally desirable. The demands of love, however, those of valuing everyone absolutely, oneself included, and entering into shared life with others, cannot in practice be met by such altruism oriented towards individual goods (as opposed to subordination of one's individual good to the common good), as I will argue below.

<sup>3</sup> I will thus be arguing for what Mark Murphy ("The Common Good," *The Review of Metaphysics* 59 (2005): 136) calls a "distinctive" view of the common good, as opposed to an "instrumentalist" or "aggregative" view. Murphy argues in favor of an "aggregative" view. See below, n. 41. It is necessary to point out, however, that Murphy has primarily or exclusively the political common good in mind, while I am using the common good in a broader sense, for any good that can be shared. Nor is the political common good the most important common good for what I am concerned with.

<sup>4</sup> Cf. DeKoninck, *The Primacy of the Common Good*, p. 74–75. (DeKoninck has a "distinctive" view of the common good.) To continue with the example given in the footnote above, their marriage is a greater good for the husband and wife than their personal relaxation.

common good promotes others' enjoyment of the same good. Moreover, in virtue of having a common good, and a common activity in pursuit of that good, people can enter into a shared, common life and be united with one another.

An example might be in order here: a body of knowledge is a common good for, say, a community of scholars (it is, in fact, good for everyone). Each scholar is only able to carry on his intellectual/scholarly/academic life by taking part in the scholarly community. He learned much of what he knows from his teachers, and his ideas are developed and refined by the dialogue, in person or on paper, that he carries on with other scholars. A scholar who cannot communicate with others is condemned to sterility. (Even if one's intellectual life consists principally in reading the works of, say, great philosophers, one is involved in a sort of community that extends through history, and, at any rate, such reading will generally be sterile if one cannot communicate with others about it.) Knowledge is for the most part communal. Yet each scholar uses his own personal talents and exercises his own personal responsibility to appropriate, add to, and refine the body of knowledge which he has inherited from others. Each scholar's work, his growth in knowledge, promotes the growth of other scholars, and he benefits from their work as well. The goals of the various scholars do not come into conflict as long as they are seeking knowledge, and not primarily professional advancement or renown (which have more of the nature of individual goods that cannot be shared; only one person can fill an endowed chair, or be the most famous scholar in his field.<sup>5</sup>) What is good for one is good for the others. As long as there are no deep oppositions in viewpoint (and sometimes even if there are) strong friendships can develop on such ground.

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<sup>5</sup> Cf. Aquinas, *STh* I-II, q. 28, a. 4, ad 2.

As we have seen, the common good is central to Aquinas' moral philosophy. Although Kant for his part does not speak of 'the common good,' the concept is nevertheless operative under the surface of his moral philosophy. The moral laws that autonomous reason legislates for human persons are common goods in Kant's theory. The very same moral laws are experienced as good, as objectively valuable—indeed, the conditions of all value—by each and every individual person. For the sake of this common good an individual person feels himself obliged to sacrifice his own individual good when it conflicts with the moral law. It is perhaps Kant's implicit re-introduction of the common good into the impoverished moral philosophies of early modernity that gave his moral philosophy its persuasive power.

#### Section 1 - Individual and Commons Goods and the Possibility of Love

Before evaluating Kant and Aquinas, I must first explain what I see as essential for morally excellent relationships, that is, for *loving* other persons in the way that is morally required. All people want to be loved and valued, and it is not natural nor right for a human being to be made to feel that he or she has no value. For this reason, indifference to a person is not an acceptable form of behavior, as it robs him of his natural right to be valued. We must value others, as we wish to be valued. 'To value,' however, can be said in many ways. One can have a number of different wrong ideas as to what it would mean to be valued by another person in a way that fulfills the longing in one's heart, and, correspondingly, one can also value another person in a number of wrong ways. One may want so desperately to be valued that one is willing to bend over backwards to be useful to another human being, and a human being may value, even highly value, another person as merely useful, as a mere



means. A master may value his slave in this way. One might also value another person, not as merely useful, but so as to enjoy or possess the other, e.g., a person might find another person funny, or might wish to use a prostitute for sexual gratification. A person may even want to be valued as an object of delight, mistaking this for being loved. Although delighting in another human being is not of itself foreign to loving him or her, *merely* delighting in another person is not love.

A person has by nature an absolute value, and people really long to be valued *absolutely* by other people. To be just to another person, one must recognize his absolute value, a value according to which the other person cannot be exchanged for anything in the world, or even for any number of other people.<sup>6</sup> Mere abstract acknowledgment of this status of another person, however, is not sufficient. A person wants, and deserves, to have this value of his acknowledged concretely and in practice. Moral absolutes, such as the prohibition on killing the innocent, or on lying, play a role here. Moral absolutes defend the absolute value of persons because they require that persons not be wronged *for any reason whatsoever*.

Moral absolutes and the demands of justice prevent the absolute value of persons from being violated in practice. However, if one does not move beyond merely avoiding violating the value of other persons, one's affirmation of their value remains incomplete. (Moreover, a person might obey moral absolutes merely out of an abstract sense of duty that actually misses the mark, overlooking the fact that the moral law serves persons, not the other way around.) To effectively hold, then, that another person is valuable one must be willing to share in the other's life, and to allow the other to enter into one's own life. One

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<sup>6</sup> See above, chapter 1, section 2, p. 20–21.

cannot communicate to another that he is valuable and hold him at arm's length. If one truly relates to the other person as good in himself, one will want to have a part in the other's life, and to let the other have a part in one's own life. The ethically appropriate attitude to another human being, then, is one of a love that acknowledges the other person's absolute value and tends towards unification, towards entering into a communal, shared life with the other.

I use the word 'tend' in order to signify that it is not necessary that one actually establish a common life with every person, not even every person one meets. The person who has the virtue of love has a settled disposition at the foundation of his life to let people into his life and to enter into theirs, but there are many reasons why this disposition might not be actualized in any given case, or might be actualized only to a slight degree. First of all, a given person might not reciprocate one's love, might not let one into his life or want to enter into one's own. Or one may have realized that an active friendship with a specific other person is not in either's best interests, if, for example, they have a tendency to drink to excess when in each other's company. Again, one might find it so difficult to get along with another that he can more easily maintain goodwill and respect for him by keeping his distance. Moreover, it is more important to remain close to some people than to others, so that, for example, it would be wrong to spend an hour engaging in friendly conversation with a stranger at a coffee shop when one's wife is home, eagerly waiting for her husband to come home from work. As a final point, persons have to protect their personhood by maintaining some degree of privacy.<sup>7</sup> Only if they possess themselves can persons give of themselves to others, and receive others' gift of themselves.<sup>8</sup>

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<sup>7</sup> See Chad Engelland, "Unmasking the Person," *International Philosophical Quarterly* 50 (2010), p. 456–57.

<sup>8</sup> See, Wojtyła, *Love and Responsibility*, p. 97–98, 129, & 178–79.

The kind of love that entails valuing another person absolutely leads one to will what is good for the other person. Human beings are not whole and perfect just in virtue of being the kind of being they are; human beings are needy beings, and an essential property of their nature, an essential aspect of their lives, is that they strive towards satisfaction of their needs and towards perfection. Since love entails holding another human being as valuable and entering into his life, it causes one to participate in this striving for perfection and wholeness and to value what brings this perfection and wholeness; in short, love causes one to will what is good for another person. One could will another's good for reasons other than love—e.g., to ease one's conscience by satisfying an abstract moral code—but working for another's good only has its full ethical and interpersonal value if it arises out of love.

One further aspect of love should be noted: since human beings have free choice by nature, and free choice is such a central aspect of their lives, loving another person entails valuing his free choice. Because of what free choice is, valuing free choice must take the form of respect, and often of forbearance. Wanting what is good for another person—which is, as I have said, a necessary consequence of love—and valuing his free choice have a tendency to come into conflict with each other, since the other person can choose what one judges is not good for him. Properly human perfection, however, unlike, say, the perfection of plants, is a perfection freely attained, and so loving another person often requires one to forbear from overstepping the bounds of his responsibility, from attempting to substitute one's own free choice for his.

The principle of humanity directs us to value other people in a sense which entails all that I have just described; it directs us to love people.<sup>9</sup> This principle forbids one to treat another person as a mere means, i.e. to use another person. ‘Use’ of another person, however, comes in two forms.<sup>10</sup> The first form of using a person is to treat the other person as a means strictly speaking, as having value only insofar as he can be used to attain something else which one values, for example, torturing a captive so as to get information out of him. The second form of using is to treat the other person as an object of enjoyment, as happens, for example, in one-night stands. This second form of use may be reduced, consciously, to the first form, but it need not be so. It is consciously reduced to the first if one identifies the pleasure one experiences in one’s own subjectivity, as distinct from the other person himself, as the goal of one’s action, and then subordinates the other person as a means to one’s pleasure. But one may remain merely at the level of experiencing the other person as desirable, no distinction being made between the other person and the pleasure he affords. Yet if the other person is valuable to one only insofar as he or she is enjoyable, the rationale for the other’s value is the pleasure one experiences within oneself and so the other person has subjective, and not objective value.

This being said, the view of value which became prevalent in the modern era renders love for other persons, in the sense described, impossible. In the modern era, the three traditional types of goods, exemplified by Aquinas’ division of good into *bonum utile*, *bonum delectabile*, and *bonum honestum*, were reduced to only two types: the useful and the agreeable, as exemplified perhaps above all by Hume. Useful goods are only good because

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<sup>9</sup> Cf. *ibid*, p. 40–41.

<sup>10</sup> *Ibid.*, p. 25–34.

they lead to other goods. If there is no third kind of good then, all goods reduce to agreeable goods. According to Hume, the passions are the source of value; we desire things and hence they are valuable to us, and reason merely serves to find ways to satisfy the passions.

On such a view each person becomes a practical solipsist.<sup>11</sup> He can desire nothing except what gives him pleasure by satisfying his passions, which are inherently subjective and private.<sup>12</sup> Other people might enter the field of his consciousness as sources of pleasure, either directly as agreeable goods or indirectly as useful goods (or as sources of pain and frustration), but he cannot value them for their own sakes or enter into a shared life with them. Each of them can only value what accords with his or her own subjective passions, and neither can experience the other's passions. Their desires may happen to coincide at times, or even for some length of time, but even then they do not truly share a communal existence. Each may desire the same thing, but they desire it for different reasons, each because it gives pleasure to himself. They may have passions that are the same in kind (although how could one really judge that?) but their passions remain numerically distinct, and each is self-directed.

With such a view of human subjectivity, one must hold it impossible to accord other persons an absolute value. Their value can only be conditional, conditioned by the pleasure or pain they cause. In short, other people are and can only be mere means, not ends in themselves. Hume's solution to this problem would be to point to an emotion of sympathy or humanity causing one to take pleasure directly in the well-being of another. He bases

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<sup>11</sup> Cf. Kant, *MdS*, Ak. 6:450.

<sup>12</sup> Wojtyła, *Love and Responsibility*, p. 156–7.

morality on such an emotion.<sup>13</sup> Sympathy causes a direct confluence of individual goods, for what is agreeable to another as such is agreeable to the one who has sympathy. Accordingly, a person benefits himself by benefitting another. However, the rationale for benefiting the other is still just that one happens to have a desire to do so, making the other's value extrinsic, and not intrinsic. Emotions, moreover, are highly variable across persons and changeable within each person, and even when a reasonably strong emotion of sympathy is present, one still has to choose between satisfying the emotion of sympathy and other, more self-oriented emotions. When the emotions conflict, and a person will, overall, emotionally suffer by promoting another's good, there no longer seems to be any reason to benefit or protect him. The value of the other person is conditional, varying with one's private, emotional makeup.

One might try to modify this theory of goods, retaining its main features while making room for love. One might hold that a person can and ought to accord other people a value that is not conditioned by the advantages one can derive from them—can and ought to value them for themselves—and yet still hold that the only thing we can desire for the other people we value is that they experience pleasure and have their desires satisfied. Both this view and the previous one seem to be common among ordinary people in the western world.

The first thing to notice about this second view is that a good other than the useful and agreeable has been admitted: subjects themselves. If one allows for the existence of subjects as objective goods, then why may one not admit the existence of things objectively good for the subjects?

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<sup>13</sup> Cf. David Hume, *An Enquiry Concerning the Principles of Morals*, ed. J. B. Schneewind (Indianapolis: Hackett, 1983), p. 43–44, 74–76, & 92–93.

Laying this issue aside, however, I turn to two other issues with this view. First, a fully communal life seems to be still impossible. A person can, in a limited sense, enter into the life of another, but only in such a way that he leaves his own at the door. Each person has essentially subjective and private desires, and experiences inherently subjective and private pleasure and pain. He can and ought on this view to value other people, and hence actively promote what satisfies their desires and gives them pleasure, even if doing so fails to satisfy his own desires (i.e., he experiences no emotion of sympathy for them). In serving another's desires and pleasure, he does not himself experience the pleasure and desire satisfaction he contributes to in the other. Thus, for as long as he serves the other's desires and pleasure he is alienated from his own good, his own objectives, and his own life, and at the same time fails to really enter experientially into the other person's life. Persons who are presumed to value each other in the way proposed must take turns serving each other. Rather than establishing a shared life between them, each person alternately alienates himself from his own life and then lives a more pleasing and satisfying life due to the service rendered by the other person or persons.<sup>14</sup> The situation is mitigated if a person who serves another experiences sympathetic emotions for the other, but if he is to value the other absolutely, and not for the satisfaction he derives from him, he must serve him even when sympathetic emotions are absent or far weaker than other, self-directed passions.

A second issue with loving others only so as to wish them to experience pleasure and to have their desires satisfied is that it makes it inevitable, at least in practice, that some

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<sup>14</sup> A husband and wife who are not currently feeling in love with each other may experience something like this when each patiently listens to something the other wants to share, but in which he or she has no interest. Such patient listening is a good thing, but the spouses must also share common interests, their faith and their children, etc., so that they can share one life between them, so that the two can become one.

persons will be sacrificed for others, thus revealing that their value is not absolute and non-negotiable, but perhaps only equal or comparable to that of others. Social architects may want to establish a society where what accords with the desires of any individual accords with the desires of all, but it does not seem likely that such a situation could ever come about, and at any rate it would always be a contingent and precarious situation. Moreover, this is not the situation we live in. It is impossible to satisfy everyone's desires, impossible to avoid causing someone displeasure. On a subjective view of value and on the understanding of love that follows from it, some people must inevitably be sacrificed for others. "Love" for all thus makes all people liable to becoming objects of use, or even mere obstacles.

Utilitarianism tries to solve the problem by giving everyone an *equal* value, by making it its principle to promote the greatest pleasure for the greatest number of people. To the utilitarian, however, people do not have an *absolute* value. Every person is expendable. His value may be traded for the value of a greater number of other people. Each person knows that he may be sacrificed for the good of others if his happiness falls on the wrong side of the pleasure equation. If the country must put a few innocent people to death in order to avert a national disaster, then they are put to death. The good of many outweighs the good of a few.

As long as one remains on the level of individual goods, goods which are only good for a single person, these are the unfortunate results. Agreeable goods, *bona delectabilia*, goods which are valued simply because they satisfy desire and give pleasure, are individual goods of necessity. As *bona delectabilia*, they are inherently subjective and cannot be common goods. Objective goods, however, are potentially common goods. Acknowledging



the existence of objective goods places value in the objective world, in the world which persons inhabit in common, and creates the possibility of communal life. When two people choose the very same thing for the same reason, and are aware of each other's choice, their lives become one to that extent. Directedness to a determinate end and determinate choice of means to the end are two essential aspects of human action. Hence, when people direct themselves to the same end, and participate in a common means to the end, they participate in the same, shared action. When, for example, two people enter into a partnership to open a business with the goal of providing good coffee and promoting community in their neighborhood (and not solely for sake of making money), they are performing a single action in common and thus entering into a shared communal life. This situation is very favorable for the existence of love between them.<sup>15</sup>

The other aspect of love which I have mentioned, that it values other people *absolutely*, is also favored by the acknowledgment of objectivity in value, although this alone is not sufficient. If each person truly has absolute value, a value which cannot be sacrificed for any other value, then the values of different people must not ever truly conflict in such a

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<sup>15</sup> Wojtyła, *Love and Responsibility*, p. 94: "Comradeship is distinct from both sympathy and friendship. It differs from sympathy in that it is not confined mainly to the emotional-affective sphere of life, but rests on such objective foundations as joint work, common goals, shared concerns, etc. . . . Sharing brought about by particular objective factors is, then, the distinctive feature of comradeship. People attend the same class, work in the same laboratory, are employed by the same company, have the same special interests (philately, say), and this makes them comrades. Comradeship may equally well come into being between a man and a woman, with or without a pre-existing emotional sympathy. If sympathy is present, the combination is a very promising one for comradeship may assist the development of pure sympathy into true friendship. The fact is that comradeship gives a man and a woman an objective common interest, whereas sympathy links them only in a subjective way. Comradeship favours the development of love's objective side, without which it is always incomplete. The emotions themselves are, as experience shows, rather fickle, and so cannot lastingly and exclusively determine the attitude of one human being to another. It is necessary to find means by which the emotions may not only merge with the will but—and this is more important—bring about that union of wills (*unum velle*) by virtue of which two 'I's become a single 'we.' It is in friendship that such unity is found." (Cp. this passage with Aquinas' connection of friendship with *communicatio*. See above, p. 148–50.) Wojtyła's book as a whole is focused on sexual relationships.

way that one would have to choose one person over another. If what is good for different people at bottom conflicted, then it would be impossible to love and seek the good of *all* other people. If, however, there is a good that is common to all people, an objective good, and if it is each person's *greatest* good, then it is possible to love all people at the same time. Belief in a universally common human nature, and that there is a teleological aspect to this nature, makes it possible to hold that all persons have by nature the same common good, which in turn makes it impossible for what is good for them at bottom to conflict.

## Section 2 - The Kantian Solution

As I have discussed in the first chapter, Kant holds that the moral law does in fact accord to each and every human person an absolute value, one which cannot be exchanged for anything else, or for any number of other people, no matter how great.<sup>16</sup> As I argued in the last section, reducing value merely to what accords pleasure, physical or emotional, is incompatible with valuing other people absolutely. Although Kant's moral philosophy incorporates a modern, subjective and individualistic view of value (by 'individualistic' here I mean focused on individual, private goods), his distinctive contribution is to add an all-important non-individualistic element: pure practical reason and its self-legislation of moral laws. Kant saw that the reduction of value to only the agreeable and the useful was problematic. It would render it impossible to justify moral laws,<sup>17</sup> and reduce human reason to the status of a *counter-productive* slave of the passions, ultimately detrimental to human

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<sup>16</sup> See p. 6–7, citing Thomas Hill.

<sup>17</sup> Cf. *KpV*, Ak. 5:62–64.

beings.<sup>18</sup> Kant thus saw the need to acknowledge a third kind of good or value, which he understood as the ends which reason sets for itself, as opposed to those given to it by the passions.<sup>19</sup>

In seeking a basis for universally valid moral laws—i.e., laws valid for everyone—Kant constructs, in effect, a conceptual structure that possesses the form of a common good, yet without any reference to an ontological good. As I explained in the first chapter, Kant argues that moral laws cannot be based on any material ends or exterior effects of action, for these all depend for their value on their relationship to the contingent disposition of the subject. What a subject desires or takes pleasure in can only be discerned empirically, and empirical facts can never have the universality and necessity that are required for founding universally valid moral laws. Thus Kant turns to the very form of universal validity itself, and holds that each person's pure practical reason places an absolute value on the form of lawfulness as such. To say that moral laws are *universally* valid for their own sakes is to say that moral laws themselves are good for everyone, are a *common* good. In fact, according to Kant they are a greater good for each person than any or even all of his individual goods, which are valued merely because of their relationship to his own individual desires and feelings.<sup>20</sup>

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<sup>18</sup> *G*, Ak. 4:395–96.

<sup>19</sup> In Kant's terminology, the term 'good' always includes a reference to reason, and so the agreeable is not technically a kind of good. Reason, however, determines what is useful, whether it is useful for obtaining the agreeable or for morality, and so the means is a kind of good. The actions which reason dictates through the moral law are also good, and not good as means. Cf. *KpV*, Ak. 5:57–67. For a good discussion of the way in which Kant saw the need for a new type of end, ends which reason sets for itself, see Richard Velkley, *Freedom and the End of Reason: On the Moral Foundation of Kant's Critical Philosophy* (Chicago: University of Chicago Press, 1989).

<sup>20</sup> Kant prefers to use the word 'good' in a secondary sense, as applying to actions, whose goodness is derived from principles, namely, from moral laws. See *KpV*, Ak. 5:57–67.

In the 2<sup>nd</sup> Critique, Kant raises the issue of the conflict of the desires of different individuals, of the conflict between individual goods. He makes it clear that, in his mind, except for pure practical reason and the purely formal categorical imperative each person can only be at bottom an egoist:

All material practical principles are, as such, altogether of one and the same kind and belong under the universal principle of self-love or one's own happiness. The inclination [arising] from the representation of the existence of a thing, insofar as it is supposed to be a determining ground of the desire for this thing, is grounded in the *receptivity* of the subject, since it *depends* on the existence of an object . . . It is therefore practical only insofar as the feeling of pleasure which the subject expects from the actuality of the object determines the faculty of desire.<sup>21</sup>

Kant paints a clear enough picture of what would happen if everyone pursued only his own individual happiness (understood as desire satisfaction):

It is strange, therefore, how it could have come into the minds of rational men to pretend that since the desire for happiness is universal, and with it also the maxim by which each sets for himself the latter as the determining ground of his will, it is a universal *practical law*. Whereas otherwise a universal law of nature makes all concordant, here, if one wanted to give the universality of a law to the maxim [of seeking one's own happiness], the exact opposite of accord, the worst conflict and the total annihilation of the maxim itself and its purpose, would follow straight away. For the will of all then has not one and the same object, but each has his own (his well-being), which indeed can be consistent contingently with others' purposes, which they likewise direct towards themselves, but is not by any means sufficient for a law, since the exceptions which one is authorized to make now and again are endless and cannot at all be definitely covered in a universal rule. There comes about in this way a harmony which is akin to that which a certain satirical poem depicts concerning the unity of soul between a married couple who are ruining themselves: 'O wonderful harmony, what he wants, she also wants,' or what is said of the undertaking of King Francis the first against Kaiser Karl the fifth: 'what my brother Karl wills to have (Milan), that I also will to have.' Empirical determining grounds are unsuitable for external legislation, and they are no more suitable for inner legislation, since each one lays his subject at the ground of inclination, and another another subject, and in each

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<sup>21</sup> *KpV*, Ak. 5:22: "Alle materiale praktische Principien sind, als solche, insgesamt von einer und derselben Art und gehören unter das allgemeine Princip der Selbstliebe oder eigenen Glückseligkeit. Die Lust aus der Vorstellung der Existenz einer Sache, so fern sie ein Bestimmungsgrund des Begehrens dieser Sache sein soll, gründet sich auf der *Empfänglichkeit* des Subjects, weil sie von dem Dasein eines Gegenstandes *abhängt* . . . Sie ist also nur so fern praktisch, als die Empfindung der Annehmlichkeit, die das Subject von der Wirklichkeit des Gegenstandes erwartet, das Begehungsvermögen bestimmt." Cf. also *G*, Ak. 4:444 & 427–28.

subject itself now one thing, now another has priority of influence. To find a law which governed them all under this condition, namely with accord on all sides, is simply impossible.<sup>22</sup>

If there is to be a possibility of harmonious relationships between people, then they must all have the same object. For Kant, this ‘object’ is the purely formal law, the categorical imperative. Since everyone, by virtue of possessing pure practical reason, wills that moral laws be followed, there is in all cases a course of action acceptable to all persons, one that is in the interests of all: namely the course of action prescribed by the moral law.<sup>23</sup> Kant does not think that pure practical reason somehow prevents people from having conflicting desires, and thus conflicting individual goods, but the moral law can in all cases provide for the resolution of the conflict. If two people have conflicting desires (say they both want Milan) but one of them would have to perform a non-universalizable action (such as waging

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<sup>22</sup> *KpV*, Ak. 5:28: “Es ist daher wunderlich, wie, da die Begierde zur Glückseligkeit, mithin auch die *Maxime*, dadurch sich jeder diese letztere zum Bestimmungsgrunde seines Willens setzt, allgemein ist, es verständigen Männern habe in den Sinn kommen können, es darum für ein allgemein *praktisches Gesetz* auszugeben. Denn da sonst ein allgemeines Naturgesetz alles einstimmig macht, so würde hier, wenn man der *Maxime* die Allgemeinheit eines Gesetzes geben wollte, grade das äußerste Widerspiel der Einstimmung, der ärgste Widerstreit und die gänzliche Vernichtung der *Maxime* selbst und ihrer Absicht erfolgen. Denn der Wille Aller hat alsdann nicht ein und dasselbe Object, sondern ein jeder hat das seinige (sein eigenes Wohlbefinden), welches sich zwar zufälligerweise auch mit anderer ihren Absichten, die sie gleichfalls auf sich selbst richten, vertragen kann, aber lange nicht zum Gesetze hinreichend ist, weil die Ausnahmen, die man gelegentlich zu machen befugt ist, endlos sind und gar nicht bestimmt in eine allgemeine Regel befaßt werden können. Es kommt auf diese Art eine Harmonie heraus, die derjenigen ähnlich ist, welche ein gewisses Spottgedicht auf die Seeleneintracht zweier sich zu Grunde richtenden Eheleute schildert: *O wundervolle Harmonie, was er will, will auch sie* etc., oder was von der Anheischigmachung König *Franz* des Ersten gegen Kaiser *Karl* den Fünften erzählt wird: was mein Bruder *Karl* haben will (Mailand), das will ich auch haben. Empirische Bestimmungsgründe taugen zu keiner allgemeinen äußeren Gesetzgebung, aber auch eben so wenig zur innern; denn jeder legt sein Subject, ein anderer aber ein anderes Subject der Neigung zum Grunde, und in jedem Subject selber ist bald die, bald eine andere im Vorzuge des Einflusses. Ein Gesetz ausfindig zu machen, das sie inssammt unter dieser Bedingung, nämlich mit allerseitiger Einstimmung, regierte, ist schlechterdings unmöglich.” A quick search on google.de revealed the following verses written by Johann Nikolaus Götz (1721–81): “O wunderbare harmonie,/ was Er will, will auch Sie./ Er zechet gern, sie auch,/ er spielt gern, sie auch,/ er zählt Dukaten gern,/ und machet den große Herrn./ auch das ist ihr Gebrauch./ O wunderbare harmonie!” ([http://www.recmusic.org/lieder/get\\_text.html?TextId=25052](http://www.recmusic.org/lieder/get_text.html?TextId=25052), accessed August 6<sup>th</sup>, 2011). The website also provided the following translation by Linda Godry: “Oh, wonderful harmony,/ what he desires, she desires as well./ He enjoys a drink, she too,/ he likes cards, she too./ He likes quick money,/ and to act the big shot/ and so does she./ Oh, wonderful harmony.”

<sup>23</sup> If the moral law permits several different courses of action, it also prescribes who is to decide between the different permissible actions, e. g., whoever is to perform the action or owns the property concerned.

war unprovoked) to satisfy his desire, he *ipso facto* has an interest in sacrificing his individual good. Following the moral law and upholding the rights of all is a greater good for him than satisfying his desire, and it is good for the other person at the same time; it is a common good, not a common *instrumental* good, but a common *end*.

Kant's conception of the moral law is bound up with his concept of autonomy. Acting upon only those maxims which can be valid as universal laws (which turns out to mean acting for the sake of the common good that consists in moral law) is equivalent to respecting the autonomy of all human beings whenever we act. The 'universality' of Kant's Formula of Universal Law is not to be considered as the merely logical possibility that a maxim could be universalized. The passage from the second critique quoted above suggests that Kant does not understand it that way, for it is in fact logically possible for all people to seek to fulfill their own inclinations as shrewdly and effectively as possible. Yet not everyone could achieve his ends in such a situation because of the conflict that would result. The lawfulness that Kant has in mind in his Formula of Universal Law is that of a harmonious and orderly 'kingdom' of rational beings.<sup>24</sup>

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<sup>24</sup> Christine Korsgaard (in "Kant's Formula of Universal Law" *Pacific Philosophical Quarterly* 66 (1985): 24–47, reprinted in *Creating the Kingdom of Ends* (Cambridge: Cambridge University Press, 1996.)) distinguishes three basic interpretations in the literature of the contradiction test by means of which Kant applies his categorical imperative (particularly the Formulas of Universal Law and the Law of Nature). They are: the logical contradiction interpretation, the teleological contradiction interpretation (exemplified by H. J. Paton), and the practical contradiction interpretation. She argues against the logical contradiction interpretation in that, among other things, it only works in the case of social practices (such as promising), in which the universalization of their violation would result in their annihilation. She herself upholds a practical contradiction interpretation, but the truth seems to me to lie in a version of the teleological contradiction interpretation which subsumes the practical contradiction interpretation under it. The moral man is motivated by respect for universal law as such, and, correspondingly, by respect for the dignity of all human beings, but he is lead thereby to aim at a systematic harmony of purposes, voluntary and natural. A practical contradiction such as Korsgaard describes in immoral maxims would be an example of a violation of a systematic harmony of purposes: the practical contradiction means that someone's purpose would be in conflict with his maxim if it were universalized, in other words, it is in conflict with the supreme end of the form of universality, and with the *systematic* harmony of purposes. If the practical contradiction test is not made a part of the teleological

Kant is fond of saying that “rational nature sets itself apart from the rest by the fact that it *sets itself* an end.”<sup>25</sup> (Emphasis added.) To say that a maxim is universalizable, valid for all rational beings, implies, then, that if everyone were to follow such a maxim as a law, every person could in principle set himself his own ends and achieve them under such a constraint (I say ‘in principle’ because nature might not cooperate with his purposes). A non-universalizable maxim, on the other hand, would frustrate the setting and achieving of ends if universalized (e.g., if everyone lied when they wanted to get something that would not be given to them willingly, then some people would have their autonomy and end setting and achieving frustrated, whether it be those taken in by the lies or the liars themselves when their lies are not believed.)<sup>26</sup> If people act only on universalizable maxims, no one’s autonomy is violated and no person’s ends and actions conflict with the ends and actions of another. People’s inclinations might indeed conflict with those of others, but if they are moral people, they will never *choose* ends and thus actions which conflict with the autonomously chosen ends of others. For in all cases of conflict in inclination the moral law forbids one of the parties concerned to act on his inclination, requiring him to choose an alternate end, and

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contradiction interpretation, it is hard to see how one can explain Kant’s description of the way in which the Formula of the Law of Nature shows suicide to be immoral (*G*, Ak. 4:421–22). Korsgaard (p. 42–43) more or less concedes that the Formula of the Law of Nature cannot show suicide to be immoral, and that one must turn to the Formula of Humanity to get anywhere in the case of suicide.

<sup>25</sup> *G*, Ak. 4:437: “Die vernünftige Natur nimmt sich dadurch vor den übrigen aus, daß sie ihr selbst einen Zweck setzt.”

<sup>26</sup> My interpretation of Kant is similar to H. J. Paton’s (see *The Categorical Imperative*, p. 150–51.) On my understanding of Kant, one could perhaps explain the distinction between perfect and imperfect duties and, correspondingly, between ‘contradiction in thought’ and ‘contradiction in will’ (see *G*, Ak. 4: 421–24) in the following way (similar to the way in which Paton distinguishes them at *ibid.*, p. 150): maxims that involve a contradiction in thought would, if universalized, actively hinder people’s setting and achievement of autonomous goals, whereas maxims that involve a contradiction in the will would, if universalized, merely strip people of some sort of aid in the setting and achievement of autonomous goals, an aid which they cannot help willing, all things being equal.

to remold his inclinations, as far as possible, into ones consistent with the moral law and the autonomy and rights of the other.

Thus acting out of respect for the moral law and out of respect for the autonomy of every person are two sides of the same coin. This respect for others as autonomous is what is most fundamental in morally worthy interpersonal relationships according to Kant. As described in the first chapter, Kant's Formula of Humanity requires us to place an absolute, non-negotiable value on rational beings as autonomous. The moral absolutes characteristic of Kant's moral philosophy safeguard the dignity of all persons, their absolutely inviolable value, no matter what the practical consequences of respecting their dignity might be, indeed, no matter what the cost in human suffering. Slaying the innocent, for example, is not acceptable, not even to avert nuclear war.

As I also explained in the first chapter, such respect leads one to choose to be beneficent to other persons, to promote their freely chosen ends (if we place value on their autonomy, we must also place value on what they autonomously choose), which in turn often leads to actual feelings of love, of delight in others. Such beneficence to and love for others, however, are always to be consistent with respect for them, and so ought not to lead to paternalism or arrogance. One cannot, Kant says, decide for others what will make them happy.

By means of the concept of autonomy Kant has succeeded in reconciling two essential and interrelated aspects of a healthy conception of the common good: it is good for all members of the community and it is not imposed upon, but rather chosen by, the individual members of the community. A human person is a self-determining being. If a



'good' is imposed upon a person—even if ostensibly for his own good—rather than freely chosen, then it is for that very reason experienced as not good. It is proper to the means, which does not exist for its own sake but for the sake of the end, to be determined by another. (It would seem irrational to grant free-choice, presuming that were possible, to a mere instrument such as my computer, thus putting my ends in jeopardy. What if my computer were to decide it did not like my dissertation?) Since the means does not exist for its own sake, it requires no respect, and can be disposed however is most conducive to the end. If the common good or some condition conducive to the common good is imposed upon a human person, he experiences himself as being reduced to the status of a means to the common good, as being a cog in the machine. Yet the opposite is supposed to be the case: the common good is good *for him*.

To achieve a fully common good, then, the freedom of all persons must be respected. However, since people have conflicting desires, they will often make conflicting decisions. Kant, however, has resolved this dilemma by means of the concept of autonomy. The pure will chooses what pure practical reason determines, not what empirical desires determine, and the determining principle of every person's practical reason is the same: the categorical imperative. As Kant sees it, each individual has always already chosen the moral law for himself. When he violates the moral law he acts heteronomously, he allows himself to be determined by empirical desires which are in turn determined for him by nature.

Accordingly, moral beneficence to and love for oneself and others, as rooted in respect for the autonomy of rational beings, does not extend to satisfying immoral desires or performing immoral actions. The person who follows the moral law for its own sake, on the other hand,

is fully free in his actions, achieves his own greatest good, and at the same time acts in a way acceptable to every other person according to his or her own pure practical reason. Thus the moral law is both good for and freely chosen by every member of the community ('the kingdom of ends' as Kant puts it). It is a fully common good.

Kant's theory thus provides a firmer basis for interpersonal relationships than does utilitarianism, or any other theory that only accepts purely individual goods. However, while his conception of autonomy satisfies quite nicely the formal side of the notion of the common good, in that it is good for everyone and consistent with everyone's freedom, Kant's common good nevertheless remains deficient in terms of its content. The mere giving and following of law as such seems too 'thin' to serve as an effective motivation for human action. There needs to be more 'good' in the common good.<sup>27</sup> For Kant happiness is a completely different thing from moral worth, and thus, although a person achieves moral goodness when he sacrifices his own good for the sake of the moral law, he might thereby remain completely unfulfilled.

The moral ideal in interpersonal relationships, according to Kant, is friendship between persons who are "united by the morally good will,"<sup>28</sup> a friendship in which one person equally loves and respects the other and is equally loved and respected in return.<sup>29</sup> As a mere formal structure, mutual dutiful love and respect fails to satisfy a person's craving for fulfilling interpersonal relationships. In Kantian friendship, two persons are indeed united by a morally good will, each possessing at base the same object, the moral law, yet all other goods besides lawfulness are individual goods whose goodness lies in the fact that they cause

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<sup>27</sup> Cf. Mary Keys, *Aquinas, Aristotle, and the Promise of the Common Good*, p. 30, 31.

<sup>28</sup> Kant, *MdS*, Ak. 6:469: ". . . durch den moralisch guten Willen Vereinigten."

<sup>29</sup> *Ibid.* Cf. also Ak. 6:450, 456–57.

pleasure in the subject or are a means thereto. Interpersonal relationships correspondingly remain problematic in Kant's theory, as *fulfillment* in interpersonal relationships remains dependent on individual goods. The pursuit of happiness, undoubtedly a major aspect of any person's life, remains subjective and private and cannot be truly shared between friends, and conflict between what makes each happy must remain an ever present concern which is only addressed by a balancing act: the ideal of friendship, as Kant tells us, is that a person has equal parts benevolence and respect for his friend, and his friend has equal benevolence and respect for him in return.<sup>30</sup> This suggests that, apart from the point of contact provided by their mutual interest in the formal structure of morality, each friend remains a discrete, enclosed subject of needs and desires, attempting, for the sake of the moral law, to equalize what he takes from and what he gives to his friend.

What friendship really requires is a 'thick' conception of the common good that two people can pursue together, such that neither is subordinated to or need subordinate himself to the other's private ends. Kant's 'highest good,' a world of morally worthy beings who are happy in proportion to their moral worth—which is the whole object of a moral will according to Kant—is not entirely 'thin,' yet since happiness is conceived essentially as a subjective state of satisfaction, it remains a sum-total of individual goods, leaving only the formal structure of the moral law as a truly common good. To have a 'thick' conception of the common good, one must make room for concrete ontological goods, which requires an epistemic access to the world which Kant's critical philosophy does not allow for.

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<sup>30</sup> *Ibid.*, Ak. 6:469–70.

### Section 3 - Aquinas and Common Goods

In section one I discussed the way in which the modern reduction of goods to only two kinds, namely, useful and agreeable goods, renders it impossible for persons to enter into a common life united in love. Aquinas, however, divides goods into three kinds: *bona utilia*, *bona delectabilia*, and *bona honesta*. The first two are easy enough to translate, and correspond roughly to Hume's useful and agreeable goods. The third kind of good, *bona honesta*, might be translated as 'virtuous goods,' or 'noble goods.' Aquinas explains his division of goods in the following way:

If we consider the higher and more common notion of the good, this division is found to correspond properly to the good according as it is good. For the good is something insofar as it is desirable and the terminus of the motion of the appetite. . . . In this way, therefore, in the motion of the appetite that which is desirable as something which terminates the motion of the appetite in a certain respect, as the means through which the appetite tends to another, is called *the useful*. That however which is desired as ultimate, totally terminating the motion of the appetite, as something towards which the appetite tends *per se*, is called *the noble*: because that which is desired for itself is called noble. That however which terminates the motion of the appetite as rest in the thing desired is *delight*.

Aquinas further clarifies in answering an objection in the same article:

Those things are properly called delightful which have no other notion of desirability except delight, since sometimes they are harmful and ignoble. [Those] are called useful which do not have in themselves [the reason] whence they are desired, but are desired only because they lead to something else, just as the taking of bitter medicine. [Those] are called noble, however, which have in themselves [the reason] whence they are desired.<sup>31</sup>

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<sup>31</sup> *STh* I, q. 5, a. 6, c. & ad 2 (Leon. 4:65): "Si tamen altius et communius rationem boni consideremus, invenitur haec divisio proprie competere bono, secundum quod bonum est. Nam bonum est aliquid, inquantum est appetibile, et terminus motus appetitus. . . . Sic ergo in motu appetitus, id quod est appetibile terminans motum appetitus secundum quid, ut medium per quod tenditur in aliud, vocatur utile. Id autem quod appetitur ut ultimum, terminans totaliter motum appetitus, sicut quaedam res in quam per se appetitus tendit, vocatur honestum, quia honestum dicitur quod per se desideratur. Id autem quod terminat motum appetitus ut quies in re desiderata, est delectatio. . . . Dicuntur tamen illa proprie delectabilia, quae nullam habent aliam rationem appetibilitatis nisi delectationem, cum aliquando sint et noxia et inhonesta. Utilia vero dicuntur, quae non habent in se unde desiderentur; sed desiderantur solum ut sunt ducentia in alterum, sicut sumptio medicinae

We have already seen in chapter two that Aquinas holds that (noble) goods are not desired for the sake of delight, that is, desire's rest, but rather rest or delight is desired as a consequence of the attainment of some good thing which we desire for its own sake and in which our desire will rest once we have attained it.<sup>32</sup> Aquinas' notion of value is hence different from modern ones. While pleasant goods, *bona delectabilia*, are valued because they are desired and hence bring desire to rest and cause delight, the notion of value is found principally in noble goods which are desired because they are good, i.e., objectively perfective for some being. The noble good is an objective good, that which according to its existence in reality and in its very act of being is perfective of another, and hence desirable.<sup>33</sup>

This threefold division of goods is important for at least two reasons. First, Aquinas' distinction between the three kinds of friendship, which Aquinas inherits from Aristotle, corresponds to this division of goods.<sup>34</sup> Some friendships are based upon the utility that each friend derives from the other. In these friendships, the friends have the character of *bona utilia*. Other friendships are based upon the enjoyment each derives from the other's company. In these friendships, the friends have the character of *bona delectabilia*. Some friendships, however, involve a recognition in each of an objective value in the other, which leads each to will what is good for the other as such. It is this kind of friendship that has foundational importance for the moral life for Aquinas, as I have argued in the preceding two chapters. In these friendships, the friends have the character of *bona honesta*.

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amarae. Honesta vero dicuntur, quae in seipsis habent unde desiderantur."

<sup>32</sup> See above, chapter 2, section 3, p. 74–76. Only God, of course, puts all of our desires permanently to rest. Other *bona honesta* put some particular desire to rest, and perhaps only for some time.

<sup>33</sup> *QDdVer*, q. 21, a. 1, c.

<sup>34</sup> Servais Pinckaers, "Der Sinn für die Freundschaftsliebe," p. 231–32.

Does Aquinas recognize such an objective value in *all* persons? What causes a person to recognize another person as valuable in this way, as Aquinas sees it? Aquinas' most simple answer is that it is similarity between two people that causes the love of friendship,<sup>35</sup> which is the love involved in true friendship, as opposed to friendships of utility and of pleasure, which involve the love of concupiscence. Aquinas states that the mere similarity of belonging to the same species causes a natural friendship to exist between all men,<sup>36</sup> a friendship that can clearly be overshadowed by enmity arising from vice or allowed to flourish through the promotion of moral virtue. Nevertheless, the similarity of belonging to the same genus that holds between, say, men and wine insofar as they both belong to the genus of physical bodies, is not sufficient for any kind of love of friendship. One cannot truly love wine with the love of friendship, one can only want it for oneself or for others.<sup>37</sup> Only rational beings, only persons, exist for their own sakes in the universe, and all other things, whatever their intrinsic value as reflections of God's goodness, are naturally subordinate to rational and intellectual beings as means to be used.

Aquinas then, sees it as natural for persons to love one another with the love of friendship, to accord one another an objective value. The natural law always accords with nature and moral virtue develops the natural inclinations. As I showed in chapter two, Aquinas holds that one of the principal commandments of the natural law is the commandment to love other people as oneself, and to love them, as I have argued, with the love of friendship. Aquinas does, then, it seems, hold that each person ought to recognize an objective value in each and every person, to recognize him as an end in himself.

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<sup>35</sup> *STh* I-II, q. 27 a. 3.

<sup>36</sup> *SCG* III, c. 117; *STh* I, q. 60, a. 4.

<sup>37</sup> *STh* II-II, q. 23, a. 1, c. Aquinas refers to Aristotle, *Nicomachean Ethics* VIII. See 1155b27–32.

The second reason that Aquinas' threefold division of goods is important is that it allows two or more human beings who recognize an objective value in each other to enter into a shared life centered around some objective good. As I discussed in section one, agreeable goods, which are valued because they are desired or cause pleasure, are essentially private, subjective goods, since desires and pleasure are inherently private and subjective and cannot be shared. Since, however, for Aquinas goodness and value lie in the objective sphere in virtue of his doctrine of *bona honesta*, it is possible for distinct persons to pursue the same good under the same *ratio* or description, and hence to enter into a common activity in pursuit of that good.<sup>38</sup> When the same being (or activity), according to the objective existence it has in reality, is perfective of multiple distinct persons, it manifests itself as a common good. Such a common good, since it is good for both persons in a relationship, or all persons in a community, makes it possible for each individual to pursue his own good at the very same time as he pursues the good of others, in principle and not just because of contingent, favorable circumstances causing his interests and the interests of others momentarily to coincide.

One might object, however, that Aquinas' theory of good does not allow people to escape from the enclosed spheres of their separate subjectivities any more than the modern theory does. Even *bona honesta* are good insofar as they are *perfective*. Each subject pursues his own perfection, and even if two or more people pursue the same objective good, they are

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<sup>38</sup> Lest one think that this contradicts my claim above that all beings other than rational beings have value only as means, which might seem to imply that the only goods which persons can pursue together, once they have entered into friendship, are useful or agreeable goods: the activities that people and communities perform can themselves have objective value as *bona honesta* insofar as they are the objective perfections of those beings which exist for their own sakes, i.e., persons. One might also be able to consider persons themselves as common goods which can be sought together by friends, above all the personal God, who is the common good of all the saints.

each pursuing it under a different ratio or description, for each pursues it as perfective of himself. In order to provide insight into how common objective goods allow for escape from practical solipsism, it will be helpful to clarify more precisely what Aquinas means by ‘common good’ and by ‘community,’ and then to review quickly some of what I have said in Chapter Two where I answered the egoism objection to Aquinas’ moral theory.<sup>39</sup>

We tend to think of the common good as just the sum of the goods of individuals, or the good of the majority. Aquinas, however, tells us:

The common good of a city and the singular good of one person do not differ only according to many and few, but according to a formal difference: for the notion of the common good and that of the singular good are different, as also the notion of the whole is different from that of the part. And therefore the Philosopher says in *Politics* I that ‘they do not speak well who say that the city and the house and other such things differ only in multitude and in paucity, and not in species.’<sup>40</sup>

The common good is the good of the whole as whole. It is not the good of many parts as many.<sup>41</sup> In what sense, however, does a whole community differ from a multitude of

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<sup>39</sup> See esp. chapter 2, section 3, p. 88–89 above.

<sup>40</sup> *STh* II-II, q. 58, a. 7, ad 2 (Leon. 9:15): “Bonum commune civitatis et bonum singulare unius personae non differunt solum secundum multum et paucum, sed secundum formalem differentiam: alia enim est ratio boni communis et boni singularis, sicut et alia est ratio totius et partis. Et ideo Philosophus, in I *Polit.*, dicit quod *non bene dicunt qui dicunt civitatem et domum et alia huiusmodi differre solum multitudine et paucitate, et non specie.*”

<sup>41</sup> The conception of the common good that I ascribe here to Aquinas is one that is categorized by Mark Murphy (“The Common Good,” *The Review of Metaphysics* 59 (2005): 136) as “distinctive,” (i.e., the common good is distinct from individual goods) as opposed to “aggregative” or “instrumentalist.” The “aggregative” conception, which he defends, holds that the common good is the sum of the goods of the individuals in the community. Although he accepts that there are some goods which are “irreducibly social”—meaning that they are shared goods that cannot be broken down into goods that are not shared (he mentions friendship and community)—he nevertheless holds that the “aggregative” conception of the common good is preferable to the “distinctive” conception, which limits the common good to “irreducibly social” goods, for two reasons: first, because the rationale for pursuing any irreducibly social good is that it is good for individuals, and secondly because the “aggregative” view of the common good includes all the kinds of goods that the “distinctive” view includes under the notion of common good and more (p. 150–52.) In my view, Murphy fails to take into account how truly shareable goods, those goods that the “distinctive” view of the common good focuses on, provide a solution to the conflict between the well-being of different persons, and thus an alternative to the utilitarian calculus, which he also is concerned to avoid (see p. 158–64.) Aquinas sees the common good as a higher good than individual goods, and since it is higher and a greater good for each individual than his own individual good, people can find in it together a fulfillment which can compensate for loss of personal goods in cases of



people, from a collection? In the beginning of his *Commentary on the Nicomachean Ethics*, in the very first *lectio*, before he has begun to comment directly on Aristotle's text, Aquinas puts forward the following consideration:

It is to be known, however, that this whole that is the civil multitude, or the domestic family, has only the unity of order, according to which it is not something simply one, and therefore the part of this whole can have an operation which is not the operation of the whole, as a soldier in an army has an operation which is not an operation of the whole army. The whole itself, nevertheless, has some operation which is not proper to the parts, but to the whole, for instance the engagement (*conflictus*) of the whole army. Also, the hauling of a boat is the operation of the multitude [of men] hauling the boat. There is, however, another whole which has unity not only by order, but also by composition, or connection, or even continuity, according to which unity it is something simply one, and therefore there is no operation of the part which is not of the whole.<sup>42</sup>

Here Aquinas distinguishes the way in which a community is a whole from the way in which an individual person is a whole (a person has no operation which belongs only to his parts and not to him as a whole: a man thinks, not his brain or mind, and a man walks, not his legs), and by implication distinguishes between a whole community and a mere

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conflict. Murphy, on the other hand, holds that goods are in some sense incommensurable (p. 161), and it is perhaps for this reason that he is unwilling to accept that the "distinctive" view of the common good could be preferable to an "aggregative" view which accepts all of the "irreducibly social" goods that the "distinctive" view identifies and other individual goods as well. Murphy also does not consider how the pursuit of truly common goods makes unity (and thus love) between persons possible (although he does identify friendship and community themselves as truly common goods, as was said.) In his article Murphy criticizes John Finnis who is said to hold an "instrumental" view of the common good. This characterization is correct, at least as regards Finnis' view of the specifically political common good (Finnis, *Aquinas*, p. 237–39). The more fundamental sense of the common good for Finnis, however, the one that is connected to what he calls the "master" principle of morality, is a mostly aggregative one. Finnis, moreover does also recognize the existence of what Murphy calls "irreducibly social" goods, such as friendship. He misses the importance in Aquinas' moral philosophy, however, of goods that are common in the fullest sense. See below, chapter 5, section 3, p. 240ff, esp. p. 240–42.

<sup>42</sup> *SLE* I, l. 1 (Leon. 47.1:4): "Sciendum est autem quod hoc totum quod est civilis multitudo vel domestica familia habet solam ordinis unitatem, secundum quam non est aliquid simpliciter unum; et ideo pars huius totius potest habere operationem quae non est operatio totius, sicut miles in exercitu habet operationem quae non est totius exercitus; habet nihilominus et ipsum totum aliquam operationem quae non est propria alicuius partium sed totius, puta conflictus totius exercitus; et tractus navis est operatio multitudinis trahentium navem. Est autem aliud totum quod habet unitatem non solum ordine sed compositione aut colligatione vel etiam continuitate, secundum quam unitatem est aliquid unum simpliciter; et ideo nulla est operatio partis quae non sit totius; in continuis enim idem est motus totius et partis, et similiter in compositis vel colligatis operatio partis principaliter est totius."

multitude. Unlike a mere collection of individuals who happen to be in the same place, a community, as a whole, has an action which is its own and not that of its parts except insofar as they belong to the whole. Some actions really are the actions of a whole community as such, and not just the sum of the actions of individual persons. It is not an individual soldier or player who wins a victory, but an army or a team. It is not the first violinist, or even the soloist, who performs a piano concerto, but the orchestra. (Whereas the din at a party seems more like the mere sum of the noises that each individual partygoer makes.) All of the parts of a whole participate in the activity which the whole performs, and they participate in it *because* they are parts of that whole which performs the activity.

In Chapter Two I pointed out that Aquinas distinguishes various aspects of a thing's perfection, of its good. The thing's existence itself is good, and everything prerequisite for its existence is good; furthermore, a thing attains a further degree of goodness by coming to have certain accidents inhere in it. For human beings, such accidents can be said to include, among other things, the virtues, the activity of reason, and delight. But Aquinas indicates a further way in which a thing is said to be good, namely the attainment of an end external to it. A thing is perfected by being in a right relation to its end.<sup>43</sup>

The end of the part is the good of the whole, and so a part as such finds its perfection in the whole, finds its good in the whole. But the part by nature remains oriented primarily to the whole and not to itself; "every part not suited to its whole is base," as Aquinas quotes

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<sup>43</sup> See *STh* I, q. 6, a. 3, c., quoted at chapter 2, section 3, p. 88–89 above. This is true even when a thing's end is a separately existing being. God is the natural end of all things, as Aquinas holds, and things relate to God as parts to a whole (since He is the universal good, containing in Himself the perfections of all things in an undivided manner.) Since every part is imperfect if not subordinated to its whole, part of what perfects each creature is being totally subordinated to God.

Augustine as saying.<sup>44</sup> So the part, in pursuing its perfection, does not subordinate the good of the whole to its own good as a part—that would be unfitting, and thus an imperfection for the part—but subordinates itself to the good of the whole.<sup>45</sup>

Aquinas answers the following objection, which is very similar to the one I advanced against myself above; his answer is helpful here:

Each thing is loved insofar as it is one's own good. But that which is the reason for loving [something] is loved more than that which is loved on account of the reason, just as principles, which are the reason through which other things are known, are more known. Therefore a man loves himself more than any other loved good. . . . To the second it is to be said that the part indeed loves the good of the whole according as it is fitting to itself, not however, in such a way that it refers the good of the whole to itself, but rather in such a way that it refers itself to the good of the whole.<sup>46</sup>

Because the part naturally loves the good of the whole more than its own good, when many distinct persons come together and form a whole, they can each remain focused on the good of the whole, and thus be united around that good, not falling apart in such a way that each seeks at bottom his own private good. Having a common good, and a common activity aiming at that good, people form a unity of order and enter into a shared life together.

Given the centrality of the common good in Aquinas' philosophy, there is reason to be optimistic about the prospects of loving and fulfilling relationships in his philosophy, for

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<sup>44</sup> *Ibid.*, II-II, q. 47, a. 10, ad 2, quoted at chapter 2, section 1, p. 62–63 above.

<sup>45</sup> On the connection in Aquinas between love for the common good and an individual's search for perfection, see David Gallagher, "Desire for Beatitude and Love of Friendship in Thomas Aquinas," esp. p. 34–39, as well as "Thomas Aquinas on Self-Love as the Basis for Love of Others," *Acta Philosophica* 8 (1999): 23–44 (esp. 35–39). Gallagher's interpretation seems mostly correct, nevertheless it is expressed in an unsatisfying way. Since Gallagher presents love for the common good and love for others as generated out of self-love (even though, in the end, others are not loved as mere means, and the common good is loved more than oneself), his interpretation of Aquinas gives the impression at times of verging on egoism. I would avoid the term "self-love" and refer instead to an individual's search for perfection.

<sup>46</sup> *STh* II-II, q. 26, a. 3, obj. 2 & ad 2 (Leon. 8:211): "Unumquodque diligitur in quantum est proprium bonum. Sed id quod est ratio diligendi magis diligitur quam id quod propter hanc rationem diligitur: sicut principia, quae sunt ratio cognoscendi, magis cognoscuntur. Ergo homo magis diligit seipsum quam quodcumque aliud bonum dilectum. . . . Ad secundum dicendum quod bonum totius diligit quidem pars secundum quod est sibi conveniens: non autem ita quod bonum totius ad se referat, sed potius ita quod seipsam refert in bonum totius."

entering into a common life centered around a common good is precisely what love requires. As was noted in chapter 3, Aquinas holds that the natural law directs us towards friendship, and that *communicatio*, shared life, is an essential element in friendship. His understanding of the relationship between the common good, friendship, and the natural law corresponds well to the analysis of love that I provided in the first section of this chapter.

However, although Aquinas accords persons an objective value—they are ends *cuius* as well as *cui*—one has to consider carefully whether or not he allows for the kind of incomparable value which love recognizes in other persons—a value which cannot be exchanged for any other. Aquinas does not, so far as I know, ever state as clearly as Kant that persons have a value that cannot be exchanged.

However, the kind of value that the love of friendship, the kind of love required by the natural law, accords to other persons is not the value of something useful, or the value of something merely enjoyable. The one who loves someone with the love of friendship loves him as himself, as someone whose existence and flourishing are willed for their own sakes. That which is useful can be exchanged for something else which can bring about the same result. That which is enjoyable can be exchanged for something else which brings a similar degree of enjoyment (unless the appetite has become stubbornly fixed on some particular thing.) That which is valued for its own sake cannot be exchanged for something similar without irremediable loss.

The only conceivable basis for ‘exchanging’ one person or group of people who are valued for their own sakes for another person or group is that their well-being or even existence are in the circumstances incompatible, forcing a choice between one and the other.

As I have already stated, however, Aquinas' notion of the common good and the architectonic role that it plays in his moral philosophy render it possible in principle to promote the good of *all* persons without exception. In addition to more restricted common goods, such as those of a family and of a state, Aquinas believes that God and the natural order of the universe are universally common goods, good for everyone. The very same thing is in the interests of all persons.

Although Aquinas does not, as far as I know, ever discuss the kind of vexing situations discussed in contemporary ethical debates—such as whether one should kill an innocent man if it is the only way to avert nuclear war—he does make it clear that he believes in moral absolutes. For instance, Aquinas says that one ought not to commit adultery nor tell a lie no matter what the benefit, not even to free one's country from a tyrant.<sup>47</sup> In the *Summa Theologiae* Aquinas explicitly addresses the question whether the innocent may be killed in *any* case (*in aliquo casu*) and has this to say:

A man can be considered in two ways: in one way, according to himself, in another way, in comparison to another. Considering man according to himself, indeed, it is not lawful to kill anyone, because in anyone, even the sinner, we ought to love the nature which God made, which is corrupted through killing. But as has been said above, the killing of a sinner is made lawful by relation to the common good, which is

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<sup>47</sup> *Quaestiones disputatae de Malo* (hereinafter *QDdM*), q. 15, a. 1, obj. 5 & ad 5 (Leon. 23:271): “Moreover, that which is a sin in its genus may not be done for any good end whatever, according to what is said in Romans 3: ‘It is not as certain people say that we say: let us do evil, that good may come.’ But as a commentator on *Ethics* V says, the equitable man, that is, the virtuous man, commits adultery with the wife of a tyrant, in order that killing the tyrant he may free the fatherland. Therefore even adultery is not a sin in itself. Much less, therefore, are other acts of fornication. . . . To the fifth it is to be said that that commentator is not to be upheld in this, since for no utility ought someone to commit adultery, just as neither ought someone to tell a lie for any utility, as Augustine says in the book *Against Lying*. (Preterea. Illud quod est peccatum ex genere non licet fieri quocumque bono fine, secundum illud Ro. III ‘Non est sicut quidam dicunt nos dicere: faciamus mala ut ueniant bona’. Set sicut dicit Commentator in V Ethice, epyeikes, uir uirtuosus, committit adulterium cum uxore tyranni ut tyrannum interficiens liberet patriam. Ergo etiam adulterium non est secundum se peccatum; multo igitur minus alii fornicationis actus. . . . Ad quintum dicendum quod ille Commentator in hoc non est sustinendus: pro nulla enim utilitate debet aliquis adulterium committere sicut nec mendacium dicere debet aliquis propter utilitatem aliquam, ut Augustinus dicit in libro *Contra mendacium*.)” For the *De Malo* I have consulted *On Evil*, trans. John A. Oesterle & Jean T. Oesterle (Notre Dame: University of Notre Dame Press, 1995).

corrupted through sin. The life of the just, however, is conservative and promotive of the common good, since they are the more principal part of the multitude. And therefore in no way is it lawful to kill the innocent.<sup>48</sup>

Aquinas, then, seems to hold that the prohibition of putting innocent people to death is a moral absolute. They cannot be sacrificed for the common good of the state; indeed, Aquinas seems to hold that it is not possible for their well-being ever to come into conflict with the common good.

Yet what about criminals? They also are persons, and ought to be loved. Yet Aquinas argues that those holding legitimate authority in the state may punish them even with death for the sake of the common good. He compares this to amputating a decaying limb in order to preserve the body as a whole, stating that an individual is a part of the community which stands as a whole in relation to him.<sup>49</sup> It seems then, that the value accorded to other people by ethically appropriate love is not, according to Aquinas, an incomparable value, but rather one which, even if objective and intrinsic, may be weighed against the common good.

A couple things should be borne in mind here, however. First, Aquinas is not saying that the good of many outweighs the good of one. He does seem to be saying that the good of *the whole* outweighs the private good of the individual. As Charles De Koninck puts it: “If the political community has the right to execute a criminal citizen, it is not formally because it represents a number of persons, but rather ‘ut bonum commune conservetur.’ The

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<sup>48</sup> *STh* II-II, q. 64, a. 6, c. (Leon. 9:73): “Aliquis homo dupliciter considerari potest: uno modo, secundum se; alio modo, per comparisonem ad aliud. Secundum se quidem considerando hominem, nullum occidere licet: quia in quolibet, etiam peccatore, debemus amare naturam, quam Deus fecit, quae per occisionem corrumpitur. Sed sicut supra dictum est, occisio peccatoris fit licita per comparisonem ad bonum commune, quod per peccatum corrumpitur. Vita autem iustorum est conservativa et promotiva boni communis: quia ipsi sunt principalior pars multitudinis. Et ideo nullo modo licet occidere innocentem.” Compare the opening of obj. 1 (Leon. 9:72): “Ad sextum sic proceditur. Videtur quod liceat *in aliquo casu* interficere innocentem. . . .” (Emphasis added.)

<sup>49</sup> *STh* II-II, q. 64, a. 2.

condemned man does not become the victim of mob violence; he is destroyed because he has proved a responsible menace to the common good.”<sup>50</sup> But since the whole is not actually a personal subject, the good of the whole, the common good, is *for* its individual members as for its beneficiaries.<sup>51</sup> The good of the whole is the good of *all*, not of the majority. It is a greater good for each individual than the individual’s own private good. Thus the criminal who has set himself in opposition to the common good has already set himself in opposition to his own well-being. If he is executed to preserve the common good, he is executed to prevent him from taking from others that which he has already taken from himself: his greatest good. Secondly, according to Aquinas the execution is good for the criminal: either he is prevented from doing further moral harm to himself by committing more crimes, or, if he undergoes a moral conversion (presumably due to being faced with his imminent death), his death serves as satisfaction for his sin.<sup>52</sup>

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<sup>50</sup> “In Defence of St. Thomas: A Reply to Father Eschmann’s Attack on *The Primacy of the Common Good*,” in *The Writings of Charles De Koninck*, volume 2, ed. & trans. Ralph McInerny (Notre Dame: University of Notre Dame Press, 2009), p. 326.

<sup>51</sup> Cf. Charles De Koninck, *The Primacy of the Common Good*, p. 89: “[Man’s] dignity consists in this that *he* can attain the end of the universe, the end of the universe being, in this respect, for rational creatures, that is, for each of them. However, the good of the universe is not for them as if they were the end for the sake of which it is. It is the good of each of them insofar as it is *their* good as a common good.”

<sup>52</sup> *STh*, II-II, q. 25, a. 6, ad 2 (Leon. 8:202): “As the Philosopher says in book IX of the *Ethics*, the benefits of friendship are not to be taken away from friends who are sinners, as long as one has hope of their healing, but they are to be helped to recover virtue more than [they would be helped] to recover money if they had lost it, insofar as virtue is more closely connected to friendship than money [is]. But when they fall into the greatest malice and become incurable, then the familiarity of friendship is not to be shown to them. And therefore such sinners, concerning whom harm to others is presumed rather than their own emendation, are commanded to be killed according to divine and human law. And nevertheless the judge does this not out of hatred of them, but out of the love of charity, by which the public good is preferred to the life of a singular person. And nevertheless the death inflicted by the judge is beneficial to the sinner: if he is converted, for the expiation of his fault; if he is not converted, for the termination of his fault, because the power of sinning further is taken away from him by this. (Amicis peccantibus, sicut Philosophus dicit, in IX *Ethic.*, non sunt subtrahenda amicitiae beneficia, quousque habeatur spes sanationis eorum: sed magis est eis auxiliandum ad recuperationem virtutis quam ad recuperationem pecuniae, si eam amisissent, quanto virtus est magis amicitiae affinis quam pecunia. Sed quando in maximam malitiam incidunt et insanabiles fiunt, tunc non est eis amicitiae familiaritas exhibenda. Et ideo huiusmodi peccantes, de quibus magis praesumitur nocumentum aliorum quam eorum emendatio, secundum legem divinam et humanam praecipuntur occidi. – Et tamen hoc facit iudex non ex odio

In the much-discussed question in the *Summa* on killing (II-II, q. 64), Aquinas does not provide any detailed criteria to determine which circumstances legitimate the use of the death penalty by the state and which circumstances only legitimate lesser forms of punishment. Nevertheless, what Aquinas says there (especially a. 2) and elsewhere seems to indicate that capital punishment is justified whenever the criminal does great harm to the community and is likely incurable.<sup>53</sup>

All in all, Aquinas expresses himself on this subject in a manner which I find troubling. Some of his statements evidence an attitude not in conformity with the absolute value of every human being, a value that cannot be lost or weighed against other values. For one thing, he casts his main arguments in terms of a comparison of the person and the common good: the criminal harms the common good and must be slain; the innocent man preserves and promotes the common good, and so is to be preserved. The fact that he apparently allows for no exceptions, even in exceptional circumstances, to the prohibition on killing the innocent does require us to understand him in a milder manner than his language naturally leads us to. The innocent man is not just weighed in a calculus of goods. His good is identified with the common good, and the two cannot be separated. Nevertheless, the language of comparison he uses is disconcerting.

Even more troubling is the fact that Aquinas speaks of the guilty man as losing his dignity. The problem here is the same as that with his view of slavery, as discussed in chapter three. An immoral person lessens his dignity when he performs immoral actions. To a certain

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eorum, sed ex caritatis amore, quo bonum publicum praefertur vitae singularis personae. – Et tamen mors per iudicem inflictā peccatori prodest, sive convertatur, ad culpae expiationem; sive non convertatur, ad culpae terminationem, quia per hoc tollitur ei potestas amplius peccandi.)”

<sup>53</sup> See n. 52 above.



extent, I would agree with Aquinas on this. But Aquinas seems to attribute too great of a loss of dignity to the immoral person:

By sinning man withdraws from the order of reason, and therefore falls away from human dignity—according to which man is naturally free and exists for his own sake—and he falls in a certain manner into the servitude of the beasts so that it is ordained concerning him according as is useful to others, according to the psalm: ‘Man, when he was in honor, did not understand; he has been compared to senseless beasts of burden, and has been made like to them,’ and in *Proverbs* 11 it is said ‘He who is foolish shall serve the wise.’ And therefore, although to kill a man who remains in his own dignity is according to itself evil, nevertheless, to kill a sinner can be good, just as to kill a beast [can be good.] For an evil man is worse than a beast, and does more harm, as the Philosopher says in book I of the *Politics* and in book VII of the *Ethics*.<sup>54</sup>

According to Aquinas, the man guilty of grave offense is treated ‘according as is useful to others,’ as a beast ‘in a certain manner.’<sup>55</sup> However, I believe that the principle of humanity still applies to the vicious person, who is still a human being. Even the criminal’s life and well-being ought, therefore, to be treated with respect, according to the dignity that he retains as a human being. Given the absolute value, the dignity that belongs to him, the criminal must never be killed unless it is absolutely necessary for the sake of defending society, in which case capital punishment becomes a kind of self-defense; in modern society,

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<sup>54</sup> *STh* II-II, q. 64, a. 2, ad 3 (Leon. 9:68): “Homo peccando ab ordine rationis recedit: et ideo decedit a dignitate humana, prout scilicet homo est naturaliter liber et propter seipsum existens, et incidit quodammodo in servitutem bestiarum, ut scilicet de ipso ordinetur secundum quod est utile aliis; secundum illud Psalm., *Homo, cum in honore esset, non intellexit: comparatus est iumentis insipientibus, et similis factus est illis*; et Prov. XI dicitur: *Qui stultus est serviet sapienti*. Et ideo quamvis hominem in sua dignitate manentem occidere sit secundum se malum, tamen hominem peccatorem occidere potest esse bonum, sicut occidere bestiam: peior enim est malus homo bestia, et plus nocet, ut Philosophus dicit, in I *Polit.* et in VII *Ethic.*”

<sup>55</sup> “Nevertheless,” as Steve Jensen says of Aquinas, “evildoers are not entirely like non-rational creatures. Thomas says that they descend ‘in some manner’ to the level of the beasts. They are not in all ways mere instruments. After all, they may not be used by just anyone, for only those in charge of the common good, those with public authority, may harm evildoers. Furthermore, even public authorities may not use them in any way they please. Their subordination to the common good is on account of a disorder, a defect in their relation to the community. Their instrumental use, then, demands a reordering. Indeed the ‘use’ of offenders is restricted to punishment in some sense.” (*Good & Evil Actions*, p. 174.)

cases where such absolute necessity exists ‘are very rare, if not practically non-existent.’<sup>56</sup>

Those in authority, and society as a whole, ought to be quite averse to the death of the criminal even when it is necessitated, and above all ought not indulge in any way in a spirit of vengeance or rejoice in his death.

In my view, rather than being treated ‘according as is useful to others,’ as irrational animals ought to be, even the criminal’s status as an end in itself ought to be respected in practice as fully as possible. If a dangerous animal could not be safely released into the wild, it would be put down; it would not be right to uselessly house and feed it at society’s expense. Yet a dangerous criminal who can be safely imprisoned should not be executed. Since his life is valuable, it ought to be preserved if it can safely be preserved.

Nevertheless, if the safety of others and society does require that the criminal be executed, the state has a right to execute him, although it never has such a right in the case of innocents. What legitimate basis can there be for this difference, if both the innocent man and the criminal possess the absolute value of human dignity? If, for example, the only way to save the country is to put an innocent man to death, why is this any less acceptable, although regrettable, than the execution of a guilty man? Or, if that is not acceptable, why is the execution of a guilty man acceptable?

This is a difficult question, and I do not intend to present a definitive answer. I can, however, suggest a possible answer:<sup>57</sup> the communicable, shareable nature of the common

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<sup>56</sup> John Paul II, *Evangelium Vitae*, Vatican translation (Saint Paul, MN: The Leaflet Missal Company, 1995), 56.

<sup>57</sup> Also relevant to the consideration of hard cases is that no human being, with his limited intellectual capacities, is really able to judge about the overall negative and positive effects of action outside of the regular moral order, depending, as they do, on so many circumstances unknown to him. Only God is able to judge of such things. Cf. below, chapter 5, section 2, p. 229–33.

good is what prevents the value of the multitude of distinct persons and of their well-being from coming into conflict. As long as a person chooses to remain within the order of justice, united in solidarity and love with his fellow human beings, forming one community with them, he and the community stand or fall together. An individual will not be sacrificed to an aggressor, no matter what the circumstances. No soldier will be left behind, one could say. This seems to be an aspect of the common good of the state, an aspect of that good which an individual possesses in virtue of being a citizen: solidarity and the security of knowing that the state will never harm him as long as he is innocent, but will protect him as far as it reasonably can.<sup>58</sup>

But if a person chooses to set his good in opposition to the common good, then he has rejected his share in the common good. No one can make him share it against his will. He has thus chosen to create an opposition between his private good and the common good, between the value of his well-being and the well-being of others. He has himself made the choice between his well-being and that of others inevitable in some circumstances: solidarity with him does not exist, because he has chosen not to remain in solidarity. He still possesses an intrinsic value as a human being, but the community will not protect this person at all costs, will not fully identify the common good with his good as it does with the innocent man's good. Nevertheless, the community will still value him and attempt to preserve his life and promote his well-being to the extent that it can (including by means of reformatory punishment).

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<sup>58</sup> See Jensen, *Good & Evil Actions*, p. 150–79, esp. 157–59 & 161–65. His remarks on the nature of the common good as *shared* has been helpful to me. Nevertheless, Jensen sticks to a sympathetic exposition of Aquinas' position on punishment.

One last question remains concerning Aquinas: to what extent does he make room for respecting autonomy, for respecting other people's free choices even when they seem to us to be acting in a manner detrimental to their own good (which I described in section one as an aspect of love)? Although he does not much emphasize the value of respecting autonomy, this element is present to a certain degree in his writings. In a passage I have already made much of (*Summa contra Gentiles* III, c. 111–12), Aquinas states that free choice is a perfection of rational beings setting them apart from all non-rational beings, and argues that it is a sign that rational beings exist for their own sakes. God created rational beings with the power of free choice, subjecting them to the eternal law in a way different from and more perfect than other creatures, which are directed to their ultimate end, to the common good, by natural impulses. God gave men a share of his providence; they have natural inclinations and the natural law written in their hearts, but they direct themselves to the ultimate end under its light.<sup>59</sup> Since God has given human beings free-will as a perfection, it seems that attempts to suppress people's autonomy would be inconsistent with both the natural law and love of other persons.

Nevertheless, Aquinas does not seem to weave this element into his moral and political philosophy well. If God gives us free-will and thus, in a sense, respects our autonomy, it would seem that neither individual persons nor the state should violate this autonomy.<sup>60</sup> And yet, while Aquinas does, for example, accord to all people, even to slaves,

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<sup>59</sup> *STh* I-II, q. 91, a. 2, c.

<sup>60</sup> Cf. Karol Wojtyła, *Love and Responsibility*, p. 27. See below, section 4, p. 197–200.

the right to make their own choices in regards to marriage,<sup>61</sup> at other times his stance towards the autonomy of others is ambivalent, as the following passage illustrates:

There are certain of the unbelievers who have never taken up the faith, such as gentiles and Jews. And such are in no way to be compelled to the faith in order that they may believe, because to believe belongs to the will. They are, nevertheless, to be compelled by the faithful, if the ability is present, not to impede the faith either by blasphemy or by evil persuasions or even by open persecutions. And for this reason the faithful of Christ often wage war against the unbelievers, not indeed in order to force them to believe (for even if they were to have conquered them and were to hold them captive, they would leave them their liberty whether they wish to believe), but in order that they may compel them not to impede the faith of Christ. There are other unfaithful, however, who at some time received the faith and profess it, as heretics or all those who are apostates. And such are to be compelled even bodily to fulfill what they have promised and to hold to what they at one time undertook.<sup>62</sup>

On the one hand, Aquinas rejects the notion that non-Christians should be forced to convert, just as he argues that the children of Jewish parents ought not to be baptized against their parent's will.<sup>63</sup> On the other hand, he holds that heretics and apostates should be compelled by force to keep the faith. Moreover, in question 96, article 2 of the *Prima Secundae*, where Aquinas asks whether civil law should forbid all acts of vice, his answer is no, but his reason is that it would be too much to expect of most men that they should refrain from all acts of vice. He adds, in response to an objection, that if too much is asked of men who are not virtuous already, they will recoil and fall into worse vice. While this is not

<sup>61</sup> See above, chapter 3, section 2, p. 128–30. Cf. also Finnis, *Aquinas*, p. 237.

<sup>62</sup> *Ibid.*, II-II, q. 10, a. 8, c. (Leon. 8:89): “Infidelium quidam sunt qui nunquam susceperunt fidem, sicut gentiles et Iudaei. Et tales nullo modo sunt ad fidem compellendi, ut ipsi credant: quia credere voluntatis est. Sunt tamen compellendi a fidelibus, si facultas adsit, ut fidem non impediant vel blasphemias, vel malis persuasionibus, vel etiam apertis persecutionibus. Et propter hoc fideles Christi frequenter contra infideles bellum movent, non quidem ut eos ad credendum cogant (quia si etiam eos vicissent et captivos haberent, in eorum libertate relinquerent an credere vellent): sed propter hoc ut eos compellant ne fidem Christi impediant. Alii vero sunt infideles qui quandoque fidem susceperunt et eam profitentur: sicut haeretici vel quicumque apostatae. Et tales sunt etiam corporaliter compellendi ut impleant quod promiserunt et teneant quod semel susceperunt.”

<sup>63</sup> *Ibid.*, a. 12.

incorrect, it would have been appropriate in this context for Aquinas to recognize that people have a legitimate autonomy which should not be lightly infringed.<sup>64</sup>

#### Section 4 - Concluding Remarks

Both Aquinas and Kant provide important elements for an adequate account of flourishing interpersonal relationships; neither seems to put forward a comprehensive view. From Aquinas one can take the objectivity of value, the understanding that certain principal goods, *bona honesta*, are ontologically perfective of human beings by nature, and lead to fulfillment and happiness. This places value in the objective world, the world that persons inhabit in common, allowing an escape from practical solipsism. One can further take from him a connection between human nature, objectivity in value, and the natural moral law. For Aquinas, everything is firmly grounded in metaphysics and natural philosophy, something which is unthinkable from the Kantian critical perspective. Finally, one can take from Aquinas an emphasis on common goods, and an understanding of that concept as one of truly shared goods, goods which are neither the sum of individual goods nor the goods of some trans-subjective entity termed ‘society’ or ‘the state,’ but which are, rather, in themselves good for all individuals in a community insofar as they are members of the community. For Kant, as has been seen, the only common good is the moral law, which is not founded on and is divided—not entirely but significantly—from human nature and from happiness and fulfillment.

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<sup>64</sup> I do not mean by this to uphold the opinion that promotion of moral virtue is not a legitimate aim of government. Nevertheless, respect for autonomy must remain a fundamental value of political institutions.

For his part, Kant provides one with a strong concept of human dignity, with an intrinsic value that cannot be exchanged for other values and that cannot be lost. Also helpful is the connection he makes between treating persons as ends in themselves and respect for their autonomy. Without such a connection, beneficence has a tendency to turn into paternalism. Of further value is his conception of the moral law as a common good, of moral absolutes as having a value that is truly universal. Moral absolutes are an essential safeguard of human dignity, since they declare that the person cannot be violated in any circumstance, which is a necessary consequence if persons have a non-exchangeable value, one that cannot be quantitatively compared with others. Kant is almost alone among modern philosophers outside the Catholic tradition in upholding strict moral absolutes. However, in my view Kant is wrong to assert that moral absolutes stem from an individual's absolutely self-legislating reason; they stem, rather, from the order inherent in nature and from God's providential plan, from which the order of nature is derived.

The contemporary thinker Karol Wojtyła has nicely woven together the notion of the common good and respect for autonomy, firmly grounding both in the order of nature (Aquinas and Kant—along with Max Scheler and others—received a lot of Wojtyła's philosophical attention.) Wojtyła is keenly aware of the value of autonomy, as may be seen in the following passage, which is worth quoting at length:

For a person must not be *merely* the means to an end for another person. This is precluded by the very nature of personhood, by what any person is. For a person is a thinking subject, and capable of taking decisions . . . Anyone who treats a person as the means to an end does violence to the very essence of the other, to what constitutes its natural right. Obviously, we must demand from a person, as a thinking individual, that his or her ends should be genuinely good, since the pursuit of evil ends is contrary to the rational nature of the person. This is also the purpose of education, both the education of children, and the mutual education of adults; it is just that – a

matter of seeking true ends, i.e. real goods as the ends of our actions, and of finding and showing to others the ways to realize them. But in this educational activity . . . we must never treat a person as the means to an end. This principle has a universal validity. Nobody can use a person as a means towards an end, no human being, nor yet God the Creator. On the part of God, indeed, it is totally out of the question, since, by giving man an intelligent and free nature, he has thereby ordained that each man alone will decide for himself the ends of his activity, and not be a blind tool of someone else's ends. Therefore, if God intends to direct man towards certain goals, he allows him to begin with to know those goals, so that he may make them his own and strive towards them independently. . . . God does not redeem man against his will. This elementary truth – that a person, unlike all other objects of action, which are not persons may not be an instrument of action, is therefore an inherent component of the natural moral order. . . . It may not be irrelevant to mention here that Immanuel Kant, at the end of the eighteenth century, formulated this elementary principle of the moral order in the following imperative: act always in such a way that the other person is the end and not merely the instrument of your action. In the light of the preceding argument this principle should be restated in a form rather different from that which Kant gave it, as follows: whenever a person is the object of your activity, remember that you may not treat that person as only the means to an end, as an instrument, but must allow for the fact that he or she, too, has, or at least should have, distinct personal ends. This principle, thus formulated, lies at the basis of all the human freedoms, properly understood, and especially freedom of conscience.<sup>65</sup>

Wojtyła further connects the principle of humanity with common goods, arguing that common goods are necessary to avoid using persons as means in relationships:

Love between two people is quite unthinkable without some common good to bind them together. This good is the end which both these persons choose. *When two different people consciously choose a common aim* this puts them on a footing of equality, and precludes the possibility that one of them might be subordinated to the other. Both—(although there may be more than two people tied by a common end)—are as it were in the same measure and to the same extent subordinated to that good which constitutes their common end. When we look at man we discern in him an elemental need of the good, a natural drive and striving towards it. . . . Man's capacity for love depends on his willingness consciously to seek a good together with others, and to subordinate himself to that good for the sake of others, or to others for the sake of that good.<sup>66</sup>

Emphasis on the common good and respect for autonomy must be integrated. While it is true that certain goods are objectively perfective and fulfilling for all human beings, as

<sup>65</sup> Wojtyła, *Love and Responsibility*, p. 26–28.

<sup>66</sup> *Ibid.*, p. 28–29.



above all God Himself is, it is contrary to human nature to violate a person's autonomy under the pretext of promoting what is good for him. The common good, as has been stated many times already, is good *for* persons, and to be good for persons it must be consistent with their nature, must not be a pretext for violating their autonomy. The common good must be conceived and pursued, by individuals and by society, in such a way that each and every person can personally relate to the common good, taking personal, one might even say creative, responsibility for its attainment, and personally sharing in its enjoyment. It is not to be imposed upon them from above, and they are not to be reduced to the status of cogs in a machine.<sup>67</sup>

The concept of the common good has both an objective and a subjective aspect.<sup>68</sup> A truly common good is, on the one hand, objectively perfective and fulfilling for all persons in a community. On the other hand, a common good is one that is promoted by each person's exercise of personal responsibility—the members of the community share responsibility for it—and it is one which all can *experience* as good—they share in its enjoyment. The common good in both its objective and subjective aspects, along with an affirmation of the dignity, the intrinsic, non-exchangeable value of the human being, is what is necessary to ground flourishing interpersonal relationships.<sup>69</sup> Firmly believing in each other's value, two people

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<sup>67</sup> See Wojtyła, *The Acting Person*, in *Analecta Husserliana* 10 (1979), trans. Andrzej Potocki, ed. Anna-Teresa Tymieniecka, p. 317–57.

<sup>68</sup> The distinction is Wojtyła's, see *ibid.*

<sup>69</sup> Without such a common good, businesses, for example, remain at the level of mutual use between employers and employees (and marriages, to give another example, disintegrate into relationships of mutual or unilateral use, sexual or otherwise). Employers can easily regard employees as mere means for making a profit, and employees can regard their employers as mere means for earning a living. The fact that the relationship is mutually beneficial does not mean that it is adequate as a social relationship (nor does the fact that two persons both derive pleasure from a sexual relationship alone justify it.) To fully correspond to the demands of the personal order, a business must serve a good common to both the employer and the employee, as, for example the deliverance to the public of honest, fair, and uplifting news could be a common good for journalists and

are drawn to each other and together pursue their common good, finding in it a bridge that connects their hearts and minds.

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their employers. The employer must further not micro-manage, but allow the employees to make some of their own decisions, and ought to truly take their input to heart in the decisions he must make. Otherwise their objectively common good is not subjectively common, and does not correspond to the demands of human nature.

## Chapter 5

### Moral Obligation in Aquinas, Kant, and Finnis

Having undertaken a comparison of Kant's and Aquinas' positions on how we are to relate morally to other persons (and having further taken a position on the same moral question), I now address a question that may be on the reader's mind: how do I understand the very nature of moral obligation itself in Aquinas? Kant manifestly has a very strong sense of obligation in his moral philosophy. On the other hand, readers of Aquinas often have a hard time distinguishing between prudential reasoning and moral obligation,<sup>1</sup> between what must be done if we would be happy—what is in our enlightened self-interest—and what we are morally obligated to do regardless of what we happen to want. In fact, some interpreters of Aquinas do not distinguish the two.<sup>2</sup> It is already clear from what I have written in previous chapters that I do not interpret Aquinas in an egoistic fashion, and having undertaken a comparison of Aquinas and Kant, some readers may wonder whether I attribute to Aquinas a strong understanding of obligation, similar to that found in Kant.

There is, moreover, a major and influential strand of modern Thomistically oriented thought, represented by Germain Grisez, John Finnis, and Joseph Boyle among others, which also interprets Aquinas as advocating the treatment of other people as ends in themselves, as

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<sup>1</sup> Finnis, *Natural Law and Natural Rights*, 2<sup>nd</sup> ed., (Oxford: Oxford University Press, 2011), p. 46: "The reader will ask how Aquinas explained the difference between moral thinking and merely prudential reasoning (in the modern sense of 'prudential'), and how he accounted for the peculiarly conclusory sense of the moral 'ought.' The answer must be that Aquinas's account of these matters is, at best, highly elliptical, scattered, and difficult to grasp, and at worst, seriously underdeveloped."

<sup>2</sup> See Chapter 2, Section 2 above.

I do, although in a different way.<sup>3</sup> This school of thought, which may be termed “the new natural law theory,”<sup>4</sup> is often regarded as having a somewhat Kantian reading of Aquinas.<sup>5</sup> Accordingly, the reader may wonder how my interpretation relates to theirs.

The topic of obligation in Aquinas really requires a dissertation of its own. In this final chapter I wish only to sketch the outlines of my views on this topic, a topic that anyone who works in Aquinas’ moral philosophy could be expected to have some opinion about.

In brief, I understand moral obligation for Aquinas as anchored in the human being’s nature as part of a whole, to the good of which he is naturally subordinate. *The common good is the source of moral obligation.* Moral obligation is thus different than, though inextricably tied to, the prudential search for one’s own fulfillment. Aquinas and Kant are similar to this extent: both see moral action as consisting in a subordination of one’s own self-interest to a goal that reason sees as necessary. They are different in that, for Kant, this goal is something immanent in and posited by reason itself, whereas for Aquinas the goal is distinct from man and inscribed as a goal in his nature by the author of that nature.

As for the new natural law theorists, my difference with them is not so much in regards to the much disputed “is-ought” question (as I will explain below, whether or not their understanding of the relationship between moral and theoretical philosophy is correct, it is not so radically anti-Thomistic as is often thought). Rather, I disagree with their understanding of the common good in Aquinas’ moral theory. For them the common good is

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<sup>3</sup> Finnis, *Aquinas*, p. 111–12, 170.

<sup>4</sup> See Russell Hittinger, *A Critique of the New Natural Law Theory*, p. 5: “For lack of a better term, [Finnis’ and Grisez’s] work constitutes a new natural law theory.”

<sup>5</sup> See *ibid.*, p. 27–30. Hittinger thinks that their theory is inconsistent with Kant’s in an important way, but nevertheless highlights the fact that Grisez and Finnis, as he sees it, are somewhat conciliatory towards Kant. Cf. Finnis’ response to the charge of Kantianism in *Natural Law and Natural Rights*, 2<sup>nd</sup> ed., p. 417.

conceived primarily as the sum of individual goods. In my understanding of Aquinas, the common good is a distinctive good,<sup>6</sup> and it is the source of all obligation. Finnis does not realize that the second great commandment is founded on the first great commandment (understood confusedly, as discussed in Chapter 2), even for natural reason, abstracting from religious faith. In my discussion of the new natural law theorists in this chapter, it should be understood that I am discussing only their interpretation of Aquinas, not their theory on its own merits.

In the present chapter, I will first present a rough outline of Kant's understanding of moral obligation. I will then consider Aquinas' view of obligation in the light of Kant's understanding. Finally, I will situate my interpretation of Aquinas in regards to the new natural law theory.

### Section 1 - Kant's View of Moral Obligation

In section 2 of the *Groundwork*, Kant famously distinguishes between 3 types of imperatives, among which is the categorical imperative, the principle of all morality (which I have discussed at more length in chapter 1.) Before discussing the categorical imperative, however, Kant first explains what he means by an imperative:<sup>7</sup>

The representation of an objective principle, insofar as it is necessitating for a will, is called a command (of the reason), and the formulation of the command is called an *imperative*. All imperatives are expressed through an *ought*, and indicate thereby the

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<sup>6</sup> See Mark Murphy, 'The Common Good' and the discussion in chapter 4, n. 3 & 41 above.

<sup>7</sup> See Paton, (*The Categorical Imperative*, p. 113–15), who points out that according to Kant a fully rational will would follow all objective principles, categorical or hypothetical, whereas our not fully rational will does not always follow even hypothetical imperatives, even when we will the relevant end. Others discuss this same point. See, for example, Thomas E. Hill Jr. "The Hypothetical Imperative," in *Dignity and Practical Reason in Kant's Moral Theory* (Ithaca: Cornell University Press, 1992), p. 17–37 and Guyer, *Kant's Groundwork for the Metaphysics of Morals: A Reader's Guide*, p. 74–77.

relationship of an objective law of the reason to a will which according to its subjective condition is not necessarily determined thereby (a necessitation).<sup>8</sup>

As Kant explains, a fully rational will would necessarily do that which reason represents as necessary or as an objective principle. Such a will may be imagined to exist in God, who would then be conceived as simply unable to choose in any way other than reason represents as necessary. “Hence no imperatives hold for the *divine* and in general for a *holy* will (Willen); the *ought* (das *Sollen*) is misplaced here, since the *will* (das *Wollen*) is already of itself necessarily in accordance with the law.”<sup>9</sup> The human will, however, is subject to empirical desires, and accordingly does not necessarily do what reason represents as necessary. If reason is to have an effect upon human action, it must constrain the will.<sup>10</sup> The relationship between practical reason and the not fully rational human will is the source of moral obligation for Kant, although not all objective rational principles or imperatives give rise to moral obligation.

Following the above quoted passage, Kant distinguishes between three kinds of imperatives: hypothetical problematic, hypothetical assertoric, and categorical imperatives. Hypothetical imperatives stem from the fact that reason sees certain actions as objectively necessary on the condition that someone have something as his end. For example, if one wants to lose weight, he must go on a diet, and/or exercise. If one does not want to lose weight, neither action is necessary, but if one *does* want to lose weight, one of these actions

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<sup>8</sup> Kant, *G*, Ak. 4:413: “Die Vorstellung eines objectiven Principis, sofern es für einen Willen nöthigend ist, heißt ein Gebot (der Vernunft), und die Formel des Gebots heißt *Imperativ*. Alle Imperativen werden durch ein *Sollen* ausgedrückt und zeigen dadurch das Verhältniß eines objectiven Gesetzes der Vernunft zu einem Willen an, der seiner subjectiven Beschaffenheit nach dadurch nicht nothwendig bestimmt wird (eine Nöthigung).”

<sup>9</sup> *Ibid.*, Ak. 4:414: “Daher gelten für den *göttlichen* und überhaupt für einen *heiligen* Willen keine Imperativen; das *Sollen* ist hier am unrechten Orte, weil das *Wollen* schon von selbst mit dem Gesetz nothwendig einstimmig ist.”

<sup>10</sup> *Ibid.*, Ak. 4:412–13, *KpV*, Ak. 5:32.

is necessary. However, human beings are not fully rational, and so one may want and will to lose weight, but nevertheless fail to diet or exercise. Such a one *ought* to diet or exercise, but perhaps *will* not.<sup>11</sup>

The difference between the two types of hypothetical imperatives that Kant distinguishes lies in the fact that the end upon which the rational necessity depends is, in the case of hypothetical problematic imperatives, a merely possible end, while in the case of hypothetical assertoric imperatives it is an end which human beings always actually do have. Kant refers to hypothetical problematic imperatives as “rules of skill.” They express technical truths, what one must do if one is to arrive at an end that one may or may not desire. Hypothetical assertoric imperatives, however, indicate what one must do if one is to obtain that end which all human beings do in fact desire: happiness. Yet, for Kant, happiness is only an idea of a condition in which all desires that we happen to have are fulfilled. People do not necessarily have the same desires, and a given person does not always continue to desire the same things he previously desired. It is hence not possible to say determinately what happiness consists in. Accordingly, hypothetical assertoric imperatives lack determinacy. They can only express what is usually or often conducive to happiness, and hence are called by Kant merely “counsels of prudence.”<sup>12</sup>

Kant continues:

Finally there is an imperative that, without laying down as condition some other purpose to be attained by a certain manner of conduct, commands this conduct immediately. This imperative is *categorical*. It concerns not the matter of the action and that which is to follow from it, but the form and the principle from which it itself follows, and the essential good of the same [action] consists in the disposition, the

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<sup>11</sup> Thomas E. Hill, Jr., *Dignity and Practical Reason*, p. 20.

<sup>12</sup> Kant, *G*, Ak. 4:414–19.

success [of the action] be what it may. This imperative may be called that of *morality*.<sup>13</sup>

Categorical imperatives command action, not as necessary means for some end—they are not hypothetical imperatives—but as necessary in themselves. Reason sees action in accordance with the formulations of the categorical imperative, discussed in Chapter 1, as objectively necessary, categorically, not merely on condition of having some end, and the mere fact that reason represents an action as objectively necessary itself motivates the will to perform the action.<sup>14</sup> This necessity is not physical—for immoral actions do in fact take place—but rational. Moral obligation signifies the fact that pure practical reason puts motivating pressure on our imperfectly rational will to choose an action which reason represents as absolutely necessary in virtue of the categorical imperative but which the human will does not necessarily choose.<sup>15</sup> According to Kant, a fully rational will, such as

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<sup>13</sup> *Ibid.*, Ak. 4:416: “Endlich giebt es einen Imperative, der, ohne irgend eine andere durch ein gewisses Verhalten zu erreichende Absicht als Bedingung zum Grunde zu legen, dieses Verhalten unmittelbar gebietet. Dieser Imperative ist *kategorisch*. Er betrifft nicht die Materie der Handlung und das, was aus ihr erfolgen soll, sondern die Form und das Princip, woraus sie selbst folgt, und das Wesentlich-Gute derselben besteht in der Gesinnung, der Erfolg mag sein, welcher er wolle. Dieser Imperative mag der *der Sittlichkeit* heißen.”

<sup>14</sup> Cf. Christine Korsgaard, who sees obligation as “binding” (i.e. implying that an action is necessary or demanded by law) and “motivating,” and argues that Kant derives the categorical imperative from analyzing obligation conceived in this way. (“Kant’s Analysis of Obligation: The Argument of *Groundwork* I,” in *Creating the Kingdom of Ends* (Cambridge: Cambridge University Press, 1996), p. 43–76. Cf especially p. 43, 47, 48, 60–61.)

<sup>15</sup> *KpV*, Ak. 5:32: “The moral law is thus for those [beings] an *imperative* which commands categorically, since the law is unconditioned. The relation of such a will to this law is *dependency*, under the name of obligation, which signifies *constraint* to an action—although through mere reason and its objective law—which therefore is called *duty*, since a pathologically affected (although not thereby determined, hence always also free) choice carries in itself a wish which springs from *subjective* causes and hence can also often be opposed to the pure objective determining ground and therefore requires an opposition of practical reason, which can be called an inner but intellectual force. (Das moralische Gesetz ist daher bei jenen ein *Imperativ*, der kategorisch gebietet, weil das Gesetz unbedingt ist; das Verhältniß eines solchen Willens zu diesem Gesetze ist *Abhängigkeit*, unter dem Namen der Verbindlichkeit, welche eine *Nöthigung*, obzwar durch bloße Vernunft und deren objectives Gesetz, zu einer Handlung bedeutet, die darum *Pflicht* heißt, weil eine pathologisch afficirte (obgleich dadurch nicht bestimmte, mithin auch immer freie) Willkür einen Wunsch bei sich führt, der aus *subjectiven* Ursachen entspringt, daher auch dem reinen objectiven Bestimmungsgrunde oft entgegen sein kann und also eines Widerstandes der praktischen Vernunft, der ein innerer, aber intellectueller Zwang genannt werden kann, als moralischer Nöthigung bedarf.)” Cf. Paton, *The Categorical Imperative*, p. 113, 115–16 & Lewis White Beck, *A Commentary on Kant’s Critique of Practical Reason*, (Chicago, The University of Chicago Press, 1960), p.



God's, is not obligated to perform any action; there is nothing He *ought* to do, rather, He *will* necessarily do whatever reason represents as necessary.

Some interpreters, however, view even the categorical imperative as based on an end, namely humanity or rational nature. The Formula of Humanity and Kant's lead-up to it in the *Groundwork* might seem to suggest this. Every action has an end and if there is to be a categorical imperative, Kant says, there must be an objective end, something which is an end in itself, and not merely on condition of the presence of some desire or inclination for it. He even speaks of humanity as a *ground* of the categorical imperative.<sup>16</sup> Paul Guyer goes so far as to say that the Formula of Universal law prescribes the necessary means for a necessary end: humanity.<sup>17</sup>

This is, I think, a misinterpretation. The categorical imperative is not a hypothetical apodictic imperative, indicating the necessary means to a necessary end. It commands a certain form of action as necessary in itself, namely action whose maxim is universalizable. If Guyer's position were right, the Formula of Universal Law would be secondary to and a consequence of the Formula of Humanity. Once we adopt rational nature as an end, in

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112–13, 217, 225–26.

<sup>16</sup> G, Ak. 4:427–29. Paton gives a possible explanation of how humanity could be the ground of the categorical imperative in *The Categorical Imperative*, p. 169–70. He says that Kant made this claim since “it is because rational agents exist that a categorical imperative must enjoin respect for their rational wills.” However, “the ultimate reason why man can be such a ground is” that “it is only because rational agents exist that there can be such a thing as a categorical imperative at all. Because agents are rational, their will necessarily manifests itself in universal laws. . . . It is because the categorical imperative has its origin in his rational will that his rational will ought not to be subordinated to any meaner end but is itself an end which the categorical imperative must bid us to further and not to thwart.” It is worth noting that Kant says at G, Ak. 4:431: “It, namely the ground of all practical legislation, lies *objectively in the rule* and the form of universality, which makes it capable (according to the first principle) of being a law ([a] law of nature if need be), but *subjectively* [it lies] in the *end*; but the subject of all ends is every rational being as [an] end in itself (according to the second principle.) (Es liegt nämlich der Grund aller praktischen Gesetzgebung *objectiv in der Regel* und der Form der Allgemeinheit, die sie ein Gesetz (allenfalls Naturgesetz) zu sein fähig macht (nach dem ersten Princip), *subjectiv* aber im *Zwecke*; das Subject aller Zwecke aber ist jedes vernünftige Wesen, als Zweck an sich selbst (nach dem zweiten Princip).)”

<sup>17</sup> Guyer, *Kant's Groundwork for the Metaphysics of Morals: A Reader's Guide*, p. 87.

obedience to the Formula of Humanity, then we have reason to obey the Formula of Universal Law. Kant, however, says that while the formulae are equivalent, in moral decision making one should stick with the Formula of Universal Law, and his exposition, both in the *Groundwork* and in the *Critique of Practical Reason*, seems to accord priority to the Formula of Universal Law. At the level of our consciousness of the moral law, at the very least, it is not that we see that humanity has an absolute value and thus that we take an interest in subjecting our maxims to the condition of universal validity for all rational beings as a means to respecting everyone's humanity, rather we are conscious of the necessity of subjecting our maxims to the condition of their universal validity for all rational beings and thus realize that in so doing we are making all rational beings unconditioned ends of our actions.

In fact, that very characteristic that makes humanity an end in itself shows that Guyer's interpretation is not right. The unconditioned value of humanity does not lie merely in acting with external freedom from constraint and deception. It is autonomy in the full sense, the legislating of a law without being determined by any external factor. Rational being, one's own or that of anyone else's, could not be an end in itself prior to the categorical imperative being in force. Rather, *because* persons autonomously legislate a universal law, therefore they are ends in themselves, "since just this appropriateness of its maxims for universal legislation distinguishes [every rational being] as [an] end in itself."<sup>18</sup> Since this law can have no basis determining its content, it must be purely formal, commanding the universal validity of maxims for no other reason than their universal validity. But that universal validity for all rational beings implies the taking of rational beings as ends in

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<sup>18</sup> G., Ak. 4:438: ". . . weil eben diese Schicklichkeit seiner Maximen zur allgemeinen Gesetzgebung es [d. h. jedes vernünftige Wesen] als Zweck an sich selbst auszeichnet."

themselves. The Formula of Universal Law and the Formula of Humanity are two sides to the same coin.

The categorical imperative, then, states that action of a certain form is unconditionally necessary for rational beings, not on condition that they have something as their end.

In presenting his formulations of the categorical imperative in Section 2 of the *Groundwork* Kant repeatedly tells his readers that he is explaining what must be the case *if* there is any such thing as moral obligation. He reserves for the third section his argument that we are morally obligated, i. e., that action according to the categorical imperative is in fact necessary for us.<sup>19</sup> His argument in the third section, however, is far from clear. Moreover, in the *Critique of Practical Reason* Kant says that the moral law's claim on us is self-evident, calling it the "single fact of pure reason."<sup>20</sup> This has caused a lot of controversy among interpreters of Kant. Did he change his mind about the need for or possibility of proving that we are morally obligated between the writing of the *Groundwork* and the *Critique of Practical Reason*? Is there a way to read the two works consistently?<sup>21</sup> This is obviously too large of a question to solve here. Instead, I will restrict myself to the view expressed in the *Critique of Practical Reason*, and this for two reasons. First, it is the later of the two works, and thus presumably contains Kant's more mature view on the matter. Secondly, the *Critique of Practical Reason* presents the matter much more clearly.

In the second *Critique* Kant argues that "freedom and unconditioned practical law," i.e., the purely formal moral law, "point reciprocally back to one another."<sup>22</sup> He then says:

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<sup>19</sup> *Ibid.*, Ak. 4:444–45.

<sup>20</sup> *KpV*, Ak. 5:31: "das einzige Factum der reinen Vernunft."

<sup>21</sup> See chapter 1, n. 29 above.

<sup>22</sup> *KpV*, Ak. 5:29: "Freiheit und unbedingtes praktisches Gesetz weisen also wechselseitig auf einander

I now ask here . . . whence our *knowledge* of the unconditioned practical *arises*, whether from freedom, or from the practical law. . . . It is therefore the *moral law*, of which we become immediately conscious (as soon as we frame maxims of the will for ourselves), that *first* presents itself to us and, as reason presents it as a determining ground to be outweighed by no sensible conditions, indeed, as entirely independent of this, adduces directly the concept of freedom. But how is even the consciousness of that moral law possible? We can become conscious of pure practical laws just as we are conscious of pure theoretical principles, by paying attention to the necessity with which reason stipulates them to us, and to [the] abstraction from all empirical conditions to which that points us.<sup>23</sup>

Whenever a person thinks about how he is going to act, he is conscious immediately that his reason represents it as objectively necessary that he act in accordance with the purely formal categorical imperative, “Act in such a way that the maxim of your will could always at the same time be valid as [a] principle of a universal giving of law.”

One can call the consciousness of this fundamental law a fact of reason, since one cannot reason it out from preceding data of reason, . . . but it imposes itself on us as a synthetic *a priori* proposition by itself, which is grounded on no intuition, neither pure nor empirical.<sup>24</sup>

The categorical imperative is thus a kind of self-evident *a priori* first principle, a first *practical* principle, stating that we must *will* something. It is a synthetic proposition in that the following of the formal law is joined to the concept of our will.<sup>25</sup> The objective principle

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zurück.”

<sup>23</sup> *KpV*, Ak. 5: 29–30: “Ich frage hier nun . . . wovon unsere *Erkenntniß* des unbedingt Praktischen *anhebe*, ob von der Freiheit, oder dem praktischen Gesetze. . . . Also ist es das *moralische Gesetz*, dessen wir uns unmittelbar bewußt werden (so bald wir uns Maximen des Willens entwerfen), welches sich uns *zuerst* darbietet und, indem die Vernunft jenes als einen durch keine sinnliche Bedingungen zu überwiegenden, ja davon gänzlich unabhängigen Bestimmungsgrund darstellt, gerade auf den Begriff der Freiheit führt. Wie ist aber auch das Bewußtsein jenes moralischen Gesetzes möglich? Wir können uns reiner praktischer Gesetze bewußt werden, eben so wie wir uns reiner theoretischer Grundsätze bewußt sind, indem wir auf die Nothwendigkeit, womit sie uns die Vernunft vorschreibt, und auf Absonderung aller empirischen Bedingungen, dazu uns jene hinweist, Acht haben.”

<sup>24</sup> *Ibid.*, Ak. 5: 30–31: “Handle so, daß die Maxime deines Willens jederzeit zugleich als Princip einer allgemeinen Gesetzgebung gelten könne. . . . Man kann das Bewußtsein dieses Grundgesetzes ein Factum der Vernunft nennen, weil man es nicht aus vorhergehenden Datis der Vernunft . . . herausvernünfteln kann, sondern weil es sich für sich selbst uns aufdringt als synthetischer Satz *a priori*, der aus keiner, weder reinen noch empirischen, Anschauung gegründet ist.”

<sup>25</sup> *G*, Ak. 4:420.

is this: our will necessarily follows the formal law. Nevertheless, since our will is not fully rational, it does not, in actuality, always follow the formal law, and so it is said rather to be *obligated* to follow the formal law. It is rationally necessary but empirically contingent that our will follow the moral law.

Although there can be no deduction of this synthetic proposition, it can be explicated by analysis of the common idea of morality. In other words, Kant does not simply begin even the *Critique of Practical Reason* by simply stating his categorical imperative, proclaiming its self-evidence, and moving on. As I discussed in the first chapter<sup>26</sup> there are two arguments that Kant provides to prove that the supreme principle of morality—if there is any such thing as morality—can be none other than the purely formal categorical imperative. It will be helpful to recall them here briefly, so that they can be addressed from Aquinas' perspective in the next section.

One of Kant's arguments begins with the proposition that all practical principles that direct one to an object or end can only be based on a desire for that end. Desires, however, can only be discerned empirically according to Kant, and, he further maintains, empirical data can never form the basis for necessary or universal propositions. We simply cannot hold that there is anything determinate that all rational beings desire. Accordingly, no practical principle based upon an object or end can have universal validity. Moral laws, however, are universally valid, and so must be purely formal.

Kant's other argument is that the moral worth of an action is completely independent of its external results. A person may make a heroic, self-sacrificing decision, but, for reasons entirely beyond his control, fail to benefit anyone. Again, a person may make a completely

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<sup>26</sup> See above, chapter 1, section 3, p. 26–30.

malicious decision that nevertheless turns out, against his will, to be extremely beneficial to others. If moral principles were based upon some object or end, their value would be dependent on the attainment of this end, and accordingly the moral worth of actions would also be based upon their success in the attainment of this same end. Accordingly, action that was in vain would lack moral worth. This cannot be, says Kant, and so moral principles must be completely formal.

## Section 2 - Obligation in Aquinas

I now turn to Aquinas' view of moral obligation. In the first two subsections I will present the essentials of my understanding of Aquinas' view. After that I will compare my presentation with those of Ralph McInerny and Anthony J. Lisska in the third subsection, saving the comparison of my views with those of the new natural law theorists for the third major section of this chapter. In the final three subsections of this section I will consider some further matters that arise in considering Aquinas' view of obligation. In these subsections I will first consider whether Aquinas' view of obligation reduces all moral failure to cognitive failures. Then I will briefly discuss the legitimate place of autonomy in Aquinas' moral theory. Finally, I will consider how Aquinas might have been able to respond to Kant's arguments for a purely formal understanding of the moral law.

### *Hypothetical Apodictic Imperatives*

With Kant's view of moral obligation in mind, one can ask: are moral laws categorical or hypothetical imperatives in Aquinas, and if the latter, are they assertoric or problematic? The answer, I argue, is that they are a kind of imperative that Kant does not

discuss in the *Groundwork* or in the 2<sup>nd</sup> critique (pace Guyer), but which may be called, borrowing from his terminology, hypothetical apodictic imperatives.<sup>27</sup> They command actions which are necessary for an end, but not for a merely possible end, nor even for a merely actual end, but for a necessary end: the common good. Hypothetical apodictic imperatives are different from categorical imperatives in that the action commanded is necessary for a necessary end, and not necessary for its own sake regardless of any end. The obligatory character of such hypothetical apodictic imperatives is grounded in their character as laws. They are rational ordinances conducing to the common good and emanating from God who governs the community of the universe, and they are promulgated by Him by being written on man's heart.

An indication that Aquinas considers moral laws to be hypothetical *apodictic* imperatives is found in a passage I have quoted before:

A precept of the law, since it is obligatory, is about something which ought to be done. That something ought to be done, however, arises from the necessity of some end (*ex necessitate alicuius finis*). Whence it is manifest that it is of the notion of a precept that it carry with it an order to an end, insofar, namely, as that is commanded which is necessary or expedient for the end.<sup>28</sup>

This passage seems to indicate that there is a twofold necessity in moral precepts. The action commanded is necessary for an end, and the end itself is necessary. Thus we have

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<sup>27</sup> For a similar idea, see Wojtyła, *Man in the Field of Responsibility*, trans. Kenneth W. Kemp & Zuzanna Maślanka Kieroń (South Bend: St. Augustine's Press, 2011), p. 37. Wojtyła identifies moral norms as categorical imperatives, but states that those imperatives are nevertheless teleological, directing one to ends towards which "*one must strive*."

<sup>28</sup> Aquinas, *STh* I-II, q. 99, a. 1, c. (Leon. 7:199): "Praeceptum legis, cum sit obligatorium, est de aliquo quod fieri debet. Quod autem aliquid debeat fieri, hoc provenit ex necessitate alicuius finis. Unde manifestum est quod de ratione praecepti est quod importet ordinem ad finem, inquantum scilicet illud praecipitur quod est necessarium vel expediens ad finem." Finnis also recognizes this passage as indicative of Aquinas' understanding of moral obligation (*Aquinas*, p. 126–27), although he misunderstands the character of the end towards which moral obligation is directed. See below, section 3.

hypothetical apodictic imperatives. (The necessity of the end itself will be discussed in the next sub-section.)

It is quite easy to understand that some actions are necessary for the attainment of an end (Kant spoke of the necessity in hypothetical imperatives as derived from a mere analysis of what is involved in willing the end in question.<sup>29</sup>) When, however, one thing is necessary on the condition of another, the consequent is absolutely necessary if the antecedent is itself necessary, while it is simply actual if the antecedent is simply actual and merely possible if the antecedent is merely possible. Accordingly, if the end to which moral precepts are ordered is a necessary end (and not itself merely a means to a further end), then the actions commanded by the moral precepts are themselves simply necessary. Hence Aquinas' hypothetical apodictic imperatives have the kind of necessity and universality that moral laws have in Kant's system.

Not everyone, however, would agree with my classification of Aquinas' moral laws. Hans Reiner has suggested that Aquinas' moral laws are hypothetical *assertoric* imperatives, "conditioned by one's own striving for happiness."<sup>30</sup> Reiner considers Aquinas' ethics to be eudaimonistic in an egoistic sense.<sup>31</sup> It will be helpful to look at his discussion of the issue because he has identified and brought together some important texts for understanding Aquinas' theory of moral obligation.

Reiner points out that Aquinas clearly portrays obligation as grounded in hypothetical imperatives in *De Veritate*, q. 17, a. 3. Reiner says that here "[the] very question of the

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<sup>29</sup> Kant, *G*, Ak. 4: 417

<sup>30</sup> Hans Reiner, "Wesen und Grund der sittlichen Verbindlichkeit (Obligatio) bei Tomas von Aquin," p. 238: "durch das eigene Glückseligkeitsstreben bedingt". See p. 236–38.

<sup>31</sup> Hans Reiner, "Beatitudo und obligatio bei Thomas von Aquin: Antwort an P. Pinckaers," p. 308–09.



essence and ground of moral duty is reached.” Commenting on the body of this article, he states that:

“*Ligatio*,” talk of which is here “*metaphorice*, in transference from corporeal to spiritual relationships,” signifies a “*necessitatis impositio*, the imposition of a necessity;” namely so that the *necessitas* subsists thereby “not . . . *ex se*,” but that it “*ab alio . . . imponitur*.” Such a necessity imposed by another, Thomas then further explains, exists in a twofold form: the one is the “*necessitas . . . coactionis*,” i.e., the absolute coercion of physical force. The other form, Thomas says, “*est necessitas conditionata, scilicet ex finis suppositione*,” a conditional necessity stemming from the presupposition (or rather: “supposition” (*Unterschiebung*)) of an end. And Thomas explains this as follows: “*sicut imponitur alicui necessitas, ut si non fecerit hoc, non consequatur suum praemium*.” The imposition of the conditional necessity consists therefore in this, that an enticing reward is placed in view of one, but which he will obtain only by observance of a determinate behavior. . . . According to these statements it appears entirely clear now that Thomas, here at least, explains *obligatio* eudaimonistically, explicitly in the sense of a hypothetical imperative. For an action grounded on a “*necessitas conditionata*,” a conditional necessity, really comes to nothing other than an action grounded upon a hypothetical imperative. And the condition active in it is also clearly eudaimonistic in content, since it consists in the obtainment of a *bonum* as *praemium* (reward), or the avoidance of a *malum*.<sup>32</sup>

Now although the passage in question from the *De Veritate* is helpful because it indicates clearly that moral laws are hypothetical imperatives for Aquinas, Reiner seems to me to fix his attention too much on the word “reward,” and thus to interpret Aquinas as

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<sup>32</sup> Reiner, “Wesen und Grund der sittlichen Verbindlichkeit (*obligatio*) bei Thomas von Aquin,” p. 241–42, translation mine: “. . . ist genau unsere Frage nach dem Wesen und Grund der sittlichen Verpflichtung erreicht. . . . ‘*Ligatio*,’ von der hier ‘*metaphorice*, in Übertragung von körperlichen auf geistige Verhältnisse’ die Rede sei, bedeute eine ‘*necessitatis impositio*, die Auferlegung einer Notwendigkeit’; und zwar so, daß die *necessitas* dabei ‘nicht . . . *ex se*’ besteht, sondern daß sie ‘*ab alio imponitur*.’ Eine solche von einem anderen auferlegte Notwendigkeit, so erklärt Thomas dann weiter, gebe es in zweifacher Form: Die eine sei die ‘*necessitas coactionis*,’ das heißt der absolute Zwang der physischen Gewalt. Die andere Form, sagt Thomas, ‘*est necessitas conditionata, scilicet ex finis suppositione*,’ also eine aus der Voraussetzung (oder eigentlich: ‘*Unterschiebung*’) eines Zieles stammende bedingte Notwendigkeit. Und Thomas erläutert dies folgendermaßen: ‘. . . *sicut imponitur alicui necessitas, ut si non fecerit hoc, non consequatur suum praemium*.’ Die Auferlegung der bedingten Notwendigkeit bestehe also darin, daß einem eine verlockende Belohnung in Aussicht gestellt wird, die er aber nur bei Einhaltung eines bestimmten Verhaltens bekommen werde. . . . Nach diesen Ausführungen scheint es nun ganz klar zu sein, daß Thomas hier jedenfalls die *obligatio* eindeutig im Sinne eines hypothetischen Imperativs eudämonistisch erklärt. Denn ein Handeln aufgrund einer ‘*necessitas conditionata*,’ einer bedingten Notwendigkeit, ist ja gar nichts anderes als ein Handeln auf einen hypothetischen Imperativ hin. Und die dabei wirksame Bedingung ist, da sie in der Erlangung eines *bonum* als *praemium*, beziehungsweise der Vermeidung eines *malum* besteht, auch inhaltlich eindeutig eudämonistisch.”

conceiving of obligation as consisting merely in the existence of rewards and punishments by which someone induces an individual to act in a certain way by playing on his self-interest. One must look carefully at what Aquinas says in this passage from the *De Veritate*: “Another necessity, however, is conditioned, namely by the supposition of an end, just as a necessity is imposed on someone so that if he does not do this, he will not obtain his reward.”<sup>33</sup> The clause about reward can legitimately be read as just an example. What is essential to this conditioned necessity is that it occurs “by supposition of an end,” and this end need not be conceived narrow mindedly as an individual good which is the object of one’s self-interest. Moreover, Reiner fails to note that Aquinas says in this article that the second, conditioned necessity “can be imposed on the will, so that namely it is necessary for it to choose this, if it *ought (debeat)* to obtain this good, or if it *ought (debeat)* to avoid this evil”<sup>34</sup> (emphasis added). Moral obligations are indeed based on hypothetical imperatives for Aquinas, but the end by which such imperatives are conditioned is one we *ought* to will, not one we just *happen* to will. Moral laws are hypothetical *apodictic* imperatives. Reiner has missed this peculiar character of Aquinas’ moral laws. He has failed to see that moral laws are directed not towards one’s own, individual happiness, but towards the common good.

Reiner further argues, however, that obligation, for Aquinas, is a property of law,<sup>35</sup> and here I think he is on better ground. In the *Summa Theologiae* Aquinas speaks of the “power of obliging” as “proper to law,”<sup>36</sup> and states that “‘law’ (*lex*) is named from ‘binding’

<sup>33</sup> *QDdVer*, q. 17, a. 3, c. (Leon. 22.2:522): “Alia vero necessitas est condicionata, scilicet ex suppositione finis, sicut imponitur alicui necessitas ut si non fecerit hoc non consequatur suum praemium.”

<sup>34</sup> *Ibid.* (Leon. 22.2:522): “Secunda necessitas voluntati imponi potest, ut scilicet necessarium sit ei hoc eligere si hoc bonum debeat consequi vel si hoc malum debeat evitare.”

<sup>35</sup> Reiner, “Wesen und Grund der sittlichen Verbindlichkeit (obligatio) bei Thomas von Aquin,” p. 244–45. He points to *STh* I-II, q. 90, a. 1 & 4.

<sup>36</sup> *STh* I-II, q. 90, a. 4, c. (Leon. 7:152): “. . . virtutem obligandi . . . quod est proprium legis . . .”

(*ligando*), because it obligates (*obligat*) one to act.”<sup>37</sup> In the *De Veritate* (q. 17, a. 3, c.) he explains that obligation indicates that one person has imposed the necessity to do something on someone else’s will in such a way that if he does not do that thing he will not attain an end which he ought to will, and this necessity must be applied to the will of the one who is to be obligated by being made known to him. Reiner connects these texts, helpfully I think. For the explanation of obligation in the *De Veritate* corresponds to Aquinas’ definition of law in the *Summa Theologiae*: “a certain promulgated order of reason for the common good by him who has the care of the community.”<sup>38</sup> The elements of this definition correspond to Aquinas’ discussion of obligation in the *De Veritate*. As imposed by another, obligation issues from the dictate of him who has care of the community, and it is applied to the one who is obligated by being promulgated, that is, by being made known to him. As necessary for the attainment of an end which one ought to will, the obligation is ordered to the common good. The end is the common good.

Moral obligation belongs most evidently to the natural law. Law, however, is considered by Aquinas under the external principles of action,<sup>39</sup> and this seems to apply in some sense even to natural law; it is a necessity imposed by another.<sup>40</sup> Natural law is man’s participation in God’s eternal law<sup>41</sup> by which He orders all things to their end.<sup>42</sup> The natural law is an external principle of man’s action because it is given to him by God, promulgated, not initially by revelation, but by being inscribed in his nature and reason. Through his

<sup>37</sup> *Ibid.*, I-II, q. 90, a. 1, c. (Leon. 7:149): “Dicitur enim lex a *ligando*, quia obligat ad agendum.”

<sup>38</sup> *Ibid.*, I-II, q. 90, a. 4, c. (Leon. 7:152): “Quaedam rationis ordinatio ad bonum commune, ab eo qui curam communitatis habet, promulgata.”

<sup>39</sup> *Ibid.*, I-II, q. 90, pr.

<sup>40</sup> *Ibid.*, I-II, q. 90, a. 3, obj 1 & ad 1. The passage from Romans 2 that is advanced in the objection is a *locus classicus* for the natural law.

<sup>41</sup> *Ibid.*, I-II, q. 91, a. 2, c.

<sup>42</sup> *Ibid.*, I-II, q. 91, a. 1, c. & ad 3.

reason man comes to know this law which he did not make.<sup>43</sup> Moral obligations are thus imposed on man by God as hypothetical apodictic imperatives, as patterns of behavior that God, by His action of creating man with the nature that He has given him, has made necessary for the attainment of man's end, the common good, an end which is necessary for man.

*The Necessity of the Common Good*

This leads us, however, to the fundamental question: why is it necessary that a man will the common good as his ultimate end, to which he subordinates all else, even his own particular good? Why must he follow the laws that direct him to the attainment of this end? The answer, for Aquinas, is that it is necessary for man to will the common good as his ultimate end because it *is* his ultimate end and cannot not be, and he will not attain it unless he loves it above all else. Reason, if it only attends to the matter without being distracted by other, particular goods, cannot fail to see that the common good is man's ultimate end to which he is by nature ordered, just as it cannot fail to see that the whole is equal to the sum of its parts. If he is fully rational, if his will is fully in tune with what he naturally knows, man will necessarily love the common good above all things, for otherwise he will not attain his end.

This is not so different from Kant's view of moral obligation, generally considered a robust one. Kant's view, at least his mature view, is that if one only attend to the activity of his reason when he considers performing an action, he can see that reason holds it necessary

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<sup>43</sup> Cf. *QDdVer*, q. 17, a. 3, ad 1.

to act only in accord with maxims that can hold as universal law.<sup>44</sup> But man does not necessarily do what reason sees as necessary, and so he is said only to be *obligated* to act this way.

Just as Kant holds that human action is right by being in accord with reason, so does Aquinas; reason is the measure of human acts.<sup>45</sup> Unlike for Kant, however, for Aquinas practical reason, just as theoretical reason, is itself measured by objective reality, by reality as transcending mere constructions of reason; practical reason is oriented towards truth, the truth about the good, as Wojtyła puts it.<sup>46</sup> Although practical reason, unlike theoretical reason, affects reality, rather than merely contemplating it, it is not an uncaused cause. Practical reason must begin somewhere, and it begins with an apprehension of what is in itself good and what is not good.<sup>47</sup>

What serves as practical reason's starting point or principle is the end towards which action is directed, and the end is the good, that which, in its act of being, is perfective of the agent.<sup>48</sup> What is perfective of a thing, however, is determined by that thing's nature; the perfection of a horse and the perfection of a man are not the same. In chapter two I explained that Aquinas holds that certain things are by nature suitable for each kind of thing in virtue of its form, and this in three ways: by being prerequisite for its existence as that kind of thing, by being accidental perfections of that kind of thing, or by being an end towards which that

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<sup>44</sup> See above, section 2, p. 210.

<sup>45</sup> *Ibid.*, I-II, q. 18, a. 5, c. & q. 90, a. 2, c.

<sup>46</sup> Wojtyła, "On the Metaphysical and Phenomenological Basis of the Moral Norm," in *Person and Community*, p. 80–81. See *STh* I-II, q. 18, a. 4, ad 1 & q. 19, a. 3, ad 1.

<sup>47</sup> See *STh* I-II, q. 9, a. 1, ad 2. Compare the view of Germain Grisez ("The First Principle of Practical Reason: A Commentary on the *Summa theologiae*, 1-2, Question 94, Article 2," *Natural Law Forum* 10 (1965), p. 175–80), whose language I am imitating here, but who emphasizes too much the distinction between practical and theoretical reason.

<sup>48</sup> *QDdVer*, q. 21, a. 1, c.

kind of thing is ordered.<sup>49</sup> Aquinas' metaphysical doctrine of the good has a direct bearing upon his moral doctrine; he appeals to it at key points in his discussion of moral goodness.<sup>50</sup>

The will, according to Aquinas, is the rational appetite, a faculty naturally striving towards what reason apprehends as good.<sup>51</sup> The truth about the good which reason can apprehend corresponds to the natural teleology inherent in man, which we do not create and which we cannot destroy, only apprehend or ignore. If practical reason does not accord with this natural teleology it holds what is false, and the will is directed towards false goods. When the will strives towards true goods, towards what is good in reality, it is good, and when it strives towards false goods, towards what are apprehended as good but in reality are not good, it is evil.<sup>52</sup> The principal truth about the good, however, is that the common good is man's ultimate end, that towards which he is naturally ordered. (I do not mean in all this to take a position contrary to the view that we come, in ordinary moral experience, to know the natural law primarily by attending to our inclinations, rather than by metaphysical or natural philosophic reasoning. Yet even if that be the case, in order to act rightly our action must be in accord with reason, which in turn must be in accord with the truth about the good, a truth which has its foundation in man's nature and ultimately in God, the author of that nature.)

Morality, even natural morality, is on Aquinas' view ultimately heteronomous; it is in fact theonomous. Moral action is governed by reason, and to that extent morality has the character of autonomy in Aquinas. Reason, however, is itself governed by something which it does not construct: not by some passion, inclination, or desire, but by truth, something

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<sup>49</sup> See above, chapter 2, section 3, p. 88–89, and *STh* I, q. 4–6.

<sup>50</sup> *STh* I-II, q. 18, a. 5, c. & ad 1; a. 1, c. See also q. 19, a. 1, obj. 3 & ad 3.

<sup>51</sup> See *ibid.*, I-II, q. 8, a. 1, c.

<sup>52</sup> *Ibid.*, I-II, q. 19, a. 1, ad 1.

proper to reason as such. Reason is ruled by the teleological truth of reality as God has created it. Morality, in Aquinas' view, can be understood as the will's subordination to the truth about the good. Reason, if it only attends to the matter, sees that the common good is necessarily man's end. If one's will follows reason in this, one acts morally, if one's will does not follow reason, one acts immorally. Because the common good is the human person's end by nature, and reason can recognize this, while yet the will does not necessarily follow reason or human nature by loving the common good above all things, a man is said to be *obligated* to subordinate himself to the common good.

*Lisska and McInerny on Obligation in Aquinas*

On this matter of moral obligation, two contemporary interpreters of Aquinas, Anthony J. Lisska and Ralph McInerny, have argued for a reading of Aquinas similar to the one I have just proposed. It will be helpful, then, to indicate briefly where I agree with them and where I differ from them, whether in substance or in approach.

Both McInerny and Lisska rightly define obligation in terms of man's real perfection. In Lisska, the approach is metaphysical: man's essence entails a set of "dispositional" properties which can reach their term, their full development or flourishing, or can fail to do so.<sup>53</sup> Those actions are obligatory which bring man to the full actualization of his essence. Man cannot choose what his natural ends are, or choose not to have natural ends, and so the obligations are not hypothetical but categorical.<sup>54</sup>

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<sup>53</sup> Anthony J. Lisska, *Aquinas's Theory of Natural Law: An Analytic Reconstruction* (Oxford: Clarendon Press, 1996), p. 96–100.

<sup>54</sup> *Ibid.*, p. 204. Cf. p. 107–09, & 195–205.

McInerny's approach is not to go directly to metaphysics, and to ethics only from there. His approach is rather to begin with action theory.<sup>55</sup> Everything a man does he does for the sake of his perfection. Whatever he pursues, he pursues under the formality of its being perfective of him. He *ought* to pursue goods which are truly perfective of him, and he *ought* to avoid goods which are not perfective of him.<sup>56</sup> This brings one back, though, to man's nature, which determines what is perfective of him.<sup>57</sup>

Both Lisska and McInerny are correct as far as this goes. All in all, however, McInerny's approach is both more persuasive and corresponds more closely to Aquinas' texts. Both authors provide valuable replies to the "naturalistic fallacy" objection that interpretations such as theirs and mine invite, although McInerny's reply is more sophisticated and effective than Lisska's.<sup>58</sup> Both, however, fail to highlight that it belongs to the notion of an obligation that its final cause is the *common* good, and that it also belongs to the notion of obligation that it be imposed by the one who governs the community (God in the case of the natural law.) Both of them can leave one with the impression that Aquinas' moral theory is a form of enlightened egoism, although McInerny does at times acknowledge the importance of the common good, and his view of Aquinas is not, I think, ultimately an egoistic view.<sup>59</sup>

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<sup>55</sup> The order of presentation in both *Ethica Thomistica: The Moral Philosophy of Thomas Aquinas*, rev. ed. (Washington, D.C.: The Catholic University of America Press, 1997) and *Aquinas on Human Action: A Theory of Practice* (Washington, D.C.: The Catholic University of America Press, 1992), evidences this.

<sup>56</sup> McInerny, *Ethica Thomistica*, p. 37–38; *Aquinas on Human Action*, p. 135–36.

<sup>57</sup> McInerny, *Aquinas on Human Action*, p. 191–92.

<sup>58</sup> *Ibid.*, p. 184–206; Lisska, *Aquinas's Theory of Natural Law*, p. 195–201.

<sup>59</sup> McInerny, *Aquinas on Human Action*, p. 95–97.



McInerny acknowledges that God is man's ultimate *natural* end,<sup>60</sup> and I agree with him on this. (I have already discussed this in chapter 2 and will discuss it further when I consider the new natural law theorists in the next section.) However, neither Lisska nor McInerny, at least in his main books on Aquinas' moral theory, makes any mention of Aquinas' view that God, as the most common good and the ultimate end, must be loved with the love of friendship even more than one loves oneself and one's own immanent perfection. This point is fundamental if one is to avoid an enlightened egoism interpretation of Aquinas' moral philosophy. McInerny sticks for the most part to an Aristotelian picture of *eudaimonia*, emphasizing man's desire for his perfection and the multiplicity of good activities comprised in human flourishing. He unites them formally under the aegis of rational activity, rather than under the aegis of loving and imaging God, as I do.<sup>61</sup>

### *Obligation and Cognitive Failure*

One of the problems with eudaimonistic heteronomy, as it is often understood, is that morality becomes an essentially cognitive affair. Since morality is concerned with man's attainment of happiness, and man cannot not will to attain happiness, moral failure seems reducible to cognitive failure, perhaps under the influence of passion, such that man fails to see how to attain what he really wants to attain. McInerny's and especially Lisska's presentation might leave one with this impression. But in my view it belongs to the very notion of morality that the root cause of an action's being good or bad is one's free choice. If we are to be morally responsible for our failures, they must not have their sole origin in

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<sup>60</sup> *Ibid.*, p. 39–40, & 161–77, esp. p. 171.

<sup>61</sup> McInerny, *Ethica Thomistica*, p. 31–34, 45–46.

ignorance and error (this is not to say, however, that moral failures might not always *involve* ignorance or error.)

Eudaimonistic heteronomy, understood in the way indicated, seems to render the concept of moral obligation vacuous. If we are to be obligated to do something, we have to know that we must do it, and nevertheless be able to not do it. If moral laws merely indicate the necessary means to an end that we necessarily will as our end, then we are unable not to follow them unless we do not understand that they indicate the necessary means to our end. And in that case, how can we be obligated to follow them? Does Aquinas' theory of moral obligation fall prey to this problem?

Aquinas' brand of heteronomy does not amount to an egoistic eudaimonism because one's ultimate end, perfection, good, or happiness imply subordination of one's own particular good to the common good; a human being is always a part of a larger whole, and "every part not suited to its whole is base."<sup>62</sup> While it is impossible not to will one's own personal happiness according to Aquinas, the ultimate end is not one's own personal happiness, but the common happiness, and one *may choose not to aim at this*; nor does this choice have its ultimate origin in a merely cognitive failure. In this way, Aquinas' theory preserves the common sense core of the notion of obligation: that it is something that one knows one must do but yet might not do.

Now I do not intend to fully justify the claim that moral failure does not originate in a merely cognitive failure for Aquinas, a task that would take me too far astray from the subject matter of this dissertation. Yet it will be beneficial if I connect the view of Aquinas'

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<sup>62</sup> See *STh*, II-II, q. 47, a. 10, ad 2 (Leon. 8:358): "Ut Augustinus dicit, in libro Confess., *turpis est omnis pars suo toti non congruens*." See also chapter 2, section 1, p. 62–63 above.

moral theory I have been advancing in this dissertation with what I believe is a convincing account of Aquinas' theory of the relationship between the will and reason, an account advanced by David Gallagher and Tobias Hoffmann.<sup>63</sup>

How can it be the case that the will always follows the apprehension of reason about what is good here and now,<sup>64</sup> and at the same time is free to do what is good or what is bad by following or not following reason's apprehension of what is good? The will is free to follow or not follow what reason knows because reason itself is in a certain respect free.<sup>65</sup> Although in considering the realities it knows, reason cannot fail to be conformed to the nature of what it knows,<sup>66</sup> it can, nevertheless, stop considering one thing and consider something else instead, and it can also consider different aspects of the same thing. In fact, the will can will that the intellect consider something different, or the same thing under a different aspect. The freedom of the will and the freedom of reason are two sides of the same coin. The will and reason together are not determined to one line of consideration/action. The will can only will what reason apprehends as good and avert itself from what reason apprehends as bad, but reason apprehends many things as good, and most everything as good in some respect and bad in others.<sup>67</sup> Accordingly, the will and reason have before them a plethora of options. They, or rather the person who has them, can choose to consider or not

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<sup>63</sup> David M. Gallagher, "Free Choice and Free Judgment in Thomas Aquinas," *Archiv für Geschichte der Philosophie* 76 (1994): 247–77 & Tobias Hoffmann, "Aquinas and Intellectual Determinism: The Test Case of Angelic Sin," *Archiv für Geschichte der Philosophie* 89 (2007): 122–56.

<sup>64</sup> Hoffmann, "Aquinas and Intellectual Determinism," p. 129.

<sup>65</sup> *Ibid.*, p. 131.

<sup>66</sup> Cf. *STh* I-II, q. 10, a. 2, ad 2.

<sup>67</sup> *Ibid.*, I-II, q. 10, a. 2, c.

consider any one of the things reason apprehends as good, and can choose to act on what reason so considers, or to consider something else.<sup>68</sup>

Thus the will does not have the freedom to act in a way directly opposed to reason, but it can avert reason away from a more adequate consideration of what is good to a more restricted consideration. For example, instead of considering the overall disordered, disordering, and imperfecting quality of fornication, one can consider it only under the aspect of giving physical and emotional pleasure to oneself and one's partner. Again, instead of considering the good of subordination to the common good, the will can direct reason to consider the good of being superior to others, a superiority that is in some respects lost by subordination to the common good according to God's law.<sup>69</sup> Such restricted considerations produce a false view overall of what is good, yet they involve some apprehension of an aspect of goodness for the attainment of which the will can move one to action. When the will and intellect fixate on a partial, restricted view of the good, immoral action results, whereas when they consider the good in an unrestricted light, moral action is the result. Morality, on Aquinas' view, is the will's *free* subordination to the *full* truth about the good.

On Kant's view, all immoral actions are in some way sins of passion, in which a person chooses to follow his self-centered passions, rather than his reason. But because reason, for Aquinas, is a measured measure of human actions—measured by the truth about the good—Aquinas can account for two types of immoral action. Some immoral actions arise from passion, which can cause things to look good that are not good, or things to look bad that are not bad. Passions tend to make reason subservient to their own ends, to *rationalize*,

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<sup>68</sup> Gallagher, "Free Choice and Free Judgment," p. 260; Hoffmann, "Aquinas and Intellectual Determinism," p. 146–47.

<sup>69</sup> Cf. Gallagher, "Free Choice and Free Judgment," p. 267.

whereas the passions should be subordinate to reason, and thus rational by participation.

When in the heat of passion, one must choose to consider matters more fully, so as to liberate one's reason from the near-sightedness brought about by passion. If the will does not choose to do so, it is said to follow passion rather than reason; reason knows in general that a certain kind of action is wrong, but, due to passion, this general knowledge is not applied to the concrete situation. Reason is prevented from drawing its conclusion.<sup>70</sup> But it is also possible for one's will to spontaneously adhere to one's own, particular perfection, and to itself direct reason away from a consideration of the common good and its superiority to a more restricted consideration of what conduces to one's own immanent accidental perfection. Not all sins need be sins of passion for Aquinas.<sup>71</sup>

### *Real but Limited Autonomy*

Now although, as is now clear, I interpret Aquinas' moral theory as heteronomous, I have yet been maintaining that Aquinas accepts the principle of humanity—treat persons as ends in themselves—in his own way. Is not the value of autonomy what is most distinctive in the principle of humanity? If Aquinas has a heteronomous view of the human person, one might object, why not stick with the more traditional formulation, “love your neighbor as yourself,” and leave the principle of humanity out of it?<sup>72</sup>

The fact that morality is for Aquinas heteronomous or theonomous does not necessarily imply that one human person is not autonomous in relation to other human

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<sup>70</sup> *STh* I-II, q. 77, a. 2.

<sup>71</sup> *SCG* III, c. 109.

<sup>72</sup> Besides the appeal to autonomy, I think the principle of humanity helps to draw out something implicit in the second great commandment, namely, that loving another involves recognizing his or her intrinsic, non-exchangeable value.

persons, or that one is not bound to respect the autonomy of others in relation to oneself. Moreover, God gives the law to our actions, in creating our rational nature as it is, in a special way, distinct from the way in which He gives the law to other creatures. Irrational creatures are determined of necessity to act in a single way by natural impulses, impulses by which God orders these creatures to the ends He has given to them. Yet God does not compel man to his end by natural impulse; rather, He makes known to man his end, as well as the rational order to that end, and leaves it up to man to choose to follow that order and attain his end or not. In this way, even God respects the real but limited autonomy He has given to man.<sup>73</sup> Although Aquinas does not, in his moral conclusions, always respect the legitimate autonomy belonging to persons,<sup>74</sup> he does recognize its foundations and, to some degree, its implications.<sup>75</sup>

#### *A Thomistic Response to Kant*

At this point I turn, finally, to considering what Aquinas' response would have been to Kant's arguments against basing the moral law materially on any end or object—which, as I have indicated, Aquinas does—rather than on the purely formal element of universality. I discussed these arguments in chapter 1 and outlined them again in the first section of this chapter. In response to the first argument, namely that the universality and necessity characteristic of moral law require an *a priori* basis, and that all desired ends can only be discerned *a posteriori*, Aquinas could advance his own epistemology, quite different from

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<sup>73</sup> Cf. Wojtyła, *Love and Responsibility*, p. 27; *STh* I-II, q. 91, a. 2. Cf. also I-II, q. 6, a. 1 & 2 and *SCG* III, c. 114.

<sup>74</sup> See above, chapter 4, section 3, p. 194–96.

<sup>75</sup> See, for example, Finnis, *Aquinas*, p. 237.

that of Kant's. (It is, of course, entirely outside the scope of this dissertation to actually justify Aquinas' epistemology.) On Aquinas' view, each thing belongs to a species, a specific kind of thing, and things of the same kind have a common nature in virtue of which certain things are necessarily the case for all of them. Furthermore, on Aquinas' view we are able to discern what belongs essentially to members of a species and that a particular individual belongs to that species. We are able to do this, moreover, on the basis of sense-experience. After repeated experience of things of the same kind, our intellect abstracts the essential form of things of this kind, which is present in experience and potentially intelligible. From that point on, we are able to argue from a thing's nature to its properties. Accordingly, one can legitimately hold propositions about the end of human beings and the means for the attainment of that end that are necessary and universal. Such propositions are therefore fit for moral laws.

The other argument of Kant's that I have discussed is based on the observation that moral worth is in one's own hands, whereas the attainment or non-attainment of one's goals are not entirely in one's hands. A person who does everything in his power to promote the common good but whose efforts, through no fault of his own, are rendered vain or even counter-productive seems to be acting in a moral, even if tragic, way. Moreover, although the observance of moral laws is generally beneficial to oneself and others, in extreme cases such observance can seem prejudicial to human well-being. One can imagine cases in which lying would be the only way to avert world-wide nuclear war, for instance. For Kant this means that universal moral laws, valid in all circumstances, cannot find their ultimate basis in any

end to be attained,<sup>76</sup> but must rest solely on the value of the will's observance of the purely formal categorical imperative. In other words, teleological theories cannot ground moral absolutes.

Aquinas, however, could counter that a man's subordination to the common good, and to the natural order in which the common good partially consists, is something like a necessary but not sufficient condition for the common good. While one is responsible for one's own subordination to the common good in a way that corresponds to the naturally established order, one does not oneself bear sole responsibility for the preservation of the common good. If one's own observance of the moral law does not, when things play out, happen to preserve the common good, this will be due to the fault of some other person, for whose action one is not responsible.

Yet one might counter that, although non-observance of generally established moral laws will always injure some aspect of the common good and one's own good, yet in abnormal circumstances observance of these same laws could cause much greater injury to the common good and one's own good. If moral laws are hypothetical imperatives, conditioned by the common good as their end, it would seem that in such abnormal circumstances they should not be observed. Yet, as Kant would argue, moral laws *are* universal and necessary, and thus can only be based on their very form of universality.

Aquinas might respond that not just any one is competent to judge whether acting contrary to law might, in certain circumstances, be beneficial for the common good overall,

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<sup>76</sup> Morality for Kant is in some sense based on an end, the end of every person's humanity, but that is an end which is principally to be *respected*, not produced or attained, and such respect is merely an implication of acting on universally valid laws, as I have explained. Cf. *G*, Ak. 4:437. The furtherance of perfection and happiness is a further goal, conditioned by the determinative goal of morality, as the observance of formal law and respect for every person's autonomy. Cf. *KpV*, Ak. 5:110–11 and above, chapter 1, section 4, p. 36ff.



but only he who has the care of the community.<sup>77</sup> In regards to civil law, it is the ruler who is competent to judge and thus may dispense with the law in certain cases. In regards to the moral law, it can only be the author of that law, namely God, whom the wise man can see promulgated this law by creation. Acting outside of the order prescribed by God (through moral principles naturally evident to reason and, for those who have faith, by means of revelation) to compensate for the perceived ill-effects of following that order in an extreme situation is an act of pride, of insubordination to God, the extrinsic and ultimate common good of the universe, in whose providence one can reasonably trust even in hard situations. God will direct all things to their common end, and will direct them to it in the manner He wills, and His will is normative for us.<sup>78</sup> And so on the natural level at the very least, outside of the context of supernatural communication with God, the natural moral law is universal and necessary. No one is competent to judge its utility or inutility for the common good. (Even setting this aside, the two great commandments could not ever be abrogated, for they direct us to the end of all action itself as common and shared.)<sup>79</sup>

An example of Finnis' is helpful in this regards, although I am putting it to slightly different use: someone who judges that the observance of the moral law would be detrimental to the common good in a certain situation is like a

country bumpkin {rusticus; idiota; ignorans} who, from the true premise that he does not understand what is going on in a busy laboratory or hospital theatre, draws the conclusion that what is going on is random, unintelligible, pointless, or foolish, or perhaps just needlessly complex. The intention of an intelligence capable of projecting and actualizing the entire cosmos and all its interlocking orders vast and miniscule (including human minds with all their capacities to understand and reason logically, mathematically, and interpretatively) is not an intention we could ever

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<sup>77</sup> For another possible line of response, see above, chapter 4, section 3, p. 192–93.

<sup>78</sup> Cf. *STh* I-II, q. 19, a. 9 & 10.

<sup>79</sup> See *ibid.*, I-II, q. 100, a. 8, c. & ad 3; cf. also II-II, q. 44, a. 6, c. and I-II, q. 96, a. 6, c. & ad 2.

reasonably hope to understand *fully* by reasoning from those truths about it which, in our fruitful but laborious inferences from experience, we do manage to understand.<sup>80</sup>

Human beings are not competent to judge whether the observance of absolute moral laws would be detrimental to the common good in extreme situations. They must trust in and obey the Creator, who promulgated such moral laws by inscribing them in their hearts and minds.<sup>81</sup>

One can understand in the same way what Aquinas' reply might have been to the other aspect of Kant's *Groundwork* I argument, namely, the claim that one can pursue the same goal out of inclination or out of duty, and that only in the latter case does it have moral worth, indicating, once again, that the goal is not the determining factor of moral worth.<sup>82</sup> Kant argues that if the attainment of some goal were the point of morality, then instinct would have led us to it much more readily than practical reason.<sup>83</sup>

For Aquinas, however, an essential aspect of the common good, to which morality is directed, is the free and rational ordering of persons to one another and to God, the common good. Persons are to know and *love* God and one another. For that, man had to have a will and reason had to be both speculative and practical. Moreover, it is not enough that a person intends the common good. He must intend it in the proper way. Reason, not inclination is the measured measure of human action, and God is the unmeasured measure. His will is the only power commensurate with the common good, namely, with Himself, and thus created rational beings must orient themselves towards Him in a manner commensurate with His

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<sup>80</sup> Finnis, *Aquinas*, p. 304. He footnotes Aquinas' *Collationes Credo in Deum*, pr., among other texts of Aquinas.

<sup>81</sup> *STh*, I-II, q. 90, a. 4, ad 1.

<sup>82</sup> See above, chapter 1, section 3, p. 29–30.

<sup>83</sup> *G*, Ak. 4:395–96, 401

will,<sup>84</sup> whether made known in the book of nature or revealed. Thus one must pursue God, as the common good, not *merely* out of inclination; one must pursue God in a *principled* way, under the guidance of a reason docile to God's will.

### Section 3 - Aquinas and the New Natural Law Theorists

I turn, in this last section, to the interpretation of Aquinas' view of moral obligation given by the new natural law theorists. I will first present their interpretation of Aquinas' theory of obligation. Then I will discuss their understanding of the relationship between theoretical and practical reason, a point on which they are often criticized. In the final subsection I will argue that the new natural law theorists err by seeking to deny the appearance Aquinas' texts give of espousing a kind of dominant end theory. In exploring how my interpretation of Aquinas differs from theirs, I will have occasion to further clarify what the highest common good, the ultimate end of the moral life, consists in.

#### *The New Natural Law Theory of Obligation*

The new natural law theorists understand moral obligation as rooted in self-evident principles of practical reason. On their interpretation of Aquinas, "Good is to be done and pursued and evil avoided" is the absolutely first principle of practical reason, *per se notum* and thus not derived from any conclusions reached in theoretical disciplines such as metaphysics or natural philosophy. This first principle of practical reason is concretized into the various other first principles of practical reason—all of which are *per se nota* and underived—by reference to basic goods which reason (and not just passion) immediately

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<sup>84</sup> *STh* I-II, q. 19, a. 9, c.

recognizes as attractive. Thus we have the practical principles “Life is to be pursued and death avoided,” “Knowledge is to be pursued and ignorance avoided,” etc. The new natural law theorists offer a complete list of what they see as basic goods, and thus of corresponding practical principles, but they do not think that Aquinas provides his own exhaustive list in any one place.<sup>85</sup>

The new natural law theorists argue that it is quite impossible for anyone still in his right mind, and thus for anyone who has moral responsibility for his actions, to fail to embody in his actions at least some of these principles of practical reason. Whenever a person acts, even if immorally, he pursues some intelligible good or seeks to avoid some intelligible evil, and thus embodies both the absolutely first practical principle and at least one of the other more concrete practical principles, such as “Knowledge is to be pursued and ignorance avoided.”<sup>86</sup>

One of the basic goods Finnis identifies as part of his own theory and as found in Aquinas is that of practical reasonableness, the good of reason intelligently ordering one’s choices, actions, and dispositions. This good, while itself just one among many basic goods, none of which is instrumental to the others, exercises a strategic role in the practical realm. Practical reasonableness requires one to follow all of the principles of practical reason, and thus to respect *all* of the basic goods *for oneself and for others*. A person who has the *virtue* of practical reasonableness, prudence, thus participates in both the *good* of practical reasonableness and the other basic goods.

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<sup>85</sup> See Finnis, *Aquinas*, p. 80; *Natural Law and Natural Rights*, 2<sup>nd</sup> ed. (Oxford: Oxford University Press, 2011), p. 85–90.

<sup>86</sup> Finnis, *Aquinas*, p. 86–87; Germain Grisez, “The First Principle of Practical Reason,” p. 187–88.

Connected with the prudent man's observance of all the practical principles previously identified, is his observance of the first *moral* principle, which is also a self-evident principle of practical reason: "Love your neighbor as yourself." Finnis identifies this commandment as the first principle of the natural moral law in Aquinas, and he understands it as more or less equivalent to the first moral principle as he and Grisez formulate it in their own work: "In voluntarily acting for human goods and avoiding what is opposed to them, one ought to choose and otherwise will those and only those possibilities whose willing is compatible with a will towards integral human fulfillment."<sup>87</sup>

The concept of integral human fulfillment is central to the new natural law theory as well as to the interpretation of Aquinas that the new natural law theorists provide. The concept of integral human fulfillment is one in which a human being, *along with all of his fellow human beings*, participates in his actions in *all* of the basic human goods. It is an ideal which cannot, at least in this life, be realized, but an important and necessary ideal. In pursuit of this integral human fulfillment, and thus under the guidance of the first *moral* principle, one follows the whole set of principles of practical reason, and not just one or two. All of the basic goods are respected and none cast aside in one's actions, and one pursues these basic goods not just for oneself but for other human beings. Integral human fulfillment is not a separate, additional end for which the many distinct basic goods are means, but rather is constituted by the set of those distinct basic goods.<sup>88</sup> Finnis argues that integral human

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<sup>87</sup> Finnis, *Aquinas*, p. 131, note g.

<sup>88</sup> *Ibid.*, p. 103–29.

fulfillment, thus understood, is man's ultimate end, and he argues that Aquinas agrees with this view, even if Aquinas was not always clear on this.<sup>89</sup>

The ultimate end of integral human fulfillment is the source of moral obligation.<sup>90</sup> The actions which one has a moral obligation to are directed towards the realization, to the extent possible, of integral human fulfillment. That one is to pursue integral human fulfillment, and not a partial fulfillment through one or two basic goods, or through obtaining them for oneself and not for others, is a self-evident principle according to the new natural law theorists. For this reason, and because integral human fulfillment is comprised of all the basic goods and pursued by following all of the principles of practical reason, it seems that for the new natural law theorists moral obligation is grounded in the set of self-evident practical principles. We are obligated to act in a certain way because to fail to do so would be to fail to follow some principle of practical reason, and thus to be partially irrational.<sup>91</sup> We are morally obligated because we are so constituted as to recognize rational principles without necessarily following all of them. Their view of moral obligation, then, is much like Kant's, except that the new natural law theorists recognize that ultimately, in the order of being if not in the order of knowledge, the principles of practical reason are grounded in our nature as human beings.<sup>92</sup>

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<sup>89</sup> Finnis, "Practical Reasoning, Human Goods and the End of Man," *Proceedings of the American Catholic Philosophical Association* 58 (1984), p. 33.

<sup>90</sup> Finnis, *Aquinas*, p. 126–27.

<sup>91</sup> Cf. Finnis, *Natural Law and Natural Rights*, 2<sup>nd</sup> ed., p. 101–03, & p. 129, n.

<sup>92</sup> *Ibid*, p. 92.

*The “Is-Ought” Question*

The new natural law theorists are often criticized by Thomists for maintaining that the so-called “naturalistic fallacy,” using “is” propositions as premises to reach “ought” propositions as conclusions, a move which many contemporary moral philosophers are determined to avoid, is indeed a species of logical fallacy. They are criticized for interpreting Aquinas’ theory of natural law as being derived entirely from practical principles, without a grounding in speculative knowledge of the natures of man and of the things in the world.<sup>93</sup> I do not wish to wade into the details of this controversy. It is unclear to me whether the new natural law theorists’ interpretation of Aquinas on this point is finally correct or not, but it is not, as I will explain, so grossly incorrect as is often thought.

Finnis distinguishes between the order of knowing and the order of being, stating that for Aquinas man’s good is based on nature in the order of being, even though we become aware of it in the order of knowing before we attain a theoretical understanding of man’s nature.<sup>94</sup> To bolster his interpretation, Finnis points to Aquinas’ view that although ontologically a thing’s faculties depend on its nature, and its activities on its faculties, nevertheless we become aware of activities by means of their objects, faculties by means of their activities, and natures by means of their faculties.<sup>95</sup> Moreover, Finnis and Grisez, unlike Kant, do *not* think that practical principles are *a priori* principles, rather, they are abstracted from experience (primarily the experience of our basic inclinations).<sup>96</sup> In addition, they are correct to point out that Aquinas states that the natural law contains self-evident *practical*

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<sup>93</sup> See, for example, Ralph McInerny, “The Principles of Natural Law,” *The American Journal of Jurisprudence* 25 (1980), p. 7–9, 11–12.

<sup>94</sup> Finnis, *Aquinas*, p. 92, and Finnis & Grisez, “The Basic Principles of Natural Law: A Reply to Ralph McInerny,” *American Journal of Jurisprudence* 26 (1981), p. 22.

<sup>95</sup> Finnis, *Natural Law and Natural Rights*, 2<sup>nd</sup> ed., p. 416

<sup>96</sup> Finnis & Grisez, “Reply to Ralph McInerny,” p. 22.

principles.<sup>97</sup> They are thus not, at least not initially, deduced from other, theoretical principles. Finally, from a formal logical perspective they seem correct to maintain that at least one “ought” principle is required to derive an “ought” conclusion.<sup>98</sup> (Nevertheless one could consistently maintain that propositions of the form “x is good for man” are theoretical proposition about man’s nature, and that “good is to be done and pursued and evil avoided” is the “ought” proposition that enables transitions from such “is” premises to “ought” conclusions.<sup>99</sup>)

To be clear, however, the fact that a science such as ethics does not initially need to proceed from principles derived from theoretical (metaphysical or natural philosophic) considerations does not mean that it cannot attain a deeper level of justification by being grounded in natural philosophy and metaphysics (or even philosophical anthropology<sup>100</sup>), in such a way that moral laws are not known merely as facts, but as reasoned facts.<sup>101</sup> Moreover, practical principles themselves, in Aquinas’ view, can be rendered ineffective by custom and habit. I have pointed out before Aquinas’ example of the German barbarians

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<sup>97</sup> Grisez, “The First Principle of Practical Reason,” p. 171–75; Finnis, *Aquinas*, p. 87–90. Cf. *STh* I-II, q. 94, a. 2, c.

<sup>98</sup> Finnis & Grisez, “Reply to Ralph McInerney,” p. 22–24. McInerney would not, I think, deny this, but he argues that one self-evident principle can, in a sense other than a formal logical one, be derived from another self-evident principle, and thus that practical principles can follow from theoretical ones. See *Aquinas on Human Action*, p. 198–206.

<sup>99</sup> On this see Wojtyła (*Man in the Field of Responsibility*, p. 51–55, 61–62), who seems to consider such a view as traditional.

<sup>100</sup> Cf. *ibid.*, p. 68.

<sup>101</sup> Cf. Aquinas, *Super Boetium De Trinitate*, q. 5, a. 1, ad 9, and Wippel, *Metaphysical Themes in Thomas Aquinas*, (Washington, D.C.: The Catholic University of America Press, 1984), p. 41–53. Aquinas’ discussion and Wippel’s commentary concern the relationship between metaphysics and other theoretical sciences, but I think the ideas are also relevant in regards to moral philosophy’s relationship to the theoretical sciences. Cf. also Wojtyła, *Man in the Field of Responsibility*, p. 68–73, which has influenced my thoughts in this matter. Finnis is not opposed to finding some sort of deeper level of justification for morality in theoretical considerations. (See *Aquinas*, p. 294–331.) He even points to this same passage in *Super Boetium De Trinitate*, stating that “sciences can be interdependent without any vicious circle, precisely because each science (even one subalternated to another) can call upon principles which are *per se nota* and thus not derived from the other science.” (“Practical Reasoning, Human Goods and the End of Man,” p. 36, n. 51).



who, according to Julius Caesar, thought that robbery was morally acceptable.<sup>102</sup> “You shall not steal” follows very closely from the self-evident moral law “love your neighbor as yourself,” since theft and robbery manifestly inflict harm on one’s neighbor. But prevailing custom can prevent people in a community from recognizing such obvious conclusions. Either the German barbarians did not think that all human beings were their neighbors (or persons in the morally relevant sense), or they did not think robbery was inconsistent with human good.

This is not an idle example. Today there is much debate about whether or not homosexual acts and homosexual “marriage” are consistent or inconsistent with human good and thus love of neighbor and self (and also much debate about whether unborn members of the human species are persons). I am not convinced that mere discussion of practical principles, confined strictly within the domain of practical philosophy, will succeed in proving to those who approve of them that homosexual acts are inconsistent with human good. When what is a human good and what is not (and who is a person and who is not) has itself become questionable, a non-nominalistic, teleological understanding of nature seems to become important if one is to clearly see and effectively defend, at least as a philosopher, what is truly consistent with human good, or to put it another way, to distinguish between rational attractions to intelligible possibilities and mere emotional preferences. The deeper justification of moral precepts by means of theoretical considerations provides a touchstone for distinguishing between competing views of what is good for humans, even when both

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<sup>102</sup> See above, chapter 2, section 1, p. 59–60.

views seem to their adherents to be evident, either immediately upon consideration or from the weight of human experience.<sup>103</sup>

Perhaps one might think that the teleological, non-nominalistic understanding of nature is not something that one's contemporaries will be easily convinced to embrace, and that one will get farther sticking for the most part to ethics proper, without trying to bolster it with theoretical considerations.<sup>104</sup> The use of such considerations in the defense of traditional morality might even lead those who accept the modern world-view to reject it as backwards. One might prefer an approach like that of the new natural law theorists for this reason. Such a judgment may or may not be correct, but there is surely room for legitimate disagreement as to the best means of achieving the reacceptance of traditional morality, and there is nothing illegitimate in itself with using theoretical considerations in moral philosophy, even as foundational principles.

### *The Dominant End*

While the difference between my views and those of the new natural law theorists in regards to the relationship between practical and theoretical philosophy may to a certain extent be one of emphasis, I do think that their interpretation of Aquinas is incorrect in a very important way. (I will focus on John Finnis' account here, as he has dedicated an entire book to the interpretation of Aquinas.) Finnis has misunderstood Aquinas' notion of the common good, even though he has, in some ways, correctly recognized its place in Aquinas' moral

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<sup>103</sup> New natural law theorists seem, in fact, to be comfortable with such recourse to theoretical considerations in addressing particular controversial moral issues. See Patrick Lee & Robert George, *Body–Self Dualism in Contemporary Ethics and Politics* (Cambridge: Cambridge University Press, 2008).

<sup>104</sup> Steve Jensen makes this same point in "Thomistic Perspectives? Martin Rhonheimer's Version of Virtue Ethics," *American Catholic Philosophical Quarterly* 86 (2012), p. 150–51.

philosophy. The common good turns out to be a dominant end towards which the whole of the moral life is directed, namely God. Finnis, however, rejects the notion of a dominant end based moral philosophy.

As is clear from the preceding chapters, the notion of the common good is central to Aquinas' moral philosophy. All moral laws are ordered to the common good as their ultimate end, and man must totally subordinate himself in love to the common good. Finnis does identify the common good (as *beatitudo*, the participation in all of the basic goods by all human beings) as man's ultimate end, as the point of the moral life.<sup>105</sup> Yet he understands the common good for the most part as what Mark Murphy calls an "aggregative" common good.<sup>106</sup> Finnis conceives of the common good primarily as the sum of the goods of individual persons. The common good consists in everybody's participation in (a phrase Finnis would prefer to "enjoyment of" or "attainment of") the basic goods.<sup>107</sup> He does recognize, however, that basic goods are sometimes shared goods that belong irreducibly to a multitude of persons, not being the sum of the individual goods of the persons sharing in them. The prime example of this is the basic good of *societas*, friendship or community, which is a "distinctively" common good (one of Murphy's terms), although a "good play of a game," might also sometimes be a distinctively common good.<sup>108</sup> The basic good of *societas* also gives to the other basic goods the character of being shared goods (it is good for my

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<sup>105</sup> Aquinas, p. 126–28.

<sup>106</sup> Mark Murphy, "The Common Good," p. 136. Murphy's discussion is focused on the area of political philosophy, and so he correctly identifies Finnis' view of the common good as an "instrumental" one. At the more fundamental level of moral philosophy, Finnis' view is primarily an "aggregative" view. (Whether or not Finnis' view of the specifically political common good is correct is a question with which I am not concerned in this dissertation. One should bear in mind, however, that Finnis' views have undergone some refinement in this regards. See *Natural Law and Natural Rights*, 2<sup>nd</sup> ed., p. 459.)

<sup>107</sup> Aquinas, p. 126–28.

<sup>108</sup> *Natural Law and Natural Rights*, 2<sup>nd</sup> ed., p. 140.

friend *and* for me, since I love him, that he participates in the basic goods), and thus something of the character of “distinctively” common goods.<sup>109</sup>

In accordance with this understanding of the common good, Finnis interprets Aquinas as holding that the second great commandment, “love your neighbor as yourself,” and not the first great commandment, “love God with your whole heart,” is the “master” principle of morality.<sup>110</sup> The *second* great commandment, according to him, directs us to the common good in the sense relevant to morality, by directing us to will that all persons participate in the set of basic human goods. What does Finnis do with the first great commandment, obviously an important element in Aquinas’ moral thought? The interpretation seems to be that the first great commandment is self-evident only to those who have faith, since God’s existence is not self-evident. The first great commandment enters one’s moral life after one has acknowledged God’s existence, either through faith or through a process of reasoning, and it takes its place as what gives morality *further* point, and not as what constitutes the essence of moral obligation. Even then, the second great commandment remains morality’s “master” principle.<sup>111</sup>

It is clear from what I have discussed in this dissertation that the obligatory end which grounds all other moral obligations is the common good. In the second chapter I interpreted

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<sup>109</sup> *Ibid.*, p. 116.

<sup>110</sup> *Ibid.*, p. 126–28.

<sup>111</sup> *Ibid.*, p. 314–15. According to Finnis, the first great commandment, as giving “further overarching point” to the second great commandment, does not point us to an end towards which all other goods are to be ordered as to the only thing which is desired for its own sake. See “Practical Reasoning, Human Goods and the End of Man,” p. 25–28. Cf. also *Aquinas*, p. 126, n. 113, & p. 83 & n. 106. One must be careful here: for Aquinas, in fact, all *bona honesta* can be desired for their own sakes; they provide of themselves a reason for being pursued. Nevertheless, if one takes the whole field of action and knowledge into account, one must realize that God does exist and that all things are to be ordered to Him; no other good can be pursued in addition to Him, since He already contains in Himself all that is good about other goods. Thus all things must be referred to Him as to an ultimate end. See *In I Sent.*, d. 1, q. 2, a. 1, c. & ad 3; q. 3, a. 1; and below, this section, p. 245–46. See also *STh* I-II, q. 11, a. 3.

the first great commandment as morality's "master" principle, arguing that it should be understood as initially abstract: "love the common good above all things." Only thus is it self-evident. As one progresses in understanding, one determines what the common good consists in. Since I am not engaged in an epistemological discussion with the new natural law theorists, it does not matter whether or not it is self-evident that the common good is a distinctive good, or whether it might initially be understood as an aggregative one. It is sufficient, initially, that it be understood as the good of the most all-embracing whole of which a man is a part. What matters is whether, at the end of the day, Aquinas, as a philosopher, thinks that the common good to which the moral law is ordered is a distinctively common good, and a single, dominant end at that, or rather a collection of individual goods which are aggregatively common.

Contrary to Finnis, a sustained reading of Aquinas' works indicates that the common good to which the moral life, even on the natural level, is ordered is in fact God Himself.<sup>112</sup> Aquinas does think God's existence can be proved by reason, and argues, seemingly in a philosophical mode, that God's end in the production and governance of the world can only be Himself, and that the best thing in creation, to which all individual creatures are ordered, is the order of the universe as a whole, as a beautiful, harmonious, hierarchical system which expresses in a finite way the goodness of God Himself.<sup>113</sup> These are the intrinsic and extrinsic common goods of the universe, the former of which is ordered to the latter.<sup>114</sup>

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<sup>112</sup> David Gallagher takes this view of Aquinas' moral philosophy: "The Role of God in the Philosophical Ethics of Thomas Aquinas," in *Was ist Philosophie im Mittelalter?* (Berlin: Walter de Gruyter, 1998), p. 1030–31. He cites, among other texts, *STh* I-II, q. 109, a. 3.

<sup>113</sup> See *SCG* III, c. 64, as well as the many other texts De Koninck presents in "In Defence of St. Thomas," p. 228–36.

<sup>114</sup> Cf. De Koninck, "In Defence of St. Thomas," p. 216–19.

Man's will, however, is only right by being in conformity with God's will, so far as it is known, and principally in regards to the end God has in mind in producing and governing things.<sup>115</sup> God's will is the ultimate measure of the moral will, and reason, its proximate measure, is itself measured by God's will, whether disclosed to natural reason in the book of nature and by means of naturally known principles, or to the man of faith by means of revelation.<sup>116</sup>

The common good to which the moral life, even on the natural level, is ordered, then, is God (a fact further evidenced by the texts presented below), while the natural order of the universe is a proximate common good, subordinated to Him. Both of these are distinctively common goods. The order of the universe is irreducibly common; it is, like a symphony, more than the sum of its individual parts. God, however, is supremely common. He is the universal good. He Himself, as a single being, is each and every creature's ultimate good and perfection. In Him all the perfections that can be found anywhere in the universe and more are contained supereminently and in a supremely simple, unitary fashion. In His act of being he perfects all things, and no creature, in its attainment of Him, prevents or hinders another's attainment of Him. The very same God can be attained by many creatures at the same time. Indeed, although this is a woefully inadequate example, God is a common good in the way that an elegant geometrical theorem is a common good: many people may enjoy this geometrical truth without in any way detracting from the ability of others to enjoy the same truth at the same time.

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<sup>115</sup> See *STh* I-II, q. 19, a. 9 & 10.

<sup>116</sup> *STh* I-II, q. 19, a. 3 & 4.

In regards to the intrinsic and extrinsic common goods of the universe, Aquinas is fond of using the example of an army, an example he takes from Aristotle.<sup>117</sup> An individual soldier must relate in a proper way to his fellow soldier, and in a proper though different way to his commanding officer. By such individual relationships military discipline as a whole is preserved. But military discipline is ordered towards an extrinsic good: the general, or victory, the end which the general intends. For the sake of victory, the general establishes or preserves military discipline as a whole, and gives particular commands.<sup>118</sup> Aquinas uses this example in discussing the order of the precepts of the Decalogue (recall that the moral precepts of the Old Law are a revelation of what is already contained in the natural law and knowable to reason):

The precepts of the Decalogue are given in regards to those things which the mind of man immediately and easily acknowledges. It is manifest, however, that something is so much the more acknowledged by reason as [its] contrary is more grave and more repugnant to reason. It is manifest, however, that, since the order of reason begins with the end, it is most of all contrary to reason that man relate inordinately in regards to the end. The end of human life and society, however, is God. And therefore it was first necessary to order man to God by the precepts of the Decalogue, since the contrary of this is most grave of all. Just as also in an army, which is ordered to the leader as to an end, the first thing is that the soldier be subjected to the leader, and the contrary of this is most grave of all. Second, however, is that he be coordinated to the others.<sup>119</sup>

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<sup>117</sup> *In I Sent.*, d. 44, q. 1, a. 2, c. (Mandonnet ed., vol. 1, p. 1019): “According to the Philosopher, in book 12 of the *Metaphysics*, the good of the universe consists in a twofold order, namely in the order of the parts of the universe to one another, and in the order of the whole universe to an end, which is God Himself, just as also there is in an army the order of the parts of the army to one another, according to diverse offices, and there is [its] order to the good of the leader, which is victory. And this order is principal; the first order is for its sake. (Secundum Philosophum, in XI *Metaphys.*, text. 52, bonum universi consistit in duplici ordine: scilicet in ordine partium universi ad invicem, et in ordine totius universi ad finem, qui est ipse Deus; sicut etiam est in exercitu ordo partium exercitus ad invicem, secundum diversa officia, et est ordo ad bonum ducis, quod est victoria; et hic ordo est praecipuus, propter quem est primus ordo.)” For Aristotle, see *Metaphysics* XII, 1075a11–25.

<sup>118</sup> *SCG* I, c. 78; III, c. 64; III, c. 128; *STh* I-II, q. 111, a. 5, ad 1. Cf. *SLE*, bk I, l. 1.

<sup>119</sup> *STh* I-II, q. 100, a. 6, c.: (Leon. 7:213) “Praecepta decalogi dantur de his quae statim in promptu mens hominis suscipit. Manifestum est autem quod tanto aliquid magis a ratione suscipitur, quanto contrarium est gravius et magis rationi repugnans. Manifestum est autem quod, cum rationis ordo a fine incipiat, maxime est contra rationem ut homo inordinate se habeat circa finem. Finis autem humanae vitae et societatis est Deus. Et

Aquinas goes on to enumerate the ten commandments—the first three of which order us to God, and the last seven of which order us to our neighbors—explaining the propriety of their order.

Aquinas' moral philosophy is, in fact, based upon the pursuit of a dominant end, namely God. As he says in the *Summa Contra Gentiles*:

In all ordered ends it is necessary that the ultimate end be the end of all the preceding ends, just as, if a medicinal drink is prepared in order that it may be given to a sick man, and it is given in order that he may be purged, and he is purged in order that he may be thinned, and he is thinned in order that he may be healed, it is necessary that health be the end of the thinning and of the purgation and of the other preceding things. But all things are found to be ordered in diverse grades of goodness under one highest good, which is the cause of every goodness. And for this reason, since the good has the notion of an end, all things are ordered under God as preceding ends under the ultimate end. It is necessary, therefore, that the end of all things be God.

Furthermore, a particular good is ordered to the common good as to an end, for the being of the part is for the sake of the being of the whole. Whence also the good of a nation is more divine than the good of one man. The highest good, however, which is God, is the common good, since the good of everybody depends on Him. The good, however, by which anything is good, is the particular good of itself and of those which depend on it. All things, therefore, are ordered, as to an end, to one good, which is God.<sup>120</sup>

As Aquinas explains in the chapter immediately following the passage just quoted, God is not the ultimate end in the sense of something to be produced by the action of creatures, nor is He the ultimate end in the sense of the one who is to benefit from the actions

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ideo primo oportuit per praecepta decalogi hominem ordinare ad Deum: cum eius contrarium sit gravissimum. Sicut etiam in exercitu, qui ordinatur ad ducem sicut ad finem, primum est quod miles subdatur duci, et huius contrarium est gravissimum; secundum vero est ut aliis coordinetur.” See also *ibid.*, a. 6 ad 1, & a. 8, c.

<sup>120</sup> *SCG* III, c. 17 (Marietti ed., vol. 3, p. 20–21): “In omnibus finibus ordinatis oportet quod ultimus finis sit finis omnium praecedentium finium: sicut, si potio conficitur ut detur aegrotis, datur autem ut purgetur, purgatur autem ut extenuetur, extenuatur autem ut sanetur; oportet quod sanitas sit finis et extenuationis et purgationis et aliorum praecedentium. Sed omnia inveniuntur in diversis gradibus bonitatis ordinata sub uno summo bono, quod est causa omnis bonitatis: ac per hoc, cum bonum habeat rationem finis, omnia ordinantur sub Deo sicut fines praecedentes sub fine ultimo. Oportet igitur quod omnium finis sit Deus. — Praeterea. Bonum particulare ordinatur in bonum commune sicut in finem: esse enim partis est propter esse totius; unde et *bonum gentis est divinius quam bonum unius hominis*. Bonum autem summum, quod est Deus, est bonum commune, cum ex eo universorum bonum dependeat: bonum autem quo quaelibet res bona est, est bonum particulare ipsius et aliorum quae ab ipso dependent. Omnes igitur res ordinantur sicut in finem in unum bonum, quod est Deus.”



of His creatures. Rather, God renders Himself the end to be attained by the creatures He creates, so that they might benefit.<sup>121</sup> But God is attained as ultimate end in more than one way. All creatures have Him as their end insofar as they seek to represent Him,<sup>122</sup> which they do by their own intrinsic goodness and by being parts of the universe as a whole, which represents Him best. In this representation, it is not the intrinsic perfection of the creatures or the universe that is the ultimate end, but rather God. Representation aims at God, and gets its desirability from its reference to Him.

This last point is a bit more clear in regards to rational creatures, which attain God in a higher way, by knowing and loving Him.<sup>123</sup> Even though Aquinas holds that the contemplation of God through the speculative sciences is the highest form of happiness in this life, the most perfective of human beings as individual beings, and even though perfect happiness, as he strenuously argues, consists in the supernatural vision of God in the next life, it is nevertheless God Himself who is man's ultimate end, and not the contemplation of God. One can become clear as to the full import of this statement if one considers that even though happiness, for Aquinas, consists in the activity of the intellect, he nevertheless still holds that what is noblest in human beings is their love of God.<sup>124</sup> When a person knows something, that thing comes to reside, through its form, in that person's intellect. Thus the thing known comes to be in the knower in the knower's mode of being. Love, however, directs us towards the beloved as it is in itself. The lover, in *extasis*, comes to be in the

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<sup>121</sup> *Ibid.*, III, c. 18.

<sup>122</sup> *Ibid.*, III, c. 19

<sup>123</sup> *Ibid.*, III, c. 111.

<sup>124</sup> See above, chapter 2, section 3, p. 89–90 & n. 87.

beloved. But God exists in a higher way in Himself than in us. Thus loving Him is better, in itself, than knowing Him. Thus Aquinas can say:

Since operation is a certain mean between the one operating and [his] object—as if perfected by the object, by which it receives [its] species, and [itself] a perfection of the one operating—the operation of the cognitive power can be desired for a twofold reason. In one way, insofar as it is a perfection of the knower, and such affection for the operation of the cognitive power proceeds from self love, and thus was the affection of the philosophers in the contemplative life. In another way, insofar as it is terminated at the object, and thus the desire for contemplation proceeds from love of the object, because where love [is], there [is] the eye. And in Matthew 6:21, [it says]: “Where your treasure is, there your heart is also.” And in this way the contemplative life of the saints, concerning which we speak, possesses affection. But nevertheless contemplation consists essentially in the act of the cognitive power, charity being prerequisite for the aforementioned reason. Whence Gregory says in *On Ezekiel*: “The contemplative life is to hold fast the charity of God and neighbor with whole mind, to rest from exterior action, in such a way that the soul already prefers to do nothing, but all cares being trampled, it glows to see the face of its creator.”<sup>125</sup>

Contemplation gets its character as man’s ultimate perfection from the fact that it is an act of the love of friendship, aimed at God as He is in Himself, and is the only way to be fully united to God as He is in Himself. Love directs us to union with God, but since He is not a body, not in a place, the only way to reach Him is by knowing Him. Moreover, in knowing Him better and better, we come to love Him more and more deeply. Yet because God Himself is the ultimate end, not contemplation of Him, whether philosophical or supernatural, one is willing to leave off contemplating to accomplish His will by serving

<sup>125</sup> *In III Sent.*, d. 35, q. 1, a. 2, sol. 1, c. (Moos ed., vol. 3, p. 1177–78): “Cum operatio sit quodammodo media inter operantem et objectum, velut perfectio ipsius operantis et perfecta per objectum a quo speciem recipit, ex duplici parte potest operatio cognitivae affectari. Uno modo inquantum est perfectio cognoscentis; et talis affectatio operationis cognitivae procedit ex amore sui, et sic erat affectio in vita contemplativa Philosophorum. Alio modo inquantum terminatur ad objectum; et sic contemplationis desiderium procedit ex amore objecti, quia ubi amor, ibi oculus; et Mat., VI, 21: ‘Ubi est thesaurus tuus, ibi est et cor tuum’; et sic habet affectionem vita contemplativa Sanctorum de qua loquimur. Sed tamen contemplatio essentialiter in actu cognitivae consistit, praeexigens caritatem ratione praedicta. Unde Gregorius dicit *Super Ezech.* (lib. II, hom. 2, n. 8; L. 76, 953): ‘Contemplativa vita est caritatem Dei et proximi tota mente retinere, ab exteriori actione quiescere; ita ut nil jam agere libeat, sed calcatis curis omnibus, ad videndam faciem sui Creatoris animus inardescat.’” I was directed to this passage by Finnis, (*Aquinas*, p. 110, n. 27).

others and bringing them to Him.<sup>126</sup> God is loved as the ultimate end with a love of friendship even more than with a love of concupiscence, and although naturally He cannot be benefitted at all by any of one's actions, nevertheless, by choosing to create the world for the benefit of rational creatures He has given the human person a way to exercise his love of friendship for Him. In so far as God Himself loves human persons with the love of friendship, He has rendered it possible for one to serve Him by serving other human persons. God is thus both the ultimate end *cuius*, and the ultimate end *cui*. The virtuous man follows God's will, as made known in the book of nature and in revelation, for His sake.

Aquinas is a dominant end theorist, even on the natural, philosophical level. God ought to be *the* final end of all one's endeavors, to which everything and everyone else is subordinated. Finnis and the new natural law theorists, however, are resistive to dominant end based moral theories. Whether or not Aquinas or the new natural law theorists are closer to the truth is a separate question. Yet the discordance between them on this most crucial point must be recognized.

Yet even though Aquinas believes that God is the ultimate end of all things, towards which all else must be ordered, he nevertheless does accept the principle of humanity. Because God, the ultimate end, is to be loved as a common good and with the love of friendship, and not as subordinated to one's own, immanent perfection, and further, because God has willed to create persons for their own sakes, one must treat all persons as ends in themselves, not mere means to be used only so that one may oneself attain one's own perfection in God. One must love other persons with the love of friendship, helping those whom God loves towards that same God whom one loves above all things. Thus the principle

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<sup>126</sup> *QDCa*, a. 11, ad 6 & *STh* II-II, q. 182, a. 2, c.

of humanity is not its own justification, as it is for Kant, but is itself subordinated to a higher principle: “You shall love the Lord your God with all your heart, and with all your soul, and with all your mind, and with all your strength.”<sup>127</sup>

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<sup>127</sup> Mark 12:30, RSV CE.

## Conclusion

In this dissertation I have shown that Aquinas does indeed accept the moral principle that one must always treat every person as an end in himself and never merely as a means. In Thomistic philosophy one can distinguish a threefold sense of end: *finis cuius*, *finis quo*, and *finis cui*: the object which is to be attained, the attainment of that object, and the one for whom that object is to be attained, respectively. Every rational being exists by nature as a *finis cui*, one for whose sake everything else exists. God creates and exercises providence over His creation, ordering it to two common goods: to the excellent order of the parts of the universe to one another, and to Himself as the ultimate common good to which the first is itself ordered. God is the ultimate *finis cuius* of the universe. But these common goods are *for* each rational being as a *finis cui* of creation. Rational beings are the beneficiaries of creation.

Ordination to the common good is part of the essence of moral obligation for Aquinas, and the first of all the precepts of the natural law directs man to love the common good above all else, even more than himself. Although the common good exists for him (and for others) as a *finis cui*, no individual human being is his own ultimate end in the sense of *finis cuius*. God is his ultimate end, and the order of the universe is his penultimate end. These goods are greater in themselves than a man's share in them could ever be. To be good, to attain the good, he must love them as common, and not as means to his own perfection. "Every part not suited to its whole is base."<sup>1</sup> One must, therefore, subordinate himself to these goods as common, and must be willing to sacrifice himself for them.

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<sup>1</sup> See above, chapter 2, section 1, p. 62–63.

In subordinating Himself to God as the ultimate common good of the universe, man wills that God be attained as good by all those for whom He exists. Although God cannot benefit from creation, and thus cannot in a proper sense be its *finis cui*, this is only because He is His own infinite and perfect good. God is His own supreme *finis cui*. But He also chooses to create rational beings and share Himself with them, and thus to make each of them also His *finis cui*. Accordingly, a man, in subordinating himself to God as the ultimate common good, makes God his own, supreme *finis cui*. The good man loves God with the love of friendship even more than he loves himself. The good man's second highest *finis cui*, according to Aquinas, is himself. Yet every other rational being who can attain God is also a *finis cui* for him.

Because God is man's supreme *finis cui*, and because God is man's ultimate *finis cuius* and God's own will is the only power adequate to Him as an object (indeed, God's essence, will, and intellect are completely identical with one another), God's wise will is the good man's supreme law.<sup>2</sup> God's will is made known to him in the book of nature and in supernatural revelation. The order of nature—which is the penultimate common good to which man must subordinate his own immanent accidental perfection—is thus also normative for the good man. According to that natural order, all human beings exist for their own sakes, and besides God Himself, the principal good for them is their communion in friendship with one another. Thus the two principal commandments by which the good man lives are “You shall love the Lord your God with all your heart,” and “You shall love your neighbor as yourself.”<sup>3</sup> The good man orders his life to loving and knowing God, and to

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<sup>2</sup> *STh* I-II, q. 19, a. 9, c.

<sup>3</sup> Mark 12:30, 31, RSV CE.

loving his neighbor with the love of friendship. He wills good to his neighbor as a *finis cui*, subordinated to God as the supreme *finis cui*, and he values his neighbor as a *finis cuius*, as one whose life he wishes to share in some form of friendship. But the other is not his ultimate *finis cuius*. All of the good that he values in his friend and infinitely more is contained supereminently in a simple fashion in God, and the good man wishes to attain God in and through all other goods. Nor would he ever place what is good for his neighbor above God's will (if they can ever be in conflict.)

The commandment to love one's neighbor, which is the second greatest of all commandments in Aquinas' theory of natural law, is equivalent to the principle of humanity, understood in a certain sense. Loving one's neighbor means valuing him as a *finis cuius* and willing his good as a *finis cui*. Truly loving one's neighbor and truly treating him as an end in himself requires more than just willing his good for his own sake. It implies valuing him in such a way that one wants to share in his life, and to share one's own life with him.

Yet none of one's neighbors is an ultimate *finis cuius*, nor the supreme *finis cui*. But even though one's neighbor is not one's ultimate *finis cuius*, and is ordered to God as to one's ultimate end, this does not render him a mere means, because, first, he remains a *finis cui*, one whose good is willed for his own sake. Secondly, as a *finis cuius*, the other is a *bonum honestum* and not merely a *bonum delactabile* or *utile*, i.e., an objective good, and not merely a good whose value is contingent upon satisfying a subjective desire or a good which is only good as a means to another good; the other is someone who has an intrinsic value. The good man finds his neighbor to be good, to be a good which can be perfective of himself. Yet his neighbor is not the sort of good which can bring his appetite to rest. Man seeks more

than he can find in his neighbor, and he can find it in God alone, in whom he finds all that is good in his neighbor and more.

Kant, for his part, does not see God as the ultimate end of man, to whom human beings are subordinated. The Formula of Humanity in his view is grounded in the absolute autonomy of each man, who obeys no law but that which he makes for himself.<sup>4</sup> When Kant says that one must treat persons always at the same time as ends and never merely as means, he is asking that one take each and every human being as a *finis cui* (remember that the Formula of Humanity is equivalent to the Formula of Universal Law, which requires us always to act in a way that is valid for all rational beings), and to do so by making the moral law itself, the only common good in Kant's philosophy, into one's ultimate *finis cuius*. The purely formal moral law is the only thing that can be *for* all rational beings; it is a universally common good.

Kant, much to his credit, holds that the dignity of each and every human being is inviolable, a value that cannot be exchanged for any other value, not even that of a greater number of other human beings. Nevertheless, although the moral law directs one towards loving and respecting others, since all goods other than the moral law are merely *bona utilia* or *bona delectabilia* for Kant, no person can ever be a true *finis cuius* for another, ultimate or not.

Aquinas thus, in a certain respect, maintains a stronger version of the principle of humanity than Kant does, since he requires one to make each of his neighbors his *finis cuius*, although not his ultimate *finis cuius*. Moreover, with his more expansive account of common

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<sup>4</sup> Waldstein calls attention to this point in his Introduction to *Man and Woman He Created Them: A Theology of the Body*, p. 49–55, and in the draft pages he has graciously provided me from the book he is writing.



goods, Aquinas provides the theoretical framework necessary to support adequate interpersonal relationships. Common goods allow for *communicatio*; friendships are built around them. They allow people to share in each other's lives, which is necessary if they are to truly treat each other as ends in themselves and to love one another.

Aquinas' moral philosophy, however, is wanting somewhat in another important aspect of what the principle of humanity requires, namely respect for autonomy. Kant's philosophy insists on respect for the autonomy of others, and this is in a certain respect a genuine contribution to moral philosophy. For Kant, however, human autonomy is absolute: man must act on a law which is not determined by anything or anyone outside of him. He must be able to regard any law which he obeys, even civil law, as one which he himself has authorized.<sup>5</sup> Kant's notion of autonomy seems to me to go too far. Legitimate autonomy is participated autonomy. Man is truly free when he follows God's law, natural and revealed. It is each man's right to direct himself to what is naturally good and not to be treated paternalistically that must be respected. Aquinas, while providing the theoretical foundations for such respect of legitimate autonomy, does not always sufficiently embody such respect in his moral conclusions.<sup>6</sup>

This dissertation obviously raises many unanswered questions. I wish to draw attention to just one: In Aquinas' view, can human beings in their present condition, without supernatural grace, actually succeed at loving the common good more than their own good? As I have shown, Aquinas argues that human beings naturally love God more than themselves because the part naturally loves the whole more than itself. Loving God above all

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<sup>5</sup> Cf. *G*, Ak. 4:438.

<sup>6</sup> See above, chapter 4, section 3, p. 193–95.

is the first precept of the naturally known moral law. Yet Aquinas also argues that *fallen* man, whose nature has been damaged, cannot love God with all of his heart without grace to heal his nature, because otherwise his fallen will is fixed on *his own private good*.<sup>7</sup> This seems to me to suggest that in Aquinas' view historical man (whom Aquinas the theologian understands as fallen), although he knows that he must subordinate himself to the common good, cannot actually do so, at least not habitually. If that is so, is there some sense in which historical human beings cannot fulfill the obligations which they know by reason they are under? Is there an architectonic natural virtue, corresponding to charity, which should govern the natural moral life, but which man can never obtain, because he is, as the theologian holds, fallen? Such questions must wait, however, for another time.

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<sup>7</sup> *STh* I-II, q. 109, a. 3, c.

## Bibliography

### Primary Sources

#### Aquinas

##### *Latin:*

- Aquinas, Thomas. *Liber de Veritate Catholicae Fidei contra Errores Infidelium seu Summa contra Gentiles*. Edited by P. Marc, C. Pera, & P. Caramello. Turin-Rome: Marietti, 1961.
- . *Quaestiones disputatae*. Volume 2, edited by P. Bazzi, M. Calcaterra, T. S. Centi, E. Odetto, & P. M. Pession. Turin-Rome: Marietti, 1965.
- . *Sancti Thomae Aquinatis Doctoris Angelici Opera Omnia Iussu Editi Leonis XIII P. M.*, Leonine edition. Rome: Commissio Leonina, 1882-.
- . *Scriptum super libros Sententiarum*. Volumes 1 & 2, edited by Pierre Mandonnet. Paris: P. Lethielleux, 1929.
- . *Scriptum super libros Sententiarum*, in *Sancti Thomae Aquinatis Doctoris Angelici Ordinis Predicatorum Opera Omnia ad Fidem Optimarum Editionum Accurate Recognita*. Volumes 6-7. Parma: Typis Petri Fiaccadori, 1852-73.
- . *Scriptum super Sententiis*. Volumes 3 & 4, edited by M. F. Moos. Paris: P. Lethielleux, 1933, 1947.
- . *Super Epistolas S. Pauli Lectura*. Volume 2, edited by P. Raphael Cai, O.P. Turin-Rome: Marietti, 1953.

##### *English:*

- Aquinas, Thomas. *Commentary by St. Thomas Aquinas on the Epistle to the Colossians*. Translation by Fabian Larcher, O.P. Accessed February 24, 2012. [http://nvjournal.net/index.php?option=com\\_content&view=article&id=53&Itemid=62](http://nvjournal.net/index.php?option=com_content&view=article&id=53&Itemid=62).
- . *Commentary on Aristotle's Nicomachean Ethics*. Translated by C. I. Litzinger, O.P. Notre Dame: Dumb Ox Books, 1993.
- . *Commentary on Aristotle's Politics*. Translated by Richard J. Regan. Indianapolis: Hackett Publishing Company, 2007.
- . *Disputed Questions on the Virtues*. Translated by E. M. Atkins, edited by E. M. Atkins & Thomas Williams. Cambridge: Cambridge University Press, 2005.
- . *Lectures on the Letter to the Romans*. Translated Fabian Larcher, O.P. Edited by Jeremy Holmes. Accessed February 24, 2012. [http://nvjournal.net/index.php?option=com\\_content&view=article&id=53&Itemid=62](http://nvjournal.net/index.php?option=com_content&view=article&id=53&Itemid=62).
- . *On Evil*. Translated by John A. Oesterle & Jean T. Oesterle. Notre Dame: University of Notre Dame Press, 1995.

- . *On Love and Charity: Readings from the Commentary on the Sentences of Peter Lombard*. Translated by Peter A. Kwasniewski, Thomas Bolin, O.S.B., & Joseph Bolin. Washington, D.C.: The Catholic University of America Press, 2008.
- . *Summa contra Gentiles*. Translated by Anton C. Pegis, F.R.S.C., James F. Anderson, Vernon J. Bourke, & Charles J. O’Neil. Notre Dame: University of Notre Dame Press, 1975.
- . *Summa Theologica*. Translated by the Fathers of the English Dominican Province. New York: Benziger Brothers, 1948.
- . *Treatise on Happiness*. Translated by John A. Oesterle. Notre Dame: University of Notre Dame Press, 1983.

## **Kant**

### *German:*

Kant, Immanuel. *Kants gesammelte Schriften*. Royal Prussian Academy of the Sciences. Berlin: Walter de Gruyter & Co., 1902-.

### *English:*

- Kant, Immanuel. *Critique of Judgment: Including the First Introduction*. Translated by Werner S. Pluhar. Indianapolis: Hackett, 1987.
- . *Critique of Pure Reason*. Translated & edited by Paul Guyer & Allen W. Wood. Cambridge: Cambridge University Press, 1998.
- . *Critique of Pure Reason*. Translated by Norman Kemp Smith. New York: St. Martin’s Press, 1965.
- . *Grounding for the Metaphysics of Morals: with On a Supposed Right to Lie because of Philanthropic Concerns*. Third Edition. Translated by James W. Ellington. Indianapolis: Hackett, 1993.
- . *Groundwork of the Metaphysics of Morals*. Translated & edited by H. J. Paton. New York: Harper Collins, 2009.
- . *On History*. Edited by Lewis White Beck. Translated by Lewis White Beck, Robert E. Anchor, & Emil L. Fackenheim. Indianapolis: Bobbs-Merrill, 1963.
- . *Perpetual Peace and Other Essays on Politics, History, and Morals*. Edited & translated by Ted Humphrey. Indianapolis: Hackett Publishing Co., 1983.
- . *Practical Philosophy*. Translated & edited by Mary J. Gregor. Cambridge: Cambridge University Press, 1996.
- . *Religion within the Boundaries of Mere Reason and Other Writings*. Translated & edited by Allen Wood & George di Giovanni. Cambridge: Cambridge University Press, 1998.

## Other Primary Sources

- Aristotle. *De Anima*. Edited by W. D. Ross, commentary by W. D. Ross. Oxford: Clarendon Press, 1961.
- . *Aristoteles Graece*. 5 volumes, edited by Immanuel Bekker. Berlin: G. Reimer, 1831–70.
- . *The Complete Works of Aristotle*. 2 volumes, edited by Jonathan Barnes. Princeton: Princeton University Press, 1984.
- Augustine. *Confessionum Libri XIII*. Edited by Lucas Verheijen. Corpus Christianorum Series Latina 27. Turnhout: Brepols, 1981.
- . *The Confessions of St. Augustine*. Translated by John K. Ryan. New York: Image Books, 1960.
- . *Sermones de Vetere Testamento: Id Est Sermones I–L secundum Ordinem Vulgatam Insertis etiam Novem Sermonibus post Maurinos Repertis*. Edited by Cyrill Lambot, O.S.B. Corpus Christianorum Series Latina 41. Turnhout: Brepols, 1961.
- Hume, David. *An Enquiry Concerning the Principles of Morals*. Edited by J. B. Schneewind. Indianapolis: Hackett, 1983.
- John Paul II. *Evangelium Vitae*. Vatican translation. Saint Paul, MN: The Leaflet Missal Company, 1995.
- . *Fides et Ratio*. Vatican translation. Boston: Pauline Books & Media, 1998.
- Peter Lombard. *Sententiae in IV libris distinctae*. 3<sup>rd</sup> edition. 2 vols. Spicilegium Bonaventurianum. Grottaferrata, Rome: Editiones Collegii S. Bonaventurae Ad Claras Aquas, 1971–1981.
- Pseudo-Dionysius Areopagita. *Corpus Dionysiacum I: De divinis nominibus*. Edited by Beate Regina Suchla. Patristische Studien und Texte 33. Berlin and New York: Walter de Gruyter, 1990.
- . *The Complete Works*. Translated by Colm Luibheid & Paul Rorem. New York: Paulist Press, 1987.

## Secondary Sources

- Allison, Henry E. *Kant's Theory of Freedom*. Cambridge: Cambridge University Press, 1990.
- . "Morality and Freedom: Kant's Reciprocity Thesis." *The Philosophical Review* 95 (1986): 393–425.
- Beck, Lewis White. *A Commentary on Kant's Critique of Practical Reason*. Chicago, The University of Chicago Press, 1960.
- Bobik, Joseph. "Aquinas on *Communicatio*, The Foundation of Friendship and *Caritas*." *The Modern Schoolman* 64 (1986): 1–18.
- Boyle, Joseph M., Jr. "Aquinas, Kant, and Donagan on Moral Principles." *The New Scholasticism* 58 (1984): 391–408.
- Brett, Stephen F. *Slavery and the Catholic Tradition: Rights in the Balance*. American University Studies, series V, vol. 157. New York: Peter Lang, 1994.
- Brown, Oscar J. "Aquinas' Doctrine of Slavery in Relation to Thomistic Teaching on Natural Law." *Proceedings of the American Catholic Philosophical Association* 53 (1979):

- 173–81.
- Capizzi, Joseph E. “The Children of God: Natural Slavery in the Thought of Aquinas and Vitoria.” *Theological Studies* 63 (2002): 31–52.
- Cavanaugh, Thomas A. “Double Effect and the End-Not-Means Principle: A Response to Bennet.” *Journal of Applied Philosophy* 16, n. 2 (1999): 181–85.
- Cornish, Paul J. “Marriage, Slavery, and Natural Rights in the Political Thought of Aquinas.” *The Review of Politics* 60 (1998): 545–61.
- Cottier, Georges M. “Loi Naturelle et Décalogue.” *Doctor Communis, Nova Series* 10/1–2 (2007): 23–40.
- De Koninck, Charles. “In Defense of St. Thomas: A Reply to Father Eschmann’s Attack on *The Primacy of the Common Good*.” In *The Writings of Charles De Koninck*, Volume 2, edited and translated by Ralph McInerny, 205–363. Notre Dame: University of Notre Dame Press, 2009.
- . *The Primacy of the Common Good against the Personalists; The Principle of the New Order*. In *The Writings of Charles De Koninck*, Volume 2, edited and translated by Ralph McInerny, 63–163. Notre Dame: University of Notre Dame Press, 2009.
- Donagan, Alan. *Human Ends and Human Actions: An Exploration in St. Thomas’s Treatment*. The Aquinas Lecture, 1985. Milwaukee: Marquette University Press, 1985.
- . *The Theory of Morality*. Chicago: The University of Chicago Press, 1977.
- Elders, Leo. “The Aristotelian Commentaries of St. Thomas Aquinas.” *The Review of Metaphysics* 63 (2009): 29–53.
- Engelland, Chad. “Unmasking the Person.” *International Philosophical Quarterly* 50 (2010): 447–60.
- Finnis, John. *Aquinas: Moral, Political, and Legal Theory*. Oxford: Oxford University Press, 1998.
- . *Natural Law and Natural Rights*. 2<sup>nd</sup> Edition. Oxford: Oxford University Press, 2011.
- . “Practical Reasoning, Human Goods and the End of Man.” *Proceedings of the American Catholic Philosophical Association* 58 (1984): 23–36.
- & Grisez, Germain. “The Basic Principles of Natural Law: A Reply to Ralph McInerny.” *The American Journal of Jurisprudence* 26 (1981): 21–31.
- Gallagher, David M. “Desire for Beatitude and Love of Friendship in Thomas Aquinas.” *Medieval Studies* 58 (1996): 1–47.
- . “Free Choice and Free Judgment in Thomas Aquinas.” *Archiv für Geschichte der Philosophie* 76 (1994): 247–77.
- . “The Role of God in the Philosophical Ethics of Thomas Aquinas.” In *Was ist Philosophie im Mittelalter?* edited by Jan. A. Aertsen and Andreas Speer, 1024–33. Berlin: De Gruyter, 1998.
- . “Thomas Aquinas on Self-Love as the Basis for Love of Others.” *Acta Philosophica* 8 (1999): 23–44.
- Gilson, Etienne. *The Christian Philosophy of St. Thomas Aquinas*. Translated by L. K. Shook, C.S.B. Notre Dame: University of Notre Dame Press, 1994.

- Grisez, Germain G. "The First Principle of Practical Reason: A Commentary on the *Summa theologiae*, 1-2, Question 94, Article 2." *Natural Law Forum* 10 (1965): 168–201.
- Guyer, Paul. *Kant's Groundwork for the Metaphysics of Morals: A Reader's Guide*. New York: Continuum, 2007.
- Guyer, Paul, ed. *Kant's Groundwork of the Metaphysics of Morals: Critical Essays*. New York: Rowman & Littlefield Publishers, 1998.
- Hayden, R. Mary "The Paradox of Aquinas's Altruism: From Self-Love to Love of Others." *Proceedings of the American Catholic Philosophical Association* 63 (1989): 72–83.
- Henrich, Dieter. *Aesthetic Judgment and the Moral Image of the World: Studies in Kant*. Stanford: Stanford University Press, 1992.
- Herman, Barbara. *The Practice of Moral Judgment*. Cambridge, Mass.: Harvard University Press, 1993.
- Hill, Thomas E., Jr. *Dignity and Practical Reason in Kant's Moral Theory*. Ithaca: Cornell University Press, 1992.
- Hittinger, Russell. *A Critique of the New Natural Law Theory*. Notre Dame: University of Notre Dame Press, 1987.
- Hoffmann, Tobias. "Aquinas and Intellectual Determinism: The Test Case of Angelic Sin." *Archiv für Geschichte der Philosophie* 89 (2007): 122–56.
- Jensen, Steven J. *Good & Evil Actions: A Journey through Saint Thomas Aquinas*. Washington, D.C.: The Catholic University of America Press, 2010.
- . "Thomistic Perspectives? Martin Rhonheimer's Version of Virtue Ethics." *American Catholic Philosophical Quarterly* 86 (2012): 135–59.
- Jordan, Mark D. "Thomas as Commentator in Some Programs of Neo-Thomism: A Reply to Kaczor." *American Catholic Philosophical Quarterly* 78 (2004): 379–86.
- Kaczor, Christopher. "Thomas Aquinas's *Commentary on the Ethics*: Merely an Interpretation of Aristotle?" *American Catholic Philosophical Quarterly* 78 (2004): 353–78.
- Keys, Mary M. *Aquinas, Aristotle, and the Promise of the Common Good*. Cambridge: Cambridge University Press, 2006.
- Killoran, John B. "Aquinas and Vitoria: Two Perspectives on Slavery." In *The Medieval Tradition of Natural Law*, edited by Harold J. Johnson, 87–101. Kalamazoo: Western Michigan University Press, 1987.
- Korsgaard, Christine. *Creating the Kingdom of Ends*. Cambridge: Cambridge University Press, 1996.
- Kwasniewski, Peter A. "St. Thomas, *Extasis*, and Union with the Beloved." *The Thomist* 61 (1997): 587–603.
- Langan, John, S. J. "Egoism and Morality in the Teleology of Thomas Aquinas." *Journal of Philosophical Research* 16 (1991): 411–25.
- Lee, Patrick & George, Robert. *Body–Self Dualism in Contemporary Ethics and Politics*. Cambridge: Cambridge University Press, 2008.
- Lemmons, R. Mary Hayden. "Are the Love Precepts really Natural Law's Primary Precepts?" *Proceedings of the American Catholic Philosophical Association* 66 (1992): 45–71.

- Lisska, Anthony J. *Aquinas's Theory of Natural Law: An Analytic Reconstruction*. Oxford: Clarendon Press, 1996.
- MacDonald, Scott. "Egoistic Rationalism: Aquinas' Basis for Christian Morality." In *Christian Theism and the Problems of Philosophy*, edited by Michael Beaty, 327–54. Notre Dame: Notre Dame University Press, 1990.
- MacIntyre, Alasdair. *Whose Justice? Which Rationality?* (Notre Dame: Notre Dame University Press, 1988).
- Mappes, Thomas. "Sexual Morality and the Concept of Using Another Person." In *The Philosophy of Sex: Contemporary Readings*, fifth edition, edited by Alan Soble and Nicholas Power, 229–48. Lanham, MD: Rowman & Littlefield, 2008.
- McEvoy, James. "The Other as Oneself: Friendship and Love in the Thought of St. Thomas Aquinas." In *Thomas Aquinas: Approaches to Truth: The Aquinas Lectures at Maynooth, 1996–2001*, edited by James McEvoy and Michael Dunne, 16–37. Dublin: Four Courts Press, 2002.
- McInerney, Ralph. *Aquinas on Human Action: A Theory of Practice*. Washington, D.C.: The Catholic University of America Press, 1992.
- . *Ethica Thomistica: The Moral Philosophy of Thomas Aquinas*. Revised edition. Washington, D.C.: The Catholic University of America Press, 1997.
- . "The Principles of Natural Law." *The American Journal of Jurisprudence* 25 (1980): 1–15.
- Murphy, Mark C. "The Common Good." *The Review of Metaphysics* 59 (2005): 133–63.
- O'Neill, Onora. *Constructions of Reason: Explorations of Kant's Practical Philosophy*. Cambridge: Cambridge University Press, 1989.
- Osborne, Thomas M., Jr. *Love of Self and Love of God in Thirteenth-Century Ethics*. Notre Dame: University of Notre Dame Press, 2005.
- Paton, H. J. *The Categorical Imperative: A Study in Kant's Moral Philosophy*. Philadelphia: University of Pennsylvania Press, 1971.
- Pinckaers, Servais. "Der Sinn für die Freundschaftslove als Urtatsache der thomistischen Ethik." In *Sein und Ethos: Untersuchungen zur Grundlegung der Ethik*, edited by Paulus Engelhardt, 228–35. Mainz: Matthias-Grünwald-Verlag, 1963.
- Porter, Jean. "De ordine caritatis: Charity, Friendship, and Justice in Thomas Aquinas' *Summa Theologiae*." *The Thomist* 53 (1989): 197–213.
- . *The Recovery of Virtue: The Relevance of Aquinas for Christian Ethics*. Louisville: Westminster/John Knox Press, 1990.
- Reiner, Hans. "Beatitudo und obligatio bei Thomas von Aquin: Antwort an P. Pinckaers." In *Sein und Ethos: Untersuchungen zur Grundlegung der Ethik*, edited by Paulus Engelhardt, 306–28. Mainz: Matthias-Grünwald-Verlag, 1963.
- . "Wesen und Grund der sittlichen Verbindlichkeit (obligatio) bei Thomas von Aquin." In *Sein und Ethos: Untersuchungen zur Grundlegung der Ethik*, edited by Paulus Engelhardt, 236–66. Mainz: Matthias-Grünwald-Verlag, 1963.
- Schwartz, Daniel. *Aquinas on Friendship*. Oxford: Clarendon Press, 2007.
- Sertillanges, R. P. *La Philosophie Morale de Saint Thomas D'Aquin*. Revised Edition. Paris: Aubier, Éditions Montaigne, 1946.



- Smith, Randall B. "How the Old Law Shows Forth the Precepts of the Natural Law: A Commentary on Certain Questions Concerning the Law in the *Summa of Theology* of Thomas Aquinas." Ph. D. dissertation, University of Notre Dame, 1998.
- Spiering, Jamie A. "'*Liber est Causa Sui*': Thomas Aquinas and the Maxim 'The Free is the Cause of Itself.'" *Review of Metaphysics* 65 (2011): 351–76.
- Stump, Eleonore. "Aquinas on Justice." *Proceedings of the American Catholic Philosophical Association* 71 (1997): 61–78.
- Toner, Christopher. "Was Aquinas an Egoist?" *The Thomist* 71 (2007): 577–608.
- Tuninetti, Luca F. "*Per se notum*": *Die logische Beschaffenheit des Selbstverständlichen im Denken des Thomas von Aquin*. Studien und Texte zur Geistesgeschichte des Mittelalters 47. Leiden: E. J. Brill, 1996.
- Velkley, Richard. *Freedom and the End of Reason: On the Moral Foundation of Kant's Critical Philosophy*. Chicago: University of Chicago Press, 1989.
- Waldstein, Michael. Introduction to John Paul II, *Man and Woman He Created Them: A Theology of the Body*. Translated by Michael Waldstein. Boston: Pauline Books & Media, 2006.
- . "John Paul II and St. Thomas on Love and the Trinity." *Anthropotes* 18 (2002): 113–38 & 269–86.
- . "Pope John Paul II's Personalist Teaching and St. Thomas Aquinas: Disagreement or Development of Doctrine?" A lecture delivered at Thomas Aquinas College, Santa Paula, California, January 12, 2001. *The Thomas Aquinas College Lecture Series* 1 (2001), no. 4.
- . "The Common Good in St. Thomas and John Paul II." *Nova et Vetera* 3, No. 3 (2005): 569–78.
- Weidemann, Hermann. "Freiheit als Selbstursächlichkeit. Ein fruchtbares Mißverständnis bei Thomas von Aquin?" *Metaphysica* 2 (2001): 25–37.
- White, Kevin. "The Virtues of Man the *Animal Sociale*: *Affabilitas* and *Veritas* in Aquinas." *The Thomist* 57 (1993): 641–53.
- . "Wanting Something for Someone: Aquinas on Complex Motions of Appetite." *The Review of Metaphysics* 61 (2007): 3–30.
- Wippel, John F. *Metaphysical Themes in Thomas Aquinas*. Washington, D.C.: The Catholic University of America Press, 1984.
- Wojtyła, Karol. *Love and Responsibility*. Translated by H. T. Willetts. San Francisco: Ignatius Press, 1993.
- . *Man in the Field of Responsibility*. Translated by Kenneth W. Kemp & Zuzanna Maślanka Kieroń. South Bend: St. Augustine's Press, 2011.
- . *Person and Community: Selected Essays*. Translated by Theresa Sandok, OSM. New York: Peter Lang, 1993.
- . *The Acting Person*. Translated by Andrzej Potocki, edited by Anna-Teresa Tymieniecka. *Analecta Husserliana* 10 (1979).
- Wood, Allen W. *Kant's Ethical Thought*. Cambridge: Cambridge University Press, 1999.