

NATURAL LAW AND NATURAL INCLINATIONS:
RHONHEIMER, PINCKAERS, McALEER

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THE QUESTION OF THE STATUS of natural inclinations looms large in any Thomistic account of the natural law.

Aquinas's presentation of the content of the natural law depends significantly upon his understanding of natural inclinations. Inclination, he observes, arises out of the convertibility of being and good. As he states, "Now as *being* is the first thing that falls under the apprehension simply, so *good* is the first thing that falls under the apprehension of the practical reason, which is directed to action: since every agent acts for an end under the aspect of good."¹ Whether the practical reason discerns or constitutes the natural law hinges, first and foremost, on the nature of this dynamism toward the good that belongs to the created teleology of the never-neutral creature.

Aquinas defines this dynamism toward the good as "the first principle in the practical reason," from which follows "the first precept of law, that *good is to be done and pursued, and evil is to be avoided*."² He unfolds this natural inclination toward the good by specifying four further natural inclinations, arranged in an ontological hierarchy, each of which expresses an aspect of the natural inclination toward the human good. These hierarchically ordered natural inclinations are the teleologies inscribed by

¹ *STh* I-II, q. 94, a. 2.

² *Ibid.*

creation in human nature. They compass the vegetative, animal, and spiritual components of the one human soul.

The precepts of the natural law, that is to say, what reason "naturally apprehends as man's good,"³ are all based in this created teleological structure of natural inclinations toward ends. As Aquinas puts it,

good has the nature of an end, and evil, the nature of a contrary, hence ... all those things to which man has a natural inclination are naturally apprehended by reason as being good, and consequently as objects of pursuit, and their contraries as evil, and objects of avoidance. Wherefore according to the order of natural inclinations is the order of the precepts of the natural law.⁴

Natural inclinations and reason's apprehension of the precepts of natural law belong to the same teleological ordering of the human being as created. If this is so, certain questions arise. How does the natural law arise in the human person? How do freedom and the natural inclinations relate? How should the rational character of natural law be described? Is natural law *discerned* by human reason as a normative order inscribed in nature? Or is natural law *constituted* by the judgments of practical reason, which transform and elevate (humanize) inclinations found in nature by reorienting these inclinations to the personal ends known by spiritual creatures?

In pondering these questions, I will survey three recent accounts of natural law and natural inclinations, by Martin Rhonheimer, Servais Pinckaers, and Graham McAleer respectively. Each of these authors treats Aquinas's discussion in some detail. Examination of the three approaches will illumine how differently Catholic thinkers have approached the relationship of natural law and natural inclinations. Rhonheimer emphasizes the independence or freedom of practical reason in constituting the natural law from the data provided by the natural inclinations. He desires to affirm the fully personal and free activity of human beings in working out their own salvation through practical reason and

³ Ibid.

⁴ Ibid.

moral action. Pinckaers argues that a nominalist understanding of "nature" places nature in conflict with reason and thereby undercuts Aquinas's theology of the natural law. For this reason Pinckaers devotes significant effort to retrieving a positive account of the natural inclinations. Lastly, McAleer begins with the metaphysical and teleological structure of human bodiliness, so as to locate the natural law within an ecstatic framework adequate to the human person's participation in God.

With its emphasis on the constitutive role of practical reason, Rhonheimer's approach to natural law and natural inclinations possesses similarities to that of the "new natural law theory" proposed by Germain Grisez, John Finnis, Robert George, and others.⁵ Pinckaers, for his part, seeks to recover the rich metaphysical fabric of the unity of the body-soul composite, the nature of the good, perfection, happiness, and friendship as constitutive of any proper account of natural law and natural

⁵ Cf. Martin Rhonheimer, *Natural Law and Practical Reason: A Thomist View of Moral Autonomy*, trans. Gerald Malsbary (New York: Fordham University Press, 2000), which contains a new preface and postscript that offer a brief intellectual autobiography and respond to critical reviews of the German edition, *Naturals Grundage der Moral*, which appeared in 1987. This postscript identifies the influence of Grisez and Finnis upon Rhonheimer and illumines the broader discussion (largely among German-language scholars) that provided the context for his approach. After recounting his realization that in Aristotle's and Aquinas's action theory, "ethics has its starting point *not in metaphysics*" but in reflection upon subjective experience of the person who acts, or the *practical reason*" (556), Rhonheimer describes a "fortunate 'crisis' in my understanding of Thomas: an increasing involvement with the 'autonomistic' school of Thomas interpretation. By this I mean the attempts of A. Auer, J. T. C. Arntz, F. Bockle, O. H. Pesch, K. W. Merks, and others to show that the 'real' Thomas was the originator of what was then being called 'autonomous morality': morality as the free creation of a rational being, completely free of any naturally given norms, and needing to be rediscovered in changing historical and cultural contexts. I understood the intention that lay behind the attempt, and it partly coincided with my own interests" (ibid.). Thus Rhonheimer set forth to develop an ethical theory rooted in Aquinas that would take into account the strengths and weaknesses of the "'autonomistic' school." He credits Grisez for inspiring the path that he chose: "At this point I came across an article by Germain Grisez, 'The First Principle of Practical Reason.' Grisez was a foe of the 'new morality' and a defender of *Humanae Vitae*, but at the same time was sharply critical of Neo-Thomism. Even though today my position is by no means identical with that of Grisez, I have him (as well as John Finnis) to thank for a decisive impulse toward a new-and I think, better-reading of Thomas" (557). By means of this narrative Rhonheimer explains the genesis of *Natural Law and Practical Reason*.

inclinations. McAleer's work relates closely to John Paul II's *Theology of the Body*. All of these approaches seek to develop a Catholic personalism in moral theology corresponding to the dignity of persons in Christ. At issue in the contrast between these approaches, I will suggest, is the degree of receptivity implied by natural law's inscription within the theology of creation. The fundamental question might be summed up in the following manner: If natural law is primarily received rather than primarily constituted by the moral agent, does this undercut the dignity of human freedom?

I. MARTIN RHONHEIMER:

PRACTICAL REASON'S CONSTITUTIVE ROLE AS THE *IMAGO DEI*

Martin Rhonheimer has devoted a number of books and articles to setting forth his account of natural law and natural inclinations.⁶ In a recent article, he provides a helpful overview of his position.⁷ The main task of this section will be to summarize Rhonheimer's position as set forth in his overview.

He begins by describing the dilemma faced before Vatican II by Catholic ethicists regarding natural-law doctrine, at that time quite influential in Catholic moral teaching particularly as regards sexual ethics. Taking Josef Fuchs as an example, he observes that Fuchs found in the magisterium's appeals to natural law not one but two concepts of natural law. On the one hand, natural law appeared in texts of the magisterium as an objective reality inscribed in the "order" or "nature" of things: the locus of natural law is in this natural order. In particular, natural law in human beings is inscribed in human body-soul nature. On the other hand,

⁶ See Rhonheimer, *Natural Law and Practical Reason*. See also idem, *Praktische Vernunft und Vernünftigkeit der Praxis: Handlungstheorie bei Thomas von Aquin in ihrer Entstehung aus dem Problemkontext der Aristotelischen Ethik* (Berlin: Akademie Verlag, 1994); *La prospettiva della morale: Fondamenti dell'etica filosofica* (Rome: Armando, 1994); *Die Perspektive der Moral: Philosophische Grundlagen der Tugendethik* (Berlin: Akademie Verlag, 2001); and "Contraception, Sexual Behavior, and Natural Law: Philosophical Foundation of the Norm of *Humanae Vitae*," *The Linacre Quarterly* 56 (1989): 20-57.

⁷ Martin Rhonheimer, "The Cognitive Structure of the Natural Law and the Truth of Subjectivity," *The Thomist* 67 (2003): 1-44.

other magisterial texts seemed to locate the natural law in human knowing. In seeking to unite these two sets of texts, Fuchs proposed that the natural law is primarily inscribed in the natural order of things and secondarily known by human reason.⁸

Rhonheimer finds here an unfortunate dualism of "objective" and "subjective." He argues that this dualism reveals the presence of fundamentally incompatible views of the natural law, one Stoic, the other Catholic. He describes the Stoic view, which he attributes most fully to Cicero, as follows:

one could make the objection that God in fact reveals himself "in nature" and that reason is participation of the eternal law of God precisely to the extent to which it knows and makes its own an order that is inserted into nature This is the Stoic notion, which influenced the tradition of natural law that came down to us through Roman law. The idea, typical of Stoa, that the eternal law is to be identified with the cosmic order and that it is therefore decipherable through a knowledge of nature, of which man is a part, opens the way to a notion of law and natural right that in the Western tradition has been very important.⁹

The Stoic view contains part of the truth, Rhonheimer grants, but it is led astray by its lack of knowledge of human reason's participation in divine reason. As he remarks,

For the Stoics, human *ratio* is not the participation and image of a transcendent *ratio*, but a *logos* that is inherent in nature itself. The human *ratio* thus becomes a kind of reflection of what nature already contains in terms of inclinations and ends; man, in *oikeiosis*, rationally assimilates this natural order.¹⁰

In other words, for the Stoics—so Rhonheimer claims—human reason does not possess a transcendent dimension; human rationality bears no mark that distinguishes it radically from the rest of the cosmic order, and thus human rationality is called to apprehend, rather than ultimately transcend, the rest of the cosmic order. Human action on this view should blend in with cosmic teleologies, should be normed by the order intrinsic to the whole cosmos, rather than stand above the cosmos and discern its

⁸ Ibid., 1-2.

⁹ Ibid., 16-17.

¹⁰ Ibid., 17.

norms not in the cosmos but ultimately in itself as a participation in God's reason.¹¹

In contrast to the Stoic account, Rhonheimer argues that the Catholic tradition begins not with the cosmos but with human reason, radically distinct from the cosmos, as normative. He explains,

For the Fathers of the Church, the *imago* of this God in the world is neither nature nor the cosmic order: the image of the Creator is present solely in the spiritual soul of man, in particular in his intellect and thus in his acts of practical reason. Practical reason does not simply reflect "nature"; rather, in being an active participation of the divine intellect, human reason in its turn illuminates nature, rendering it fully intelligible.¹²

Human rational "nature" and nonrational "nature" are radically distinct, because in human nature alone one finds the *imago dei*. The *imago dei*, the intellect and its acts of knowing, does not take orders from nonrational nature; rather, the *imago dei* humanizes nonrational nature as present in the human person by ordering it, and thereby exercises its proper task as *imago dei*, reflective of God's transcendence and law-giving authority. In other words, as

¹¹ See also Rhonheimer, *Natural Law and Practical Reason*, 66 for a similar discussion.

¹² Rhonheimer, "The Cognitive Structure of Natural Law and the Truth of Subjectivity," 18. Rhonheimer comments in the introduction (1987) to *Natural Law and Practical Reason*: "What is meant when we speak of human nature as the foundation of moral normativity? What are the methodological principles for a normative ethics that make use of natural law arguments? The key to answering these questions, it will be maintained, can be found by attending to the personal structure of the natural law—a structure that becomes clear in Thomas only in the context of a theory of the practical reason. The natural law will be shown to be the *law of the practical reason*, and this is why a theory of the *lex naturalis* is precisely a theory of the practical reason. Furthermore, the independence of the practical reason vis-à-vis the theoretical reason must be established, and it must be shown how the practical reason can be a subject of ethics at all" (xviii). He sounds the same notes in the new preface to the English translation (2000): "I am convinced that a discourse on natural law is a discourse on practical reason. What distinguishes a natural-law doctrine from any other kind of theory about practical reason, however, is that it contains a view of practical reason as embedded in specific natural inclinations of the human person. Nevertheless, a doctrine of natural law is not a doctrine about natural inclinations but precisely one about practical reason, which is shown to be practical insofar as it works in a context determined by natural inclinations. Being so tightly bound up with practical reason, any conception of natural law necessarily includes an understanding of moral autonomy" (viii). His position in these earlier writings is the same as in "The Cognitive Structure of Natural Law and the Truth of Subjectivity."

God is to the created universe, so is the *imago dei* to nonrational creation. Human reason, as not merely part of nature but as *imago dei*, gives the "law" to "nature," rather than receiving the law from nature.¹³ This is so ultimately because human reason (itself "natural" as created) can give a natural law that, while taking up nature, transforms and elevates it in light of human reason's unique participation in God and awareness of an eternal destiny.

In explicating this point, which he takes to be the witness of the Catholic tradition and most especially of Thomas Aquinas, Rhonheimer argues that he is not denying, in a Cartesian manner, the significance of human animality. He carefully explains:

It is certainly the case that man is a "person" thanks to his spirituality, but the "human person" is all that is formed by the spirit and body in a unity of substance. Man is not an embodied spirit since he does not belong to the order of spirits. Man belongs to the order of animals, and before anything else he is an animal.¹⁴

Yet animality, bodiliness, means something different for human rational animals than it does for nonrational animals. Animality or bodiliness itself is transformed by the fact that the human body is animated by a spiritual soul. This means that the human rational animal carries out "not only spiritual acts but also all the other acts of his animal character in a way that is impregnated with the life of the spirit and thus under the guidance of reason."¹⁵ Just as human animality is transformed by this guidance of reason, so also human rational acts are corporeal acts: the spiritual acts of human beings are performed through the body, not despite the body. As Rhonheimer states, "This applies to all the acts both of the speculative intellect, which without a body are not possible for us,

¹³ As Rhonheimer also states in his introduction to *Natural Law and Practical Reason*, "the legitimate demands of moral autonomy for 'self-legislation' are fully satisfied by the *participated autonomy* of moral experience and by the conception of a natural law that is constituted through the practical reason" (xx).

¹⁴ Rhonheimer, "The Cognitive Structure of the Natural Law and the Truth of Subjectivity," 19.

¹⁵ *Ibid.*

and of the practical intellect, which without the natural inclinations could not be practical and move towards action."¹⁶ Rhonheimer's account of the human person seeks to remain attuned to the integral body-soul constitution of human nature. The human "person" is never simply the soul and its spiritual acts, but is always body and soul in a radical "unity of substance."

Precisely because of this integral body-soul unity, however, the "human good" can never be discerned simply by looking at either the body or the soul alone. Rather, the "human good" will be grasped by properly judging the transformation of the bodily dynamisms and of the soul's dynamisms by their integral union. It cannot be denied that human beings have animal bodily dynamisms, such as the natural inclination for self-preservation or for sexual intercourse, but in human beings these dynamisms cannot be understood merely in terms of the "naturalness" of the nonrational animal level. Rhonheimer distinguishes between this "naturalness" and the natural inclinations understood as transformed and elevated in the human person. As he notes,

Every natural inclination possesses *a natura* its own good and end (*bonum et finis proprium*). However, at the level of their mere naturalness, does following the tendency to conserve oneself or the sexual inclination also mean following the good and end *due* to man? How can we know what is not only *specific* to these inclinations according to their particular nature but also *due* to the person, that is to say, at the moment of following these inclinations, good for man *as man*?¹⁷

The answer, Rhonheimer thinks, is the natural law. The natural law takes up the level of "mere naturalness," the bodily aspects of the natural inclinations, and exposes the fully *human* good determined by practical reason as the *imago dei*, a participation in divine reason. Practical reason, which as noted above both is "nature" (as created) and transcends nonrational "nature" as the *imago dei*, can establish the natural law because practical reason, in a unique way, imitates and participates in the divine reason establishing eternal law. Rhonheimer explains:

¹⁶ Ibid.

¹⁷ Ibid., 19-20.

But how can one say that the natural law, understood as practical reason which naturally moves towards good, *constitutes* the moral order? Precisely because the *lumen rationis naturalis* so much spoken about by St. Thomas Aquinas is created *ad imaginem* by divine reason. Specifically, because the natural law is a real participation of the eternal law—and this, in the particular case of the rational creature, in an active way—the natural law can be considered properly as *constituted* by natural reason, just as the entire order of good is at its origins constituted by divine reason which is the eternal law.¹⁸

In other words, God establishes or constitutes the moral order for his creatures in his eternal law. Thus human beings must have, as rational creatures in the image of God, a parallel constitutive role in constituting the moral order. This parallel role involves humanizing the level of "mere naturalness," inscribed in the nonrational natural inclinations, by means of the transforming and elevating judgments of practical reason. Although practical reason is also "natural" (thus "natural law"), it differs from and in a certain sense stands above—although significantly always working through—the animal or bodily level of "mere naturalness." Practical reason's role is constitutive of the natural law, but as Rhonheimer goes on to explain this constituting is (as befits the *imago*) also and indeed fundamentally a participation:

This participation displays itself not only in subjection to the eternal law, but also by its participation in the specific ordering function of the eternal law that

¹⁸ Ibid. For a more detailed account of the natural law as participation in the eternal law in Rhonheimer's work, see, e.g., *Natural Law and Practical Reason*, 64-70. Rhonheimer consistently makes clear that what differentiates his position from Kant's otherwise similar one is that he holds that "the 'space' in which the human reason is efficacious as lawgiver is not to be thought of as 'free space' from within which, somehow, nothing has been foreseen or ordained, so that this 'space' would not itself be subject to any law" (65). In *Natural Law and Practical Reason* as in "The Cognitive Structure of Natural Law and the Truth of Subjectivity," Rhonheimer takes the truth that law exists only in minds to mean that there is no morally normative "natural order." Thus he writes, "On the contrary—and this is something that must be emphasized to counter the naturalistic fallacy—this law that pertains to human behavior exists only in the mind of God, and not in created nature. This order (established through the *lex aeterna* and constituted, for the realm of human actions, through the *lex naturalis*) is not at all a 'natural order,' but rather an 'order of reason' (*ordo rationis*) that exists from eternity in God, and which is then constituted, by the mediation of the human reason, in acts of the will and in particular actions" (*Natural Law and Practical Reason*, 66).

constitutes the moral order, even if human reason, as only participated and created cognitive light, does this not by creating any truth at all but by *knowing it* and thereby *finding it* in its own being, essentially constituted by the natural inclinations as well.¹⁹

The body-soul constitution has not been forgotten: practical reason, in constituting the natural law out of the material of the natural inclinations, "knows" and "finds" what is good for the kind of body-soul "unity of substance" that is the *human* being.

Rhonheimer thus attempts to move beyond Fuchs's "dualism" between the natural law as objectively in an "order of nature" and the natural law as subjectively in us. For Rhonheimer, the natural law, as moral knowledge, "is really 'subjective'. Its objectivity—and thus the objectivity of the moral norms based upon it—consists in the fact that in this natural knowledge of human good the *truth* of subjectivity is expressed."²⁰ There is no need ultimately to contrast "nature" and "reason" because the two are one in natural (created) reason, although the contrast between "mere naturalness" and nature as transformed and elevated by the engagement of human reason remains. Similarly, there is no need to be concerned about a contrast between "subjective" and "objective," because the practical reason's subjective knowledge, when truly participating in the divine reason, is precisely the "objective" order.

Furthermore, Rhonheimer shows that appeals to human "nature" cannot in themselves determine natural law, because in order to know what human "nature" is we must know the human good. In order to understand human beings, we must know what perfects their abilities and actions. We cannot know this solely by identifying human beings' characteristic ends, as we can with nonrational animals. As Rhonheimer says,

In the case of man, who acts on the basis of freedom, that which takes place regularly and with "normality" is not a criterion by which to determine his good. Human persons act on the basis of reason and thus with freedom, since reason

¹⁹ Rhonheimer, "The Cognitive Structure of Natural Law and the Truth of Subjectivity," 20-21.

²⁰ *Ibid.*, 3.

is "open to many things" and can have "various notions of good"-false ones as well as true.²¹

Thus ethics goes beyond the philosophy of nature; the only question is how it does so. Rhonheimer argues that ethics goes beyond the philosophy of nature by means of "natural law," in which the *human* good, and thus human nature, is known. Human practical reasoning, in constituting the human good, thereby constitutes the natural law:

the human good is not simply an object "given" to intellectual acts. The very nature of the intellect ... means that what is really good for man is, in a certain sense, constituted and formulated only in the intellectual acts themselves. The human and moral good is essentially a *bonum rationis*: a good *of* reason, *for* reason, and formulated *by* reason.²²

Human "nature" and human "reason" cannot be contrasted as objective and subjective, because human reason is constitutive of human nature.

Rhonheimer thinks that his account of the natural law as constituted by human practical reason should be recognized as that of the Catholic tradition. To this end, he calls particularly upon Thomas Aquinas and Leo XIII, in light of John Paul II's *Veritatis splendor*. Paragraph 44 of *Veritatis splendor* refers to the discussion of natural law in Leo XIII's encyclical *Libertas praestantissimum*. The paragraph of Leo's encyclical from which John Paul II quotes is as follows:

Foremost in this office comes the *natural law*, which is written and engraved in the mind of every man; and this is nothing but our reason, commanding us to do right and forbidding sin. Nevertheless all prescriptions of human reason [*praescriptio rationis*] can have the force of law only inasmuch as they are the voice and interpreters of some higher power on which our reason and liberty necessarily depend. For, since the force of law consists in the imposing of obligations and the granting of rights, authority is the one and only foundation of all law—the power, that is, of fixing duties and defining rights, as also of assigning the necessary sanctions of reward and chastisement to each and all of

²¹ Ibid., 5-6.

²² Ibid., 6.

its commands. But all this, clearly, cannot be found in man, if, as his own supreme legislator he is to be the rule of his own actions. It follows therefore that the law of nature is the same thing as the *eternal law*, implanted in rational creatures, and inclining them *to their right action and end*; and can be nothing else but the eternal reason of God, the Creator and Ruler of all the world.²³

Rhonheimer argues that Leo XIII is here defining natural law as our practical reason: natural law "is not 'human nature' or 'an order of nature'; nor is it a norm encountered in the nature of things. It is something 'written and engraved in the heart of each and every man.' It is 'human reason itself' because it commands us to do good and forbids us to sin."²⁴ Continuing his exegesis of the passage, Rhonheimer finds that natural law, "human reason itself," is also called the "prescriptions of human reason." It seems clear to him that Leo XIII is referring to the "set of determined judgments of the practical reason."²⁵ Thus natural law, despite the Stoic claim that gained momentum with the rise of modern science, is not "natural regularities, orientations, and structures, knowable to man and then applicable at a practical level."²⁶ Rather, although there are indeed such natural orders in creation that manifest God's ordering wisdom, "natural law" refers not to this natural order, known by speculative knowledge, but strictly to the judgments of practical reason about human acts.²⁷

For Aquinas, Rhonheimer states, the case is the same: "'law' is an *ordinatio rationis*, or rational prescription, that is to say an imperative act of reason that directs, in a given sphere, human

²³ Leo XIII, *The Great Encyclical Letters of Pope Leo XIII (1878-1903)* (Rockford, Ill.: Tan Books, 1995 [reprint of 1903 Benziger Brothers edition]), 140.

²⁴ Rhonheimer, "The Cognitive Structure of the Natural Law and the Truth of Subjectivity," 8.

²⁵ *Ibid.*, 9.

²⁶ *Ibid.*

²⁷ *Veritatis splendor* emphasizes Leo XIII's conclusion: "It follows therefore that the law of nature is the same thing as the *eternal law*, implanted in rational creatures, and inclining them *to their right action and end*; and can be nothing else but the eternal reason of God, the Creator and Ruler of all the world" (see *Veritatis splendor*, 44). This "implanting" and "inclining" would seem to be fundamentally receptive. Otherwise, since Leo teaches that the natural law and the eternal law are the same, the constitutive action of practical reason would not only constitute the natural law, but also the eternal law.

acts to their end, which is always a certain good."²⁸ The key here is that natural law belongs to human reason, not to an order outside human reason. As Rhonheimer points out, *Veritatis splendor* twice quotes Aquinas's point that natural law is "nothing other than the light of understanding infused in us by God, whereby we understand what must be done and what must be avoided."²⁹ Quoting Aquinas's statement that "The natural law is promulgated by the very fact that God instilled it into man's mind so as to be known by him naturally" (*STh* I-II, q. 90, a. 4, ad 1), Rhonheimer concludes that for Aquinas the natural law is "natural" not because of a natural ordering of things, but "'because the reason which promulgates it is proper to human nature,' in the same way that the intellect that has been given to man by the Creator is a part of human nature. It is a law that man through his intellectual acts establishes, formulates, or promulgates naturally."³⁰

The crucial aspect is that an "order of nature" does not establish the moral pattern for human reason, but rather human reason "establishes, formulates, or promulgates" its own moral pattern. Yet human reason is, as Leo XIII and Aquinas agree, not autonomous: rather, as the *imago dei* human reason is subjected and referred to the divine reason. As Rhonheimer puts it, "God teaches man his own true good in an imperative way, that is to say, in the form of law, through man's own cognitive acts."³¹ Since human beings' practical reason is a participation in the divine reason, its judgments manifest and establish God's eternal law in a natural manner. The natural law is human beings' participatory "possession" of the eternal law "in a cognitive and active way," as the judgments of practical reason.³² It follows, as Rhonheimer says, that "practical reason, because it is the natural

²⁸ Rhonheimer, "The Cognitive Structure of the Natural Law and the Truth of Subjectivity," 10.

²⁹ *Ibid.*, citing *STh* I-II, q. 94, a. 2 and *Veritatis splendor*, 12 and 20.

³⁰ Rhonheimer, "The Cognitive Structure of the Natural Law and the Truth of Subjectivity," 11.

³¹ *Ibid.*, 12.

³² *Ibid.*

law and proceeds on the basis of the natural law, is really the authoritative guide for action, imposes duties, and formulates rights."³³ Since practical reason is a participation in God's reason (eternal law), human beings can be said to possess a "real autonomy" in establishing and promulgating the natural law, but an autonomy that is participated-what Rhonheimer and *Veritatis splendor* call "participated theonomy."³⁴ In this regard, Rhonheimer appeals to a set of texts from Aquinas, particularly from question 91, article 2 of the *Prima Secundae*, in which Aquinas holds that "the natural law is none other than the participation of the eternal law in the rational creature" that enables human beings to participate actively in divine providence.

Thus while the natural law refers not to an "order of nature" but to the divine reason, the natural law truly is human reason; human beings promulgate the natural law, even if this promulgation is a participation in the eternal law. This promulgation takes place in the judgments of human practical reason, which as communicating the "known good of reason" are binding upon the knower. Indeed, such promulgation occurs whether or not the person knows that his or her judgments participate in the eternal law. When human beings recognize the participated character of their judgments, they discover that their experienced autonomy is in fact a participated theonomy.

Rhonheimer devotes special attention to the *locus classicus* of question 94, article 2 of the *Prima Secundae*, whose treatment of natural inclinations we have briefly summarized above. He seeks to show that Aquinas affirms three points. First, the work of practical reason in constituting the natural law does not take its starting point from speculative reason. This is important because otherwise one might say that speculative reason presents practical reason with an "order of nature." Second, the natural law is a practical knowing that integrates the natural inclinations. The importance of this point is its affirmation of hylomorphism. Third, practical reason transforms and elevates the dynamisms of

³³ Ibid.

³⁴ Ibid., 13.

the natural inclinations. While the natural inclinations certainly constitute the human good, nonetheless this is so only as "these inclinations with their goods and ends are regulated and ordered by reason, that is to say integrated into the whole of the corporeal-spiritual being of the human person, and thereby also transformed."³⁵ Only as *transformed* do the natural inclinations constitute the natural law. This point is crucial because it upholds both the differentiation of the practical reason from the level of "mere naturalness" and because it upholds the priority of the practical reason as governing the natural inclinations of the human being, rather than allowing the latter to set the course for the former. Within body-soul human nature, practical reason retains its transcendence and its ordering ability, as befits the *imago dei*.

As regards the first point, Rhonheimer focuses upon Aquinas's claim that the precepts of the natural law are to practical reason as first principles of demonstration (e.g., the principle of noncontradiction) are to speculative reason. It follows, he suggests, that these principles are first principles that arise in the experience of "good," not principles derived from speculative knowledge. As Rhonheimer says, "The practical principles, having their own point of departure, which is not derived, are thus immediately intuited (otherwise they would not be *principles*, as St. Thomas affirms)."³⁶ In this immediate intuition, not dependent upon speculative knowledge, we grasp the first principle of practical reason which is also the first precept of the natural law: "good is to be done and pursued, and evil avoided."³⁷ The principle, as a precept, is already immersed in moral action.

Regarding the second point, Rhonheimer sets forth his particular understanding of the relationship of practical reason and natural inclinations. Practical reason, founded upon its first principle, understands experientially the particularly *human* ends of human natural inclinations, and thereby constitutes the natural

³⁵ Ibid., 21.

³⁶ Ibid., 22.

³⁷ Ibid., 23.

law. Again Rhonheimer insists that practical reason undertakes this task alone:

This is a genuine experience of the human subject, an experience that is eminently and essentially *practical*, and that is not derived from any other form of knowledge. It is the originating experience of itself as being moving towards good in the multiplicity of the natural inclinations specific to man, and is, therefore, of a practical and moral character.³⁸

This practical experiential knowledge, which constitutes the natural law, is prior to any "ethical reflection" or definition of "human nature," which cannot be fully known outside this "natural law as natural knowing of good."³⁹ Rhonheimer quotes Aquinas in support of the view that the natural law is constituted by the practical reason's experiential engagement with the natural inclinations:

reason naturally grasps everything towards which man has a natural inclination in considering them goods, and as a result as something to pursue with works, and their contrary as an evil to be avoided. Thus, the order of the precepts of the natural law follows the order of the natural inclinations.⁴⁰

The third point hinges upon Aquinas's answer to the second objection of this article (*STh* I-II, q. 94, a. 2, ad 2). The objector proposes that since "the natural law is consequent to human nature," which is one in its whole and many in its parts, there must be only one precept of the natural law or else even concupiscible inclinations would be caught up in the natural law. Aquinas responds:

All the inclinations of any parts whatsoever of human nature, e.g., of the concupiscible and irascible parts, in so far as they are ruled by reason, belong to the natural law, and are reduced to one first precept, as stated above: so that the precepts of the natural law are many in themselves, but are based on one common foundation.⁴¹

³⁸ *Ibid.*, 24-25.

³⁹ *Ibid.*, 25.

⁴⁰ *STh* I-II, q. 94, a. 2; cited in Rhonheimer, "The Cognitive Structure of the Natural Law and the Truth of Subjectivity," 26.

⁴¹ *STh* I-II, q. 94, a. 2, ad 2.

Rhonheimer quotes this text and italicizes "as they are regulated by reason" (his translation). For Rhonheimer, the meaning of the "as they are regulated by reason" is that the constitution of the human person requires a crucial distinction between natural inclinations "in their pure naturalness" and natural inclinations as regulated by practical reason. Natural law includes the natural inclinations only as regulated by practical reason. This regulation, as we have seen, takes the form of practical reason identifying the truly *human* ends of the natural inclinations. And it is the natural inclinations as thus regulated in the judgments of practical reason that belong to the "natural law," which is nothing other than the judgments of practical reason.

Rhonheimer thus wishes to deny that the natural inclinations, *qua* natural inclinations ("in their pure naturalness"), belong to the natural law. Rather, they belong to the natural law only insofar as practical reason takes them up into its judgments, which are the natural law. The key point remains that practical reason must establish the norm for the natural inclinations, rather than discerning in the natural inclinations an already established norm. Appealing to Aquinas's understanding of natural law as a rational participation in eternal law, Rhonheimer observes that

in participating through the possession of the *lumen rationis naturalis* in the eternal law—the ordering reason of God-man is not simply guided by the different natural inclinations towards their own acts and ends, but possesses, at a rational level, a specific natural inclination *ad debitum actum and finem* [to the *due* act and end].

Here Rhonheimer appeals also to his understanding of Aquinas's account of the moral object as constituted by reason. Since we cannot delve fully into Rhonheimer's position on the moral object, it will suffice to observe that he emphasizes the distinction between its "formal" and "material" constitution. The same goes for the practical reason's relationship to the natural inclinations in constituting the natural law. The practical reason provides the "form," and the natural inclinations the "matter." The latter, Rhonheimer stresses, are "*natural*" and thereby (one

inferred) they refer to nature rather than, as do human reason and natural law, to God. It would be a case of "physicalism" to suppose that the natural inclinations, *qua* natural inclinations, belong to the natural law. On the contrary, they belong to the natural law only when taken up in the judgments of practical reason. As Rhonheimer states,

The naturalness of good, as it is formulated in the natural law, cannot, however, be reduced to the simple naturalness of the individual natural inclinations and their good, ends, and acts. Such a reduction would be equivalent to reducing the *genus moris* of an act to its *genus naturae*, to confusing the "moral object" and the "physical object" of a human act."⁴²

Practical reason's regulating and ordering of the natural inclinations to their *human* end, through rational judgments about the good, is the natural law.

Thus Rhonheimer arrives, through his analysis of this article, at a set of important conclusions. Since "law," as Aquinas says in earlier in question 90, consists in "universal practical judgments (propositions) of practical reason, ordered to acting," it follows that the natural law is the practical reason's judgments as regards the ends of the natural inclinations. These judgments constitute, rather than discern, the "natural moral order." As such, they make moral action possible. Yet they do not do so in a strictly autonomous fashion, because in fact they make manifest God's eternal law.⁴³ And through this experiential engagement of practical reason, speculative reason gains as objects of speculative knowledge the "natural moral order" and "human nature."

Rhonheimer goes on to give some examples of how the natural law, constituted by practical reason's engagement with the natural inclinations, differs from the natural inclinations *qua* natural inclinations. The natural inclination to self-preservation, for example, becomes when worked upon by the practical reason

⁴² Rhonheimer, "The Cognitive Structure of the Natural Law and the Truth of Subjectivity," 28.

⁴³ *Ibid.*, 30-31.

"not only the simple natural inclination in its pure naturalness."⁴⁴ This is seen when a human being sacrifices his life for another. Similarly, the natural inclination to procreate, when taken up by practical reason, "is more than an inclination found in pure nature."⁴⁵ Without the transformative work of practical reason upon the natural inclination as natural, human sexual relationships would be mere animality. Instead, Rhonheimer observes,

This natural inclination, grasped by reason and pursued in the order of reason-at the personal level-becomes love between two people, love with the requirement of exclusiveness (uniqueness) and of indissoluble faithfulness between *persons* (i.e., it is not mere attraction between bodies!), persons who understand that they are united in the shared task of transmitting human life.

Absent the work of practical reason, the natural inclination would be merely the "mere attraction between bodies" that animals partake in; taken up by practical reason, the natural inclination is made to serve *persons*. Thus bodily aspects of sexual intercourse cannot as such, Rhonheimer argues, be morally normative (e.g., one supposes, appeals to the bodily suitability of male-female rather than male-male intercourse). Such "relations of fittingness," which are "natural" because they come from natural reason, can be normative only as taken up by "practical reason, which alone is able to order these relations of fittingness towards the end of virtue, which is the good of the human person."⁴⁶ As Rhonheimer concludes, therefore, "in the case of man, what 'nature has taught all animals' is not even sufficient to establish any dutifulness or normativeness."⁴⁷ As a rational animal, the human being differs profoundly from the animals: "If the animal does what its nature, endowed with a richness of instincts, prescribes to it, it performs

⁴⁴ *Ibid.*, 32.

⁴⁵ *Ibid.*, 33.

⁴⁶ *Ibid.*, 35.

⁴⁷ *Ibid.*, 33.

its function. Can the same be said of man?"⁴⁸ The answer to this rhetorical question is no.

Rhonheimer thus warns against attempts to deduce "rights" from a natural order or from human nature, as if rights could be discerned in nature. Rather, rights derive from "a reading of the natural structures in the light of the principles of the natural law."⁴⁹ Moral norms come from natural law, the work of reason, not from nature per se. Once one understands this point, and seeks the natural law not in an extrinsic natural order but rather in "the natural judgments of the natural reason of each man," then one sees also how "natural law" upholds the dignity of each person's subjectivity, in which the (participated) autonomy of subjective rational self-possession joins with the establishment of an objective moral norm.⁵⁰ And once the profound interiority of the natural law is grasped, one can also apprehend more fully the connection between the natural law and the moral virtues. Just as the natural law belongs to the interior work of reason, so too do the moral virtues. The acquisition of the moral virtues enables a person to live by the rule of practical reason, by the natural law. Thus "the precepts of the natural law are precisely the principles of prudence. The 'truth of subjectivity,' of which the natural law at the level of principles is the foundation, is ultimately guaranteed through the possession of the moral virtues."⁵¹ Vice, in contrast, obscures the natural law.

In brief: If I understand Rhonheimer correctly, his work seeks to provide philosophical underpinnings for the way in which human beings, in the natural law, are able to order their natural inclinations freely to ends that befit the *imago dei*, and thus ultimately to the ends revealed in Christ Jesus. Rhonheimer finds in practical reason the practical power of ordering natural inclinations to the ends that befit the human person whose destiny, while linked with nature, transcends nature as

⁴⁸ Ibid.

⁴⁹ Ibid., 36.

⁵⁰ Ibid., 37-38.

⁵¹ Ibid., 38.

communion with the Trinity. Approaching the matter in this way, one might recognize in the practical reason's "humanizing" task a philosophical grounding for the free and noble participation of the human person in the missions of the Word and the Holy Spirit, in which the natural ends are taken up, enfolded, and transformed. On this view, natural law is no mere receptivity to the created order, but rather is the human being's proper ability to give the gift of self (and ultimately to do so in the order of grace). One can understand why Rhonheimer so prizes, in his understanding of natural law, the notion of the practical reason humanizing the natural inclinations. The practical reason's active, constitutive work enables the human person to transcend merely natural (intracosmic) ends. Put succinctly, Rhonheimer wants to find a place for the person's *constitutive self-giving*, not only in the order of grace, but indeed firmly within the order of human nature, the order of natural law.

There are several questions one might put to Rhonheimer's position. First, does his account of the *imago dei* as an image precisely in its *constitutive* power adequately appreciate the role of receptivity and contemplation in human rationality? ⁵² Related to this question, does he separate the "practical" from the "speculative" aspect of reason too firmly, concerned that human reason norm nonrational nature, rather than receiving a norm from that nature? Second, does his view of a level of "pure naturalness" in the human body (e.g., what he calls a "mere attraction between bodies") properly take into account the hylomorphic unity of the (hierarchically ordered) inclinations in the human person? Since these bodies are *human* bodies, the bodily natural inclinations are already caught up in the form of the spiritual soul in such a way that the person, as created,

⁵² Cf. Michael Dauphinais, "Loving the Lord Your God: The *Imago Dei* in Saint Thomas Aquinas," *The Thomist* 63 (1999): 241-67.

manifests a unified ordering, not a disjointed encounter in which the spiritual element must humanize the animal element.⁵³

Elsewhere, however, Rhonheimer has made it clear that he does not think that such criticisms evince an understanding of his project.⁵⁴ In comparing Rhonheimer's position on natural law and natural inclinations to those of Servais Pinckaers and Graham McAleer, I will ask whether their approaches better achieve his goal of affirming the dignity of the human person as a free moral agent who acts as a soul-body unity.⁵⁵

⁵³ See John Paul II, *Veritatis splendor*, 48: "one has to consider carefully the correct relationship existing between freedom and human nature, and in particular *the place of the human body in questions of natural law*. A freedom which claims to be absolute ends up treating the human body as a raw datum, devoid of any meaning and moral values until freedom has shaped it in accordance with its design" (emphasis in original). A key question, then, is whether the human body, in its human bodily teleologies, has normative moral significance even "prior" to the work of the practical reason. *Veritatis splendor* continues (48): "Consequently, human nature and the body appear as *presuppositions or preambles*, materially *necessary*, for freedom to make its choice, yet extrinsic to the person, the subject and the human act. Their functions would not be able to constitute reference points for moral decisions, because the finalities of these inclinations would be merely 'physical' goods, called by some 'pre-moral.'" At issue, in other words, is the status of "the finalities of these inclinations." As *Veritatis splendor* goes on to observe, "To refer to them, in order to find in them rational indications with regard to the order of morality, would be to expose oneself to the accusation of physicalism or biologism. In this way of thinking, the tension between freedom and a nature conceived of in a reductive way is resolved by a division within man himself. This moral theory does not correspond to the truth about man and his freedom. It contradicts the *Church's teachings on the unity of the human person*, whose rational soul is *per se et essentialiter* the form of his body" (48).

⁵⁴ See Rhonheimer's response to Jean Porter's brief review of *Natural Law and Practical Reason* (the book review appeared in *Theological Studies* 62 [2001]: 851-53), in "The Moral Significance of Pre-Rational Nature in Aquinas: A Reply to Jean Porter (and Stanley Hauerwas)," *American journal of Jurisprudence* 48 (2003): 253-80.

⁵⁵ Cf. *Veritatis splendor*, 48: "*The person, including the body, is completely entrusted to himself, and it is in the unity of body and soul that the person is the subject of his own moral acts*. The person, by the light of reason and the support of virtue, discovers in the body the anticipatory signs, the expression and the promise of the gift of self, in conformity with the wise plan of the Creator"; *ibid.*, 50: "At this point the true meaning of the natural law can be understood: it refers to man's proper and primordial nature, the 'nature of the human person,' which is *the person himself in the unity of soul and body*, in the unity of his spiritual and biological inclinations and of all the other specific characteristics necessary for the pursuit of his end." This unity is difficult to achieve: the natural law is neither a set of biological norms, nor a humanizing of the animal element in man. It is a rational participation in the eternal law that manifests the human body-soul teleology. Rhonheimer reads VS 48 in light of VS 78,

II. SERVAIS PINCKAERS: RECLAIMING NATURAL LAW AFTER NOMINALISM

In describing what he calls the fourteenth-century "nominalist revolution," Servais Pinckaers observes of William of Ockham:

A significant feature of Ockham's critique of the Thomist conception of freedom was his rejection of natural inclinations outside the kernel of the free act. Notably, he rejected the inclination to happiness, which pervades the moral doctrine of the *Summa theologiae* and, in keeping with all previous tradition, forms its initial moral question.⁵⁶

As Pinckaers shows throughout his *The Sources of Christian Ethics*, the question of happiness forms the heart of ancient and patristic moral theory, in contrast to the modern focus upon duty and obligation. Two principles of ancient moral theory stand out for Pinckaers as fundamental for patristic-medieval Christian understanding. The first is "*sequi naturam*, or conformity with nature, which must positively not be understood as a biological inclination, for it chiefly concerned rational nature, which was characterized by a longing for the enjoyment of the good, of truth, and of communication with others."⁵⁷ The second is happiness. Given the theology of creation in the Word, the Fathers understood that "nature" is no neutral zone but rather that "the following of nature harmonized with the scriptural following of God and Christ,"⁵⁸ with the seeking of beatitude promised by Christ in the Sermon on the Mount. Pinckaers

which treats the moral object. For his account of the moral object see, e.g., *Natural Law and Practical Reason*, 87-94, 41 Off.; and, more recently, "The Perspective of the Acting Person and the Nature of Practical Reason: The 'Object of the Human Act' in Thomistic Anthropology of Action," *Nova et Vetera* 2 (2004): 461-516. *Veritatis splendor*, 78 seeks to ward off proportionalism and consequentialism by noting that, in describing the object of human action, one must describe a human act (thereby a unity of body and soul) rather than "a process or an event of the merely physical order, to be assessed on the basis of its ability to bring about a given state of affairs in the outside world."

⁵⁶ Servais Pinckaers, O.P., *The Sources of Christian Ethics*, trans. from the 3d ed. by Mary Thomas Noble, O.P. (Washington, D.C.: Catholic University of America Press, 1995), 244.

⁵⁷ *Ibid.*, 334.

⁵⁸ *Ibid.*

observes that "the entire tradition of the Fathers adopted and fully maintained the two principles of *sequi naturam* and the primal longing for happiness." ⁵⁹

In contrast, as he shows in detail, Ockham and the fourteenth-century nominalists rejected nature and "happiness" as antithetical to freedom, understood as "the choice of contraries" ("freedom of indifference"). ⁶⁰ Pinckaers summarizes the tensions that emerged in moral theory, and that are easily documented in modern thinkers, as the following polarities: either freedom or law; either freedom or reason; either freedom or nature; either freedom or grace; either human freedom or God's freedom; either subject or object; either freedom or the passions; either my freedom or others' freedom; either the individual or society. ⁶¹ For our purposes, we can focus on the polarities of freedom and nature and freedom and law. Why did these polarities gain acceptance?

Regarding freedom and nature, Pinckaers notes that prior to the fourteenth century, in the patristic-medieval tradition, "the natural inclinations to goodness, happiness, being, and truth were the very source of freedom. They formed the will and intellect, whose union produced free will." ⁶² Freedom thus emerges from nature, given that our nature is spiritual nature and therefore is inclined to being, goodness, and truth. As I would put it, such nature is never neutral, but rather is a complex ordering toward ends. Ontologically prior to any exercise of freedom or rationality, the human being already tends or inclines toward the Good who creates. The ontological order that is human nature is teleological to its core. This complex teleological constitution is the fundamental given of human creatureliness, not constructed by human rationality or freedom. Human rationality both speculatively and practically discerns the natural, unified ordering of human nature, which is constituted by bodily and spiritual inclinations and thereby always teleologically drawn. In contrast,

⁵⁹ *Ibid.*, 335.

⁶⁰ *Ibid.*

⁶¹ *Ibid.*, 351.

⁶² *Ibid.*, 245.

Ockham sees such inclinations, insofar as they are ontologically "prior" to freedom, as constricting freedom and thereby undermining the dignity of the free rational creature.

Ockham argues, as Pinckaers says, that "freedom dominated the natural inclinations and preceded them, because of its radical indetermination and its ability to choose contraries in their regard. From this point of view, it could be said that freedom is more apparent when it resists natural inclinations."⁶³ To the tradition prior to the fourteenth century, within which Pinckaers highlights Aquinas, such an understanding of freedom as constitutive of the human would make no sense, since freedom emerges from within natural inclinations to ends. If certain objects (being, goodness, truth) did not draw the intellect and will toward their own fulfillment (happiness), there would be no rational and free action. After Ockham, however, the situation is reversed: if human beings do not themselves constitute what counts as their "nature," building upon a natural substratum to be sure (one that requires humanization), then their freedom is imperiled. This natural substratum becomes the place where "natural inclinations" receive consideration in moral theory: "natural inclinations, no longer included within the voluntary act, were something short of freedom and were relegated to a lower level in the moral world, to the order of instinct, sensibility, or to a biological ambience."⁶⁴ Radically differing from freedom, this substratum becomes humanized only when taken up into the dynamisms of rational freedom. We can see that the hierarchical, teleological ordering of the body-soul person is, in this view, not ontologically given in the created order, but rather constituted by the acting person, even if constituted on the basis of certain created givens. A morally significant ordering is therefore opaque to reason, operating speculatively, before reason acting to attain the good humanizes and orders the various inclinations that it perceives in the experience of moral agency.

Contrasting Ockham and Aquinas, then, Pinckaers states:

⁶³ Ibid.

⁶⁴ Ibid.

The most decisive point of Ockham's critique of St. Thomas's teaching on freedom was the breach between freedom and the natural inclinations, which were rejected from the essential core of freedom. According to St. Thomas, freedom was rooted in the soul's spontaneous inclinations to the true and the good. His entire moral doctrine was based on the natural human disposition toward beatitude and the perfection of good, as to an ultimate end. A person can never renounce this natural order of things, nor be prevented from desiring it. For Ockham, the state of being ordered to happiness, however natural and general, was subject to the free and contingent choice of human freedom. This meant that I could freely choose or refuse happiness, either in particular matters presented to me or in general, in the very desire which attracted me to it, owing to the radical indifference of my freedom.⁶⁵

Human freedom, after Ockham, thus constitutes human nature freely choosing among, and giving order to, the natural inclinations. Human freedom governs even the inclinations toward goodness and happiness, because these inclinations must not restrict human beings in responding to God's commands. As Pinckaers goes on to point out, such an understanding of "human nature" as constituted by human freedom, rather than as the source of human freedom, radically transforms the understanding of "human nature." Human nature and natural inclinations come to be seen as referring primarily to the bodily inclinations, "impulses of a lower order, on the psychosomatic plane."⁶⁶ Freedom receives the task of integrating these bodily inclinations, no longer belonging to a unified (hierarchically ordered) body-soul teleology, with the spiritual dynamisms of the free person. Pinckaers observes,

The harmony between humanity and nature was destroyed by a freedom that claimed to be "indifferent" to nature and defined itself as "non-nature" These [natural] inclinations appeared as the most insidious threat to the freedom and morality of actions, because they were interior and influenced us from within.⁶⁷

This threat to freedom is mollified only when freedom itself, prior to any metaphysically given order in which freedom emerges from

⁶⁵ *Ibid.*, 332-33.

⁶⁶ *Ibid.*, 333.

⁶⁷ *Ibid.*

within nature, gives order and intelligibility (law) to the profusion of competing natural inclinations.

If freedom and nature (natural inclinations) thus became polarized, what of freedom and law? Pinckaers remarks upon how the fourteenth century's voluntarist conception of law-law as the expression of the will, rather than as the expression of the lawgiver's wisdom together with his will-led to fear of the eternal and divine law as an imposition of divine will threatening human freedom. Similarly, the divine law itself, for fourteenth-century thinkers, must not restrict divine freedom, and therefore must be fundamentally relative and open to God's modifications. As Pinckaers notes, this conception of law as grounded in God's arbitrary freedom results in an "irreducible" tension in human life, an "untenable" situation for human beings confronted by "divine arbitrariness."⁶⁸ It is no surprise, then, that in later moral theories divine lawgiving is displaced by human lawgiving. Indeed, Pinckaers identifies already in the fourteenth-century theories a guiding anthropocentrism, in contrast with the theocentric worldview of the patristic-medieval thinkers. As he puts it, "We can see in it [the nominalist shift] the direct, clearly deduced, and fully deliberate result of placing humanity in a central position. This was the core of freedom of indifference."⁶⁹ Beyond the metaphysical givenness of the creature now stands self-constituting freedom, even if this freedom remains in a submissive relationship to divine freedom. Pinckaers concludes, "Beneath freedom of indifference lay hidden a primitive passion-we dare not call it natural: the human will to self-affirmation, to the assertion of a radical difference between itself and all else that existed."⁷⁰ Human freedom as self-constituting, as establishing its own "norm or law," radically divides not only human beings from the Creator, but also human freedom from the remainder of the body-soul powers, those that do not have to do directly with the transcendent operation of free human action.⁷¹

⁶⁸ Ibid., 344, 345.

⁶⁹ Ibid., 338.

⁷⁰ Ibid.

⁷¹ Ibid., 339.

Given this implicit anthropocentrism, it is no wonder that the Reformers reacted against unguarded appeals to a law of nature. In order (among other reasons) to escape this anthropocentrism, the Reformers shaped a Protestantism that, in Pinckaers's words, "has spontaneously started with faith, Scripture, and the Word of God, and has been somewhat suspicious and critical of the human and of reason."⁷² The first task for natural-law thinking, therefore, is to critique this anthropocentrism, this false understanding of freedom. As Pinckaers remarks, "Particularly in our times, ethicists are tempted to reduce Christian ethics to the rules of natural reason."⁷³ A properly theocentric understanding of the natural law and natural inclinations places them within the broader context not only of eternal law, but of eternal law specified as divine law, the Decalogue and the "law" of the grace of the Holy Spirit. This theocentric order requires beginning with the divine Creator and Redeemer, rather than with the human being, in seeking to understand the teleological constitution of the human being. For this reason, Pinckaers notes,

In the *Summa theologiae* St. Thomas always took God, and the things of God, as his starting point, since God was the principle and source of all things in the order of being and truth His treatise on laws started with the eternal law, the highest origin of all authentic legislation.⁷⁴

It is grace that enables human beings, tempted to place themselves first, to place God first.

At the end of *The Sources of Christian Ethics*, Pinckaers devotes a chapter entirely to the natural inclinations. They are particularly important, he says, because "[t]hey form the basis of natural law and the source of energy that broadens and develops in the virtues."⁷⁵ As we have seen, Pinckaers holds that our understanding of the natural inclinations has been profoundly distorted by nominalist polarities, especially the alleged oppo-

⁷² Ibid., 291.

⁷³ Ibid., 292.

⁷⁴ Ibid.

⁷⁵ Ibid., 400.

sition between freedom and nature. Reiterating his earlier comments, he states,

If we think of freedom as something dependent only on our voluntary decision, and totally indeterminate before we take that decision, then we will be led to think of the natural as something necessarily predetermined. In this view, it is hard to see how we can reconcile the natural and the free.⁷⁶

The "natural" here consists in more than the bodily inclinations; even the natural inclinations of the soul come to seem restrictive, insofar as they are not ordered and constituted by the free, acting person. Quoting Jacques Leclercq's mid-twentieth-century account of Thomistic ethics, in which Leclercq strives to separate metaphysics (understood as a restrictive teleology) and ethics (understood as personal freedom), Pinckaers shows how thinkers come to "see the natural inclinations of both intellect and will as tendencies both blind and coercive. ,*m*

Although above we have examined much of Pinckaers' s answer to this misunderstanding, it is worth pausing more directly, with Pinckaers, upon the character of the natural inclinations. He emphasizes that they are the metaphysical source, inscribed in our very being, of human intellectual and ethical spontaneity and freedom. Describing the natural inclination to the good, which according to Aquinas is the root of all the natural inclinations, he calls it "a primitive elan and attraction that carries us toward the good and empowers us to choose among lesser and greater goods."⁷⁸ There is no "nature" that is not already tending or inclining, however distantly, toward the Good who creates and attracts every "nature." There is no nonteleological nature. Indeed, Pinckaers says of the inclination to the good that "this inclination should be described as higher than morality and supremely free, even a sharing in the freedom, goodness, and spontaneity of God."⁷⁹ Similarly the inclination toward truth, above all the truth about God, is-ontologically prior to all

⁷⁶ Ibid., 400-401.

⁷⁷ Ibid., 401.

⁷⁸ Ibid., 402.

⁷⁹ Ibid., 402-3.

reasoning-a "radiant splendor, a sort of alpha ray of the mind allowing us to share in the divine Light."⁸⁰ At the metaphysical roots of our being, we find an ordering toward the good and the true. This fundamental ordering is received, not constituted, by the creature, but this fact does not limit the freedom of the creature. On the contrary, the inscribed ordering toward fulfillment makes sense of freedom and structures it so as to render it not arbitrary. The inscribed ordering marks out the "end" of freedom and exposes the God-centered character of reality.

If such natural inclinations are truly liberating, what about biological inclinations such as hunger, thirst, and the sexual urge? Whatever one might say about natural inclinations at the heart of human spiritual dynamisms toward the true and the good, surely natural inclinations that involve bodily urges must be seen as limiting freedom and as therefore difficult to reconcile with the picture of natural inclinations that Pinckaers offers. Yet he praises Cicero's depiction of the unity of the natural inclinations-self-preservation, procreation and raising of children, living in society, and searching for truth-from which emerge the cardinal virtues: "Clearly, this text of Cicero provides the best possible introduction to the teaching of the Angelic Doctor on natural inclinations."⁸¹ How can this be?

Cicero's significance, Pinckaers suggests, only becomes clear once one has metaphysically understood the natural inclination toward the good, the natural inclination that lies at the root of all others. The notion of the "good" requires reclamation:

Under the influence of modern ethical theories, we have come to think of the good as whatever conforms to moral law and its precepts, and evil as the contrary. Moral law being viewed as a series of imperatives dictated by a will external to ourselves, the concept of good reflects the concept of moral obligation. It tends to become equally static and extrinsic.⁸²

⁸⁰ *Ibid.*, 402.

⁸¹ *Ibid.*, 406.

⁸² *Ibid.*, 408.

Far from extrinsic, the good in fact is at the heart of our movement and freedom. It can only be defined "in terms of the attraction it exercises, the love and desire it arouses. The good is the lovable, the desirable."⁸³ The lovable is prior to our love; every nature is teleologically ordered and attracted, precisely through being in act to the degree that it is. Insofar as any nature is in act, it is being attracted and drawn by the good. The good is metaphysically constitutive of every nature, since act, insofar as it is in act, tends toward the good. Thus there is no level of "mere nature" that lacks an intrinsic teleological ordering. As Pinckaers observes,

The break between metaphysics and ethics was a direct effect of nominalism. Caught up in the current of a moral system based on individual freedom, the notion of the good was henceforth confined within the limits of the dispute between freedom and law fixed by the theory of obligation.⁸⁴

In seeking to reunite the metaphysical ordering of the human person toward the good and the person's ethical agency, Pinckaers connects the good with the desire for perfection. As he says, "The very notion of the good implies the idea of perfection, of an excellence that attracts; from this comes a desire for the perfection of the one so drawn. Naturally, perfection will vary as beings differ."⁸⁵ Perfection is both the fullness of the good and the fullness of a creature's sharing in the good. Perfection, then, is "happiness." Happiness and the good are reciprocal terms: as Pinckaers says, "the good was the cause of happiness, and happiness was the plenitude of the good. Yet they could be distinguished by a certain nuance: the good resided in the objective reality, while happiness subsisted in the subject who experienced the good."⁸⁶ In addition to "perfection" and "happiness," Pinckaers considers the good in a third way, as an "end." Teleology, or "finality," describes the pattern by which the

⁸³ *Ibid.*, 409. Cf. Michael Waldstein, "Dietrich von Hildebrand and St. Thomas Aquinas on Goodness and Happiness," *Nova et Vetera* 1 (2003): 403-64.

⁸⁴ Pinckaers, *The Sources of Christian Ethics*, 409-10.

⁸⁵ *Ibid.*, 412.

⁸⁶ *Ibid.*, 413.

creature is drawn to fulfillment and perfection by its proper good and happiness, which it acts to attain. At this stage Pinckaers also distinguishes between the "love of concupiscence" and the "love of friendship," the latter being the full portrait of the good as an "end" since it is love of a good that is supremely "lovable in itself and for itself."⁸⁷ This good will be what Aquinas terms an "honest" good, beyond the goods sought by Epicureans or utilitarians since, as the perfection of moral excellence, it "deserves to be loved for its own sake."⁸⁸ Lastly, Pinckaers, following Aquinas, observes that the good "radiates" or generously bears fruit.

In light of this expansive metaphysical account of the good and creaturely sharing in it, Pinckaers turns to ethical agency. The natural inclinations, as we have seen, correspond to the various levels of being that belong to human nature, including the vegetative, the animal, and the spiritual. As noted at the outset of this discussion, it might seem that to reflect upon free human action without affirming at least a disjunction between natural inclinations that belong to biological drives and those that belong to transcendent rationality would distort moral reflection. Pinckaers's answer is twofold. On the one hand, he is attuned to the unity of the various goods of the person in the fulfillment or perfection of the person in happiness, the plenitude of goodness proper to the person. On the other hand, he emphasizes the unity of the human person. The different components of human nature

are joined together in a natural unity comparable to the unity of the members of the body, to use the classic analogy. The rational part encompasses the biological and psychical parts, giving them a new dimension and capacities. St. Thomas gives strong emphasis to this association when he discusses the substantial unity of the human composite.⁸⁹

There is no level of merely bodily inclination that must be humanized by the rational soul's ordering power. Rather, the

⁸⁷ *Ibid.*, 415.

⁸⁸ *Ibid.*

⁸⁹ *Ibid.*, 422.

natural inclinations express an integrated, hierarchical ordering that pertains as a whole to the fulfillment of the person's freedom and capacity for truth.

For instance, the natural inclination to self-preservation, which can seem "blind," serves our freedom by giving us a love for being and living, a "spontaneous, natural love of self" that makes possible the self-giving precept "Love thy neighbor as thyself."⁹⁰ Without the natural attunement of the person to the good of being and living, he would have no basis for appreciating being and living as goods for others. Were self-preservation not experienced as naturally good, we would stand isolated from God's infinite love of his divine being and life, and thus would lack "participation in the love with which God loves himself in his own essence and in his works, causing him to will the conservation and perfection of all beings, loved by him."⁹¹ Thus self-preservation, while shared with nonrational creatures, serves human creatures precisely in their body-soul fulfillment.

Similarly, the natural inclination to procreation and the raising of offspring belongs to human beings as rational animals. This means not that human rationality has to order and elevate an animal drive, but rather that human animality is already (metaphysically) rational animality: there are human bodies, not "mere" bodies. Pinckaers argues that "the natural processes of sexuality ... have a vital connection with the deep relationships between man and woman," and that "the orientation of sexuality to fruitfulness is intimately connected with the demand for fruitfulness which precedes what we might call the law of giving, written at the heart of every love."⁹² In other words, the inclination to sexuality, like that to self-preservation, grounds an "inclination toward the other" that belongs to human fulfillment—a fulfillment that has bodily as well as spiritual dimensions. The inclination's bodily dimension indicates as well its spiritual dimension; even the bodily dimension does not lack

⁹⁰ *Ibid.*, 424.

⁹¹ *Ibid.*, 426.

⁹² *Ibid.*, 441.

an interior ordering toward self-gift, fulfilled in the virtue of chastity. While after sin sexuality, like all the natural inclinations, has to be restored by grace from a distorted self-seeking tendency, sexuality does not represent an animal dimension of the person that rationality must extrinsically order and "humanize." On the contrary, the natural inclination to procreation, including its bodily dimension, expresses human flourishing in the gift of self. Even renunciation of marriage, which might seem to be a rejection of the bodily inclination, has as its *ratio* the begetting and nourishing of spiritual children for the kingdom of God, spiritual paternity and maternity in the bridal Church. The bodily dimension does not simply disappear as meaningless even when bodily consummation of sexuality is renounced.

The natural inclinations to truth and to live in society even more clearly belong to the fulfillment in happiness of human rationality and freedom. As rational animals and political animals, human beings seek to know and enjoy the good in friendship. Pinckaers emphasizes that the natural desire to know is no mere desire for encyclopedic mastery of facts or ideas, but rather is a desire to attain to first causes and thus to the creative Good. The natural inclination to live in society, *pace* the postnominalist reduction of human beings to individuals set upon maximizing their freedom in competition with each other, affirms the centrality of *friendship* for happiness.

For Pinckaers, in short, the metaphysical account of the good and the natural inclinations is the source from which descriptions of moral agency—the free person who acts on the basis of the known good (which includes speculative and practical dimensions of knowing)⁹³—take their direction. The metaphysical ordering of the human person finds its fulfillment in the supremely virtuous person, who participates fully in the goods that God has ordained for the human person. As Pinckaers puts it,

⁹³ Cf. *ibid.*, 418-19. While properly emphasizing practical reason, Pinckaers observes, "The known good includes, therefore, all the knowledge of goodness that we can gain through study, education, reflection, perception, and, above all, personal experience" (419).

Thanks to these inclinations, which make up our spiritual nature, we have a firm basis, anchored in freedom itself, for undertaking the construction of a moral system. We are able to show how we can welcome the Word of God and the work of grace in all openness, for they form the New Law, and it is chiefly from them that Christian ethics proceeds. Thus from this human pole, natural law, we are carried to the divine pole revealed to us in the teaching of Christ.⁹⁴

From the inclinations to the virtues and the gifts of the Holy Spirit, moral theory revolves theocentrically around the work of God as the ground of human action and fulfillment. Ultimately the work of Christ and the Holy Spirit fulfills the natural law in us and elevates us to communion with the Trinity. Pinckaers concludes, "This is why Christian theology must begin with faith and the Gospel, which reveal to us, beyond sin, our heart and our true nature, such as they were in the beginning and as they shall once more become through the grace of Christ."⁹⁵ Natural law can only be understood in light of the absolute and ongoing primacy of God's creative work in us, a reality that grace manifests. Practical reason discerns, from the integrated and hierarchically ordered dynamisms of the natural inclinations, the precepts of the natural law. These inclinations inscribe a wisdom whose theocentric grounding cannot be properly articulated outside the kind of richly speculative metaphysical description that Pinckaers provides.

III. GRAHAM MCALEER: METAPHYSICAL ECSTASIS AND THE NATURAL LAW

In his *Ecstatic Being and Sexual Politics*, McAleer proposes to join "Thomas's natural law and his metaphysics of the body."⁹⁶ What he means by Aquinas's "metaphysics of the body" is that for

⁹⁴ *Ibid.*, 464.

⁹⁵ *Ibid.*

⁹⁶ G. J. McAJeer, *Ecstatic Morality and Sexual Politics: A Catholic and Antitotalitarian Theory of the Body* (New York: Fordham University Press, 2005), 62. McAleer refers to Alasdair MacIntyre's *Dependent Rational Animals* (Chicago: Open Court, 1999). One might see also Thomas S. Hibbs, "Introduction," in Thomas Aquinas, *On Human Nature*, ed. Thomas S. Hibbs (Indianapolis, Ind.: Hackett, 1999), vii-xxi.

Aquinas the "flesh" (our bodiliness) is naturally "ecstatic." It seems to me that McAleer's approach, influenced in particular by John Paul II's *Theology of the Body*, thus adds a third angle, closely allied with that of Pinckaers, from which to approach our problem of the natural law and the natural inclinations.

For McAleer, the foundations for a Thomistic theory of natural law have to be sought first in an account of human bodiliness, not in an account of human rationality. The earlier chapters of McAleer's study outline this metaphysics of the body. Investigating the moral significance of human bodiliness, he begins at the level of form and matter. Contrasting Aquinas with Averroes and Giles of Rome, he observes, "In his concept of the *concreatum*-and it is unusual in the period-Thomas argues that matter and form are always already internally related; in other words, that desire is always already united to its object."⁹⁷ If matter-form composites are two distinct realities extrinsically bonded together, domination and violence would belong to the very character of nature, "a *metaphysical* original sin."⁹⁸ Not only is Aquinas's understanding of the matter-form composite characterized metaphysically by interior "peace," but *being*, as *good*, is characterized by a movement of self-diffusion. Thus at the metaphysical roots of human bodily desire one finds an *ecstasis* that is intrinsic to human fulfillment. McAleer observes,

Creatures are intrinsically structured to an other-directedness through which they yet attain their own proper good (ST I, q. 19, a. 2): they are thus internally ecstatic, a consequence of their being good and so interiorly propelled to communicating that good: *bonum est diffusivum sui*.⁹⁹

⁹⁷McAleer, *Ecstatic Morality and Sexual Politics*, 2. Unlike Aquinas, Averroes thought of material composites as "congregatum," in which matter exists prior to form and thus is not interiorly constituted by form (6). Giles of Rome, returning to the Averroist tradition, similarly advanced the view of material composites as "aggregatum," in which matter again has metaphysical independence of form. In this "Averroist-Augustinian" metaphysical tradition, the interior unity of the substance is lost, and what remains are two substances always threatening to break apart.

⁹⁸ *Ibid.*, 7.

⁹⁹ *Ibid.*, 15.

Applying this metaphysics of the body to the human natural inclinations—to know truth, to live in accord with reason, to enjoy pleasures (concupiscence as virtuously formed in temperance), and to preserve oneself (the irascible appetite as virtuously formed in courage)—McAleer argues that these are fulfilled in *ecstasis*. Summarizing this aspect of his argument, he states that "when concupiscence imitates God more, sensuality becomes ecstatic, opening to a wider good. Through the virtuous life, and finally and definitively in beatitude, bodily desire rises to God in ever greater intelligibility, universality, and generosity." ¹⁰⁰ Reason when properly functioning governs "politically" by seeking the common good of all the parts of human nature; this political governance supports the teleology present in bodiliness, by leading it into its fulfillment in self-diffusiveness.

McAleer grants that the human body, while metaphysically not a locus of combat, is also not solely metaphysically "ecstatic" or self-diffusive. In his view, the human body possesses a "double aspect": both a natural propensity toward domination because of bodily individuation and a natural propensity toward *ecstasis*. ¹⁰¹ As the Council of Trent teaches, the body's self-centered tendency is present even before original sin turned the body's *pronitas* into a full-fledged disordered *inclinatio*. Rightly ordered sensuality, McAleer argues, requires "a wounded body" or a "liquefaction" of the body, a body that in vulnerability forgoes "some of its integrity or particularity that had excluded the other." ¹⁰² What he means by this becomes particularly clear in his discussion of contraceptive sexual intercourse. Given original sin and the disordered *inclinatio* toward self-centeredness, he agrees with Augustine that sexual intercourse cannot be separated from the "violence" of the *libido dominandi*. Thus acts of sexual intercourse, to be rightly ordered, must be constituted by bodily

¹⁰⁰ Ibid., 19.

¹⁰¹ McAleer contrasts his view with that of postmodern thinkers such as Michel Foucault and Maurice Merleau-Ponty who celebrate the body as a place of combat and resistance. His argument draws upon Brian O'Shaughnessy and is indebted as well to the postmodern thinkers Emmanuel Levinas and Jean-Luc Nancy.

¹⁰² Ibid., 52.

participation in the order of *ecstasis*, "the objective law of the self-diffusion of the good."¹⁰³ Lacking the bodily *ecstasis* that belongs to the "formality" of procreation, contraceptive sexual intercourse promotes the violent *inclinatio* toward self-centeredness. AB McAleer says, "*Humanae Vitae* then would have us replace a formality (*inclinatio*) of domination by a formality of procreation and the self-diffusion of the good."¹⁰⁴ Such "bodily diffusion" in sexual intercourse cannot reject "the formality of procreation."¹⁰⁵

Given this metaphysics of bodily *ecstasis*, taken up in the *ecstasis* of the whole person, McAleer critiques such thinkers as John Milbank and Stanley Hauerwas for their rejection of natural law in favor of revelation, as if natural law were an autonomous zone whose truth threatens the relevance of revelation. He connects their thought with Scotus's conception of natural law as divine positive law, a list of rules. In contrast, he argues that in fact the natural law is our participation in the pattern of *ecstasis*

¹⁰³ Ibid., 125.

¹⁰⁴ Ibid., 126.

¹⁰⁵ Ibid., 130. McAleer's position on contraceptive sexual intercourse contrasts with Rhonheimer's. For Rhonheimer's view see most recently his response to Benedict Guevin, O.S.B., in "On the Use of Condoms to Prevent Acquired Immune Deficiency Syndrome: Argument of Martin Rhonheimer," *National Catholic Bioethics Quarterly* 5 (2005): 40-48; cf. Martin Rhonheimer, "The Truth about Condoms," *The Tablet* 258 (10 July 2004): 10-11; "Contraception, Sexual Behavior, and Natural Law: Philosophical Foundation of the Norm of *Humanae Vitae*," *The Linacre Quarterly* 56 (1989): 20-57; *Natural Law and Practical Reason*, 109-38. Jean Porter gives a helpful summary of Rhonheimer's view in her *Nature as Reason: A Thomistic Theory of the Natural Law* (Grand Rapids, Mich.: Eerdmans, 2005), 190. His view has remained consistent throughout his career. In his piece in *National Catholic Bioethics Quarterly*, Rhonheimer argues crucially that "this being 'in itself ordained to the transmission of human life' (*ad vitam procreandam per se destinatus*) [*Humanae vitae*, 11], which is most commonly referred to as the 'openness' of each marital act to the procreation of new life, cannot reasonably be understood as *physical* openness to the possibility of procreation. This is obvious because otherwise sexual intercourse in knowingly infertile times-and most natural family planning-or that engaged in by entirely sterile couples (because of age or disease) would be morally illicit" (46). If human bodily teleology has moral significance, as it does for fully hylomorphic thinkers, then physical openness despite a "defect" (e.g., infertility) would still possess moral significance, since it would differ in a morally important way from deliberately cutting off the bodily teleology belonging to physical openness. This is McAleer's position, in tune with John Paul H's "theology of the body." See also Luke Gormally, "Marriage and the Prophylactic Use of Condoms," *National Catholic Bioethics Quarterly* 5 (2005): 735-49; and Janet E. Smith, "The Morality of Condom Use by HN-Infected Spouses," *The Thomist* 70 (2006): 27-69.

that governs the universe. Natural law is not a competitor to divine law, but rather exposes created nature's sharing in the ecstatic being of its Creator. The ultimate rational order is an ecstatic communion. In this theocentric understanding of natural law, which McAleer finds in Aquinas, "natural law is a description of ecstatic being in another register. As such, natural law is a participation in God according to Pseudo-Dionysius's dictum *bonum diffusivum sui est.*"¹⁰⁶ Since natural law is a participation in God, and God is self-giving goodness and wisdom, natural law partakes of this ecstatic character. All created reality, including human bodiliness, has inscribed within it this ecstatic ordering to its own fulfillment. Human reason shares receptively in God's knowing of this ecstatic ordering in creation, and this sharing, as imprinted in our minds, is natural law.

If "natural law" in this sense is both our mind's participation in the eternal law and our discernment of a natural (ecstatic) order in creation, is this account "physicalist"? It certainly presupposes a natural teleological order that is ethically normative. It is not "physicalist," however, because it presupposes God's eternal law, the divine creative intellect, as the structuring principle. As McAleer puts it, "natural law is the argument that an objective moral law *structures* nature."¹⁰⁷ This objective moral law is none other than, as God's eternal law, the law of charity or ecstatic self-diffusion as the path to fulfillment of being. McAleer thus compares the natural law to Emmanuel Levinas's theory of "rapport social." Drawing upon Levinas's *Ethics and Infinity*, he states,

The 'deposition of sovereignty' through 'being-for-the-other' (EI, 52) is the role of natural law understood by Thomas on the model of the Deposition [of Christ]. Natural law is a participation in the charity that is God and ecstatic being and by which a person cares less for his own good and rather more for the good of the other.¹⁰⁸

¹⁰⁶ McAleer, *Ecstatic Morality and Sexual Politics*, 66.

¹⁰⁷ *Ibid.*, 68.

¹⁰⁸ *Ibid.*, 70.

In other words, natural law is the pattern of ecstatic being that human beings, participating in God's eternal law, discern in themselves as well as in all of creation. It is this ecstatic ordering, natural law teaches, that constitutes creaturely fulfillment. Our created "ends," whether self-preservation, procreation and raising of offspring, living in society, knowing the truth about God, and so forth, are joined to our ecstatic being so that we find the fulfillment of our inclinations solely through giving ourselves into the hands of others. The precepts of the natural law require living according to this pattern of self-diffusive or ecstatic love. As McAleer says, "The wound of love is the order of nature: hence, Thomas is fond of citing I Tim (1, 5) *finis praecepti est caritas* (Quod. V, q. 10, a. 19)." ¹⁰⁹

Does this account of natural law conflate the "natural" with what is beyond the capacity of nature unaided by grace, thereby either rendering useless the adjective "natural" or else making requisite, for the fulfillment of created human nature, the absolutely gratuitous gift of grace? McAleer at times seems to think that such a conflation is unavoidable: "In arguing that the Cross is the eternal law ordering the natural law, I am well aware that I propose that the end of nature and the end of charity are one and the same." ¹¹⁰ One might likewise ask whether McAleer's account makes of Christ's Cross not an utterly unique sacrifice, but simply the highest instance of the natural law's teaching on ecstatic being and human fulfillment. For McAleer, "the normative structure of the human body [according to Aquinas], its appetites and those of the whole person, is Christ's wounded body on the Cross Thomistic natural law is Christological." ¹¹¹ Or as he states a bit later: "In Thomas's mind, Christ's diffusion of himself on the cross is paradigmatic of the ecstatic structure of Being Acknowledging this demands that the Cross be raised to a metaphysical significance." ¹¹²

¹⁰⁹ Ibid.

¹¹⁰ Ibid., 81.

¹¹¹ Ibid., 75.

¹¹² Ibid., 80.

As I have suggested, I agree with McAleer's profound point—often missed in studies of natural law—that

Thomas does see nature as such as ecstatic. The human body is ecstatic in the same way as the most rudimentary existences, and as animals, though to be sure, structured by other ecstatic appetites *as well*. Nature, because being is diffusive of itself, always possesses at least a vestige of "the dimension of the infinite."¹¹³

In the sense that the "precepts of the natural law make the human body ecstatic, satisfying pseudo-Dionysius's dictum *bonum diffusivum sui est*,"¹¹⁴ Christ's Cross is indeed the fulfillment of the natural law.¹¹⁵ McAleer is certainly right, too, to refuse to conceive of God's eternal law apart from God's self-giving Wisdom and Love revealed preeminently by Christ on the Cross. Insofar as human beings participate by reason in God's eternal law, such participation belongs to the (primarily receptive, secondarily active) dynamism of the imitation of God, instantiated in the practice of *imitatio Christi*, whereby human beings become more and more fully the image of God that, as created, we are. As participation in the eternal law, the natural law is the imprint of the pattern of divine *ecstasis*, divine Wisdom and Love as revealed in Christ. In McAleer's words, "The natural law of the body ... is directed toward an increasing ecstasy in imitation of God's own nature (*divinus amor facit extasim in quantum scilicet facit appetitum hominis tendere in res amatas* [ST II-II, q. 175, a. 2])."¹¹⁶

I do not, however, think that McAleer's understanding of natural law necessarily leads to an inability to account fully for the supernatural character of charity or to the view that Christ's Cross is inscribed in the metaphysical order. The *ecstasis* that McAleer rightly emphasizes can have various levels; natural law's *ecstasis* can differ in intensity from the ecstatic charity that attains communion with the Trinity. The *ecstasis* taught by natural law

¹¹³ *Ibid.*, 73.

¹¹⁴ *Ibid.*, 75.

¹¹⁵ Cf. Matthew Levering, *Christ's Fulfillment of Torah and Temple: Salvation according to Thomas Aquinas* (Notre Dame: University of Notre Dame Press, 2002).

¹¹⁶ McAleer, *Ecstatic Morality and Sexual Politics*, 74-75.

can be distinct from the *ecstasis* of charity, and yet the former can be taken up and fulfilled in the latter. To distinguish between the two is not to suggest an opposition between them: both the natural ecstatic dynamisms and the supernatural act of charity are participations in the one eternal law, whose depths are, as McAleer sees, revealed by the divine law of the grace of the Holy Spirit. Nor, in my opinion, should one employ Christ's Cross to demonstrate that being *qua* being is relational or that creation and redemption (as acts of ecstatic goodness) are necessary to divine being as good. Yet none of this is to deny that God's *ecstasis*, as Trinitarian Creator, is written into the fabric of creation and of our rational participation in God's wise plan for human fulfillment. We are called by natural law to participate in this pattern of *ecstasis* in order to attain the fulfillment we desire. On the Cross, the Son of God invites us into an infinitely more intense pattern of *ecstasis* by which we may fulfill, and transcend, our natures in coming to share in the Trinitarian ecstatic communion of wisdom and love.

McAleer has thus relieved "natural law" of the dull generality that inaccurately distances it from the patterns and practices of Christian moral theology. In this way he assists greatly in reclaiming natural law, as understood by Christians, from the impersonal "God of the philosophers" and restoring it to the "God of Abraham, Isaac, and Jacob," the God who requires ecstatic self-diffusion—Abraham's journeyings, the near-sacrifice of Isaac, Jacob's limp. Like Pinckaers, McAleer has shown how natural law finds, rather than constitutes, "ecstatic" norms in nature.

IV. CONCLUDING REFLECTIONS

In presenting his account of natural law, Rhonheimer states,

Indeed, reason has a relationship to the natural inclinations—because they are *natural—that* mirrors that of the relationship between form and matter. Together they form a complex unity.... The naturalness of good, as it is formulated in the natural law, cannot, however, be reduced to the simple

naturalness of the individual natural inclinations and their goods, ends, and acts. Such a reduction would be equivalent to reducing the *genus moris* of an act to its *genus naturae*.¹¹⁷

He draws out the implications of this point earlier in his article:

the human good is not simply an object "given" to intellectual acts. The very nature of the intellect-emanating as it does from the spiritual soul which is a substantial form and thus the life principle of its corporeality-means that what is really good for man is, in a certain sense, constituted and formulated only in the intellectual acts themselves. The human and moral good is essentially a *bonum rationis*: a good *of* reason, *for* reason, and formulated *by* reason. Only within the horizon of this good, as it appears before the intellectual acts of the soul, does "human nature" reveal itself in its normative significance. As a result, and even if at first sight this may seem paradoxical, knowledge of the human good *precedes* the right understanding of human nature. This cannot reveal its normative character before all that is natural in man has been interpreted in the light of that good that is the object of the acts of the intellect-and (as we will see later) not of the speculative intellect but of the *practical* intellect, from which the natural law emanates.¹¹⁸

In contrast, Pinckaers's account of the "good" in terms of happiness, and of the integration of the natural inclinations, challenges Rhonheimer's claim that the human good is "constituted and formulated only in the intellectual acts themselves." Rhonheimer's account suffers from his view that speculative knowing has no place until reason, as practical, has done its work. Without a "prior" speculative apprehension of the ordering of ends, there could be no *practical* apprehension of a particular end, even though certainly the speculative and the practical operations remain distinct. Above all, this ordering of ends, inscribed in the teleology of human nature, is not extrinsic to any aspect of human nature. Practical reason does not need to "constitute" or "establish" it, because, as Cicero already recognized, it is already there in our (created) nature, moving our natural inclinations. And yet this does not diminish our freedom, because teleology-the attraction of the good (in the full sense of

¹¹⁷ Rhonheimer, "The Cognitive Structure of the Natural Law and the Truth of Subjectivity," 28.

¹¹⁸ *Ibid.*, 6-7.

perfection, happiness, end, and friendship brought out by Pinckaers)-lies at the very root of freedom. The motive power of the end, as manifested in the hierarchical ordering of ends in our natural inclinations, establishes our freedom. The natural inclinations do not need to be excluded from normative significance, as they are in Rhonheimer's account, because the natural inclinations are, in McAleer's phrase, "ecstatic."

Indeed, McAleer's focus on *ecstasis* as the key to natural law's participated pattern enables him to achieve what Rhonheimer seeks to achieve as regards the demonstration of natural law's role in the active working out of our salvation. Lacking the entry point of the ecstatic character of the good, Rhonheimer has trouble holding together the various inclinations of the human person. Thus, for instance, he remarks that

at the level of their mere naturalness, does following the tendency to conserve oneself or the sexual inclination also mean following the good and end *due* to man? How can we know what is not only *specific* to these inclinations according to their particular nature but also *due* to the person, that is to say, at the moment of following these inclinations, good for man *as man*?¹¹⁹

He is concerned that the "person," what is "good for man *as man*," and these natural inclinations' "particular nature" may differ.¹²⁰ Or as he says in more detail with regard to the natural inclination for procreation:

Grasped by reason as a human good and made the content of a practical judgment, the object of this inclination is more than an inclination found in pure nature This natural inclination, grasped by reason and pursued in the order of reason-at the personal level-becomes love between two people, love with the requirement of exclusiveness (uniqueness) and of indissoluble faithfulness between *persons* (i.e., it is not mere attraction between bodies!), persons who understand that they are united in the task of transmitting human life. Faithful and indissoluble marriage between two people of different sexes, united in the shared task of transmitting human life, is precisely the *truth of sexuality*; it is sexuality understood as the human good of marriage. Like all the other forms of friendship and virtue, this specific type of friendship, which is what marriage is,

¹¹⁹ Ibid., 20.

¹²⁰ Ibid., 21.

is not found "in nature." It is the property and norm of a moral order, to which man has access through the natural law as an *ordinatio rationis*. What, according to Ulpian, "nature has taught all animals" is certainly a presupposition for human love as well, but it does not yet express adequately the natural *moral* order to which this love belongs. As a result, in the case of man, what "nature has taught all animals" is not even sufficient to establish any dutifulness or normativeness. If the animal does what its nature, endowed with a richness of instincts, prescribes to it, it performs its function. Can the same be said of man? ¹²¹

He goes on to argue that a "'natural given fact,' which is relevant in some aspects and presupposed for the formation of the natural law, is certain relations of fittingness," among which is the conjunction of male and female, but

the normativeness of these "relations of fittingness" or *adequationes* and the very notion of *due* (*debitum*) come from practical reason, which alone is able to order these relations of fittingness towards the end of virtue, which is the good of the human person. ¹²²

This work of humanization, for Rhonheimer, produces from the water of "nature" the wine of "*human* nature." But the water, as Pinckaers and McAleer show dearly, is *already* wine; the point of unity is the movement of *ecstasis* necessary to the fulfillment of the inclinations in the good. ¹²³ Pinckaers's and McAleer's

¹²¹ Ibid., 32-33.

¹²² Ibid., 35.

¹²³ I borrow the metaphor from Steven Long. As he observes, "Natural law-which is nothing other than a rational participation in the eternal law-is the normativity of that *order* that is divinely impressed upon, defines, and permeates the rational nature. For the rational creature *passively* receives from God its being, nature, natural powers, order of powers to end, hierarchy of ends reposing from the *finis ultimus*, and even the actual application of its natural volitional power to act. Only insofar as these are passively received-including rational nature itself and the very motion whereby the rational agent freely determines itself-may reason then participate or receive this order *rationally* as providing reasons to act or not to act. If the creature is to be normatively governed toward its end, it must be subject to divine causality. Natural law moral doctrine grows in the fertile loam of causally rich metaphysics and theism. It could be no other way. Human reason does not turn the water of mere *inclinatio* into the wine of *lex*, but is subject to an order of law by the very being and order that it passively participates and which it is *ordered* to receive rationally and preceptively" (Steven A. Long, "Natural Law or Autonomous Practical Reason: Problems for the New Natural Law Theory," in *St. Thomas Aquinas and the Natural Law Tradition: Contemporary Perspectives*, ed. John Goyette, Mark S. Latkovic, and Richard S. Myers [Washington, D.C.: The Catholic University

metaphysical work, following Aquinas, illumines the consistency of teleology, the good, in God's creative artistry. Aquinas compares God to an artist who infuses intelligibility into every aspect of his works of art: "All natural things were produced by the Divine art, and so may be called God's works of art. Now every artist intends to give his work the best disposition; not absolutely the best, but the best as regards the proposed end."¹²⁴ As regards the human body, its "proximate end ... is the rational soul and its operations." He holds therefore that "God fashioned the human body in that disposition which was best, as most suited to such a form and to such operations."¹²⁵ This formality, as McAleer makes clear, is ultimately *ecstasis*. Pinckaers brings out the depths of the divine inscription of the good in human beings, so that freedom *depends* not on self-constitution (even participated self-constitution), but on the ecstatic pull of the Good for which human beings are made.

Thus the "relations of fittingness" that one finds inscribed in human bodies—such as the conjunction of male and female—belong to the divine art and possess an intrinsic ecstatic intelligibility. If the ultimate end of the person is rational self-giving love and wisdom, one might expect that the natural inclinations, including those to self-preservation and procreation, express an inner dynamic that befits human persons. Pinckaers shows how this is so by recalling for us the place of happiness, friendship, and fruitfulness in a proper account of the natural inclinations. The attraction of the good inscribes teleology at the very root of our being. And since our being is rational, this teleology or attraction to the good is the fount of freedom. Human flesh is *rational* flesh: it owes its being the kind of flesh it is, to the rational soul created to know and love ecstatically. This is the insight that, indebted to John Paul II's *Theology of the Body*,

of America Press, 2004]: 165-93, at 191).

¹²⁴ *STh* I, q. 91, a. 3.

¹²⁵ *Ibid.* Regarding the body-soul union, Aquinas states that "we must gather from the form the reason why the matter is such as it is" (*STh* I, q. 76, a. 5). The human body shares in the soul's ecstatic ordering. See also Hibbs, "Introduction," vii-xxi.

McAleer expresses so well through his attention to the ecstatic character of the good,

ALBERTUS MAGNUS AND
THE CATEGORIZATION OF MOTION ¹

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BECAUSE OF THE scholarly work of Anneliese Maier, ² the doctrine of motion formulated by Albertus Magnus has come to be seen as decisive for the development of physical theory in the later thirteenth and early fourteenth centuries. According to Maier, Albert was the first of the Scholastics to reckon with the unsolved Aristotelian problem of how precisely to categorize motion. Averroes reported that in the *Categories*, Aristotle had said that motion is in the category of "being passive" (*passio*);³ in the *Physics*, Aristotle said that motion belongs to several categories. ⁴ To resolve the apparent discrepancy between these two claims, Albert devoted a long chapter (the third) in

¹ I should like to express my appreciation to the Dominican University College, Ottawa, Ontario, which generously provided me with resources and facilities to pursue research on Albertus Magnus during my year of sabbatical leave. I would especially like to thank Rev. Lawrence Dewan, O.P., of this community, who provided excellent criticism of a draft of this article.

² "Die Wesensbestimmung der Bewegung," in Anneliese Maier, *Die Vorläufer Galileis im 14. Jahrhundert*, 2d ed. (Rome: Edizioni di Storia et Letteratura, 1966), 9-25; "Motus est actus entis in potentia ..." in Anneliese Maier, *Zwischen Philosophie und Mechanik* (Rome: Edizioni di Storia et Letteratura, 1958), 3-57; "Forma Fluens oder Fluxus Formae?" in Maier, *Zwischen Philosophie und Mechanik*, 61-143. The first article was originally published in *Angelicum* 21 (1944): 97-111, and has been translated into English by Steven Sargent in chapter 1 of *On the Threshold of Exact Science: Selected Writings of Anneliese Maier on Late Medieval Natural Philosophy* (Philadelphia: University of Pennsylvania Press, 1982), 3-39.

³ In fact Aristotle makes no such claim, but Averroes said that Aristotle did in his *Commentariae in libros Physicorum Aristotelis*, lib. 3, text. 4, fol. 87C (Venice, 1562).

⁴ *Physics* 3.1.200b33-201a3.

book 3, tractate 1 of his *Physica* to answer the double question: "Whether and How Motion Is in the Categories."⁵ In doing so, Albert made use of the positions of Avicenna and Averroes; in fact, according to Maier, Albert canonized certain interpretations of these two authors in ways that were to dominate the succeeding discussions of the problem of motion. Avicenna's position is identified by Albert, so Maier tells us, with the term *fluxus formae*, "the flow of a form," while Averroes' is identified with the term *forma fluens*, "the flowing form." And this subtle but crucial distinction of terms led to a fundamentally wrong turn in the history of Scholastic natural philosophy.

The nominative nouns in these terms tell the tale: *fluxus*, on the one hand, or *forma*, on the other. Is motion fundamentally to be understood as a *fluxus*, as an inherently flowing reality, or is it to be understood as a *forma*, as a static sort of reality? True, both the term *fluxus formae* and the term *forma fluens* are constructed from the same two words, the noun *forma* and the verb *fluere*, but Maier insists that the terms were given quite different technical meanings by Albert. Avicenna's term, *fluxus formae*, meant for Albert that motion cannot be placed in any Aristotelian category, whereas the term *forma fluens* meant that motion was essentially identical with some category in which motion is recognized.⁶ Albert, unfortunately, opted for Averroes' formulation that

⁵ "An in praedicamentis sit motus et qualiter sit in illis" (*Physica*, lib. 3, tract. 1, cap. 3 [Cologne 4.1:149 (II. 56)]). All references to Albert's works are taken from *Opera omnia*, ed. Institutum Alberti Magni Coloniense (Munster i. Westf: Aschendorff, 1951-).

⁶ "For Albert, the Averroist interpretation of motion is this: qualitative change is a flowing quality (*qualitas fluens*), local motion is a flowing place (*ubi fluens*), and motion is distinguished from its terminus, not in essence, but only in being, insofar as it is a 'form in flux', while the end of motion is a 'form at rest'.... Because Avicenna takes the view that motion is a *flow of being* that can in no way be placed in one of the recognized Aristotelian categories, but neither does it constitute its own unique category, it is only a way to an end or a principle of sorts.... And for the scholastics, the interpretation of Albert, even when it was perhaps not completely an accurate representation of the author, became authoritative. The thinkers of the late 13th and early 14th centuries held the point of view that for Aristotle and Averroes motion is a *flowing form* (*forma fluens*) and that this is the correct interpretation, while the view of Avicenna, that motion was a *flow of a form* (*fluxus formae*), was to be rejected" (Maier, "*Parma Fluens* oder *Fluxus Formae*?" 75-76). See also Maier, "Die Wesensbestimmung der Bewegung," 16.

motion is a *forma fluens*, when, according to Maier, he should have recognized that motion is a *fluxus formae*; the sorry result of his wrong choice can be seen in a long list of his Scholastic successors⁷ who were beset with the unsolvable problem of trying to understand a flowing reality in terms of categories that are inherently inadequate for such a task. The attempt to solve this unsolvable problem doomed the Scholastics to ultimate failure, for the very task of *categorizing* motion was incompatible with understanding motion in the purely unrestricted way that is required in order to grasp the modern idea of inertia.

An egregious example of Albert's malign influence can be seen, according to Maier, in the case of William of Ockham, who denied that motion is anything real beyond the identifiable *res permanentes* such as the mobile thing and (in the case of local motion) the series of different places occupied by the mobile thing.⁸ To say that there is motion, or that something is in motion, means only, according to Ockham, that there is some thing that is capable of motion and that this thing is now in this place, was previously in some other place, and will in the future be in some third place. The word "motion" is shorthand for such phrases, but it indicates no reality beyond what the phrases mean. There is no reality corresponding to "motion itself." This Ockhamist position, according to Maier, is but the realization of the project begun by Albert.⁹ Once motion is identified with a form, its flowing character is effectively denied: motion itself is lost.

⁷ The list includes John Duns Scotus, John of Jandun, Petrus Aureoli, William of Alnwick, Antonius Andreae, William of Ockham, Walter Burley, John Buridan, Nicholas of Oresme, Marsilius of Inghen, and Blasius of Parma. These authors are discussed by Maier in "*Forma Fluens oder Fluxus Formae?*" 78-143.

⁸ William of Ockham, *Brevis summa libri Physicorum*, lib. 3, cap. 1 (*Opera Philosophica* 6:40 [15-17]), ed. S. Brown (St. Bonaventure, N.Y.: St. Bonaventure University, 1984). See also, *Summula philosophiae naturalis*, lib. 3, cap. 1-5 (*Opera Philosophica* 6:247-63); *Quaestiones in libros Physicorum Aristotelis*, qq. 10-12 (*Opera Philosophica* 6:417-23). See also Marilyn McCord Adams, "Motion: Its Ontological Status and Its Causes," in *William Ockham* (Notre Dame, Ind.: University of Notre Dame Press, 1987), 2:799-852.

⁹ Maier, "Die Wesensbestimmung der Bewegung," 16-18; "Forma Fluens oder Fluxus Formae?" 100-105.

Some scholars have responded to Maier's claims. E. J. McCulloch,¹⁰ followed by Claus Wagner¹¹ and James Weisheipl,¹² has made the rather devastating criticism of Maier that, in fact, there is no textual basis in Albert for finding a distinction between the terms *forma fluens* and *fluxus formae*. These scholars are correct. In the important chapter (*Physica*, lib. 3, tract. 1, cap. 3) where he discusses the relation of motion to the categories, Albert never draws any distinction between these two terms, nor does he identify one term with the position of Avicenna and the other with the position of Averroes. In fact, in a way that confounds the reader, he uses both terms, combinations of the terms, and other terms in a completely interchangeable way.¹³ Furthermore, Gerbert Meyer has pointed out, correctly, that Albert's position on motion is not really similar to Ockham's.¹⁴ Whereas Ockham

¹⁰ E. J. McCullough, "St. Albert on Motion as *Forma fluens* and *Fluxus formae*," in *Albertus Magnus and the Sciences: Commemorative Essays 1980*, ed. James A. Weisheipl (Toronto: Pontifical Institute of Mediaeval Studies, 1980) 130.

¹¹ Claus Wagner, "Alberts Naturphilosophie im Licht der neueren Forschung (1979-1983)," *Freiburger Zeitschrift für Philosophie und Theologie* 32 (1985): 89-94.

¹² "The alternative conceptions of motion as *fluxus formae* (a succession of form) or *forma fluens* (a successive form) are nowhere presented in Avicenna, Averroes, or Albert; further, Albert in no way aligns himself with either Avicenna or Averroes, nor does he present Averroes simply as a defender of any *forma fluens* theory; finally, no fourteenth-century misreading of Albert could have prepared the way for Ockham's denial of motion as a reality distinct from form" James Weisheipl, "The Interpretation of Aristotle's *Physics* and the Science of Motion," in *The Cambridge History of Later Medieval Philosophy*, ed. N. Kretzmann, A. Kenny, J. Pinborg [Cambridge: Cambridge University Press, 1982], 528). It is worth noting as well some of Weisheipl's important, but not so well known, studies in which Albert's Aristotelianism has been made clear: "Albertus Magnus and the Oxford Platonists," *Proceedings of the American Catholic Philosophical Association* 32 (1958): 124-39; "Albert's Disclaimers in the Aristotelian Paraphrases," *Proceedings of the PMR Conference 5* (Villanova, Pa.: Augustinian Historical Institute, 1980): 1-27.

¹³ In one and the same chapter (*Physica*, lib. 3, tract. 1, cap. 3), Albert calls motion a *forma fluens* (Cologne 4.1:154 [II. 39 and 47]), a *fluxus* (155 [II. 59-69]), and even a *forma totius fluxus* (155 [68]). He also calls motion a *via et exitus imperfecti ad perfectionem* (*Physica*, lib. 3, tract. 1, cap. 2 [Cologne 4.1:148 (II. 27-28)]), and he devotes an entire chapter (*Physica*, lib. 3, tract. 1, cap. 4) to explaining Aristotle's definition of motion, *entelechia sive perfectio eius quod est in potentia secundum quod est in potentia*, which he accepts as a good definition of motion (Cologne 4.1:156 [I. 87]-157 [I. 1]).

¹⁴ Gerbert Meyer, "Das Grundproblem der Bewegung bei Albert dem Grossen und Thomas von Aquin," in *Albertus Magnus Doctor Universalis 1280/1980*, ed. G. Meyer and A. Zimmermann (Mainz: Matthias-Grunewald, 1980), 259-60.

really means that motion can be understood as a succession of *res permanentes* without there being any real thing that is motion itself, Albert means that motion is something *in-der-Mitte-sein*¹⁵ that is neither act as such nor potency as such. And, as far as I can tell from the relevant texts, Ockham nowhere makes use of the supposed distinction between *forma fluens* and *fluxus formae*.¹⁶

Nevertheless, there is some justice in Maier's criticism of Albert's definition of motion, for the Universal Doctor's attempt to locate motion in the Aristotelian categories does conflict somewhat with the basic Aristotelian understanding of motion that Albert wishes to maintain. The conflict is indeed a sign of philosophical ill health, but it is not fatal, as Maier had suggested. Albert's understanding of motion is fundamentally sound; it is only his attempt to reconcile motion with the categories, which can be separated from the definition of motion, that is not successful. The problem is one that was spotted first by his rather precocious pupil. Accordingly, in the following I shall expound both Albert's attempt to categorize motion and also the criticism of this attempt that comes from Thomas Aquinas. I shall conclude with some critical comments of my own.

I. THE CATEGORIZATION OF MOTION: GENERICALLY

Albert devotes two chapters (2 and 3) to the categorization of motion in book 3, tractate 1 of his *Physica*.¹⁷ In chapter 2, his problem is to explain generally the kind of thing that motion is: granted that there are different species of motion, what is the

¹⁵ Ibid., 256-59.

¹⁶ William of Ockham, *Expositio in libros Physicorum Aristotelis*, lib. 3, cap. 3 (*Opera Philosophica* 4:452-67), ed. V. Richter & G. Leibold (Bonaventure, N.Y.: St. Bonaventure University, 1985); *Brevis summa libri Physicorum*, lib. 3, cap. 1 (*Opera Philosophica* 6:39-44); *Summula philosophiae naturalis*, lib. 3, cap. 1-5 (*Opera Philosophica* 6:247-63); *Questiones in libros Physicorum Aristotelis*, qq. 8-13 (*Opera Philosophica* 6:412-30). The terms *forma fluens* and *fluxus formae* appear nowhere in the indices to either of these volumes.

¹⁷ Albert also discusses the kinds of motion, and hence the categorization of motion, in the beginning of book 5, but there, following Aristotle, his problem is to show that there are only four kinds of motion. In book 3 the problem is to establish whether and how motion can be categorized and defined at all. Hence, the material in book 5 is not quite relevant to our topic.

genus?¹⁸ In chapter 3, he explains how motion is specifically categorizable: how each kind of motion is related to the category to which it belongs.

Albert accepts the Aristotelian definition of motion: "motion [is defined as] the actuality of the potentially existing qua existing potentially."¹⁹ Following the text of Averroes, he usually uses the term "perfection" for "actuality" or "act." Hence his version of the definition is "the perfection of that which is in potency insofar as it is in potency."²⁰ When he asks himself what in general motion is, the answer is obvious from the terms of the definition: it is a *perfection* of some sort and not a potency.²¹ However, as soon as one considers that to which motion belongs, namely, the movable thing, then one sees that motion also involves potency.²² Motion, then, is a reality: it can be said to be something actual, something of a perfection, or, as Albert will say, it can be called a form. But one must never forget that this reality belongs precisely to that which is in potency, and hence it can never be a perfection or actuality without some important qualification.

Motion is a perfection, but the word "perfection" is used in several senses.²³ The various senses of the word "perfection" are really various senses in which the word "form" can also be used. Albert distinguishes between what he calls "first" and "second"

¹⁸ In the beginning of chapter 2, following the text of Aristotle, Albert explains that there are three divisions that have to be made in order to understand motion. First, there is the division between act (or perfection) and potency; this division is needed to understand motion generically, the topic for chapter 2. Second, there is the division between substance and the nine categories of accidents; this division is needed to understand the different kinds of motion, the topic for chapter 3. Finally, the idea of relation is needed to understand the division between the mover (*motivum*) and the thing moved (*mobile*), which is discussed in chapter 8 (*Physica*, lib. 3, tract. 1, cap. 2 [Cologne 4.1:147 (ll. 14-26)]).

¹⁹ Hippocrates G. Apostle, *Aristotle's Physics* (Grinnell, Iowa: Peripatetic Press, 1980), 43. "ii TOU liuvcluet ovToc; IvTeAEXeta, ij TOLOUVTov, Ktvricric; fonv" (Aristotle, *Physics* 3.1.201a11-12).

²⁰ "[M]otus est entelechia sive perfectio eius quod est in potentia, sectmdum quod est in potentia" (Albert, *Physica*, lib. 3, tract. 1, cap. 4 [Cologne 4.1:156 (l. 87)-157 (l. 1)]).

²¹ "[Motus] est in genere perfectionis et non potentiae" (Albert, *Physica*, lib. 3, tract. 1, cap. 2 [Cologne 4.1:147 (ll. 19-20)]).

²² "Ex eadem accipiemus, quod [motus] est eius quod est in potentia et non in actu, sectmdum quod perfectio eius est motus" (ibid. [Cologne 4.1:147 (ll. 20-22)]).

²³ Ibid. (Cologne 4.1:148 [ll. 15-49]).

perfections, and each of these divisions can be subdivided into three, giving six different meanings of "perfection" in all. A "first perfection" can be first (a) temporally, (b) in being, or (c) in causality; likewise, a "second perfection" can be second (a) temporally, (b) in being, or (c) in causality. To be a first perfection temporally is to be that which is a way or a process by which the imperfect goes to perfection (*via et exitus imperfecti ad perfectionem*). This is the sense in which motion is a perfection. To be a first perfection in being is to be a substantial form; to be a first perfection in causality is to be a substantial form as a source of operations. Correspondingly, to be a second perfection temporally is to be the form that is the terminus of motion; to be a second perfection in being is to be an accidental form; and to be a second perfection in causality is to be the operation that flows from substantial form. To say, then, that motion is a perfection is to say that motion is the sort of actuality or form that temporally precedes and leads to the final form that is the terminus of that motion. It is the act of that which is in potency, which means that as a perfection it is paradoxically imperfect. Albert's language is somewhat strained, but his meaning is faithfully Aristotelian. Motion is an actuality, but it is not simply so, for it is in potency also; hence the odd language that motion is a perfection in the sense that it is the process of the imperfect becoming the perfect.

The language of perfection might be misleading in that it suggests that motion is a process of acquiring something that can be regarded as an improvement. Of course, not all change is change for the better, and Albert is aware that motion is not always the process of acquiring some form that is intrinsic to the mobile subject.²⁴ The most fundamental kind of motion is rooted in the potency of matter for being; this "motion" is properly not even called a motion, for it is substantial change. It is the acquiring of a form that results in a completely new substantial being, which is the acquiring of a form that can be regarded as a perfection. A less fundamental kind of change is rooted in the potency of a substance to acquire inherent but accidental forms

²⁴ Ibid. (Cologne 4.1:148 [II. 52-77]).

that modify the subject either in quantity or in quality. Second and third kinds of motion are thus quantitative motion (either increase or decrease in size) or qualitative motion (alteration in qualities). These kinds of motion are also the acquiring of form, but of accidental form. Finally there is the kind of motion involving the least potency, and that is the potency to something extrinsic, namely, new place (or possibly position). This fourth kind of motion, local motion, is not the acquiring of a form at all, for the locally moved thing does not acquire any new form inherent in it, but it does acquire a new place, which is exterior to it.

Furthermore, Albert understands that motion in the primary and most proper sense is local motion.²⁵ Accidental changes, whether quantitative or qualitative, are motions in a secondary and derivative sense. And substantial changes, although they can be called motions, are not really motions, for they do not involve a process between two termini. Hence, although Albert uses the language of "perfection" and of "way and process toward perfection," he does not think that motion is necessarily the acquiring of some inherent form, although such may be the case. To repeat, in the most proper sense, the mobile subject does not acquire any form *in itself* at all.

Another possible misconception is that of thinking that, because we can talk about motion "in general" or about the "genus" of motion, and because there are four different kinds or species of motion, there must be some real genus, called simply "motion," that is univocally predicated of the four species of motion. But Albert tells us that those who hold such a view are "reprehensible."²⁶ There is no "nature" that is common to the different ultimate Aristotelian categories, he says, and hence, although we talk about "motion" in quantity, in quality, and in place, there is no common nature of motion for these several kinds of motion.²⁷ The fact that the ten Aristotelian categories are the *ultimate* categories of being is precisely an indication that

²⁵ Ibid. (Cologne 4.1:148 [ll. 90-94]).

²⁶ Ibid. (Cologne 4.1:149 [ll. 9-44]).

²⁷ Ibid. (Cologne 4.1:149 [ll. 23-28]).

there is no genus above them. Motion can be recognized in different categories, but that fact does not mean that there is some common genus of motion. It also alerts us to the fact that the term "motion" is not used univocally of the four kinds of motion. Further, Albert seems to be suggesting that we cannot expect to give a proper definition of motion, for to do so would be to give a genus and difference, but that is obviously out of the question.

Motion in general, thus, is a perfection in the sense that it is an incomplete reality that is in process toward completion. There are different kinds of motion, but really one of these kinds, local motion, is motion in the proper sense of the term. The other kinds of motion are motion in some secondary sense, and the kinds of motion are not species of some univocally understood genus of motion. The attempt to define motion must be understood as an attempt to give some meaning to a term that is used equivocally in at least four different senses. In all of this, Albert gives an unobjectionably Aristotelian analysis of motion.

II. THE CATEGORIZATION OF MOTION: SPECIFICALLY

Motion is found in four categories: substance (substantial change), quantity (augmentation and diminution), quality (alteration of qualities), and place (local motion). Although we have a general idea of motion, we might wonder how motion is related to each of the categories in which it is found. Is an alteration of color, for example, in the category of color the way that blue is in that category? This question is complicated further because, as was indicated above, Averroes has said, on the one hand, that motion is in the category of *passio* and, on the other hand, that motion is in the four categories just listed. How, then, does one reconcile these two claims? Albert finds that there are five principal scholarly positions on this problem.

Position 1. Some, such as Gilbert de la Porree, hold that motion is in the category of action.²⁸ There is some plausibility in this, because all motion requires a mover in some way. Motion is an

²⁸ *Albert, Physica, lib. 3, tract. 1, cap. 3* (Cologne 4.1:150 [l. 81]-151[1.5]; 152 [ll. 8-35])

activity that is caused by an agent; hence it is plausible to think that motion is in the agent, and hence in the category of action. Albert rejects such a position, however, by distinguishing motion in a material sense, which can be thought of as in the mover, from motion formally considered, which is properly in the effect of the mover.²⁹ That is to say that properly and formally motion is something that takes place in the mobile subject, not in the cause of motion.

Position II. Some, following the reasoning just given, say that motion is in the mobile thing as in a subject, and that such motion is *received* from the causality of the agent.³⁰ What is received thus is obviously something passive, but that means that it is in the category of *passio*. Against such a position Albert argues that the fact of motion's being received is different from the motion itself.³¹ It is true that the mobile is something acted upon by the agent, but the *effect* of that action is still something different. Just as being painted is different from being red, so being moved is different from being in motion. The fact that the two occur in the same subject is not a relevant fact, since, if it were, it would mean that, because all accidents can be predicated of a subject, all categories of accidents would collapse into one.

Position III. The third position is that motion itself, the *fluxus*, is essentially identical with the terminus of motion.³² This position, which Albert attributes to Averroes, means that any motion can itself be essentially categorized in one of the four categories in which motion is found: substantial change is in the category of substance, augmentation is in the category of quantity, and so forth. To use Albert's example, taken from Averroes, the process of blackening and blackness are essentially identical: *nigrescere est nigredo*. Those who hold this position, according to Albert, say the following.

²⁹ Ibid. (Cologne 4.1:154 [ll. 50-58]).

³⁰ Ibid. (Cologne 4.1:151 [ll. 5-15]; 152 [ll. 35-53]).

³¹ Ibid. (Cologne 4.1:154 [ll. 70-78]).

³² Ibid. (Cologne 4.1:151 [ll. 22-52]; 152 [l. 58]-153 [l. 32]).

They say that any flow [of motion] does not differ from the end in which it rests by a specific difference or through essence, but only in being. And they say that motion is found in all of the categories in which a flowing being and its terminus can be found, and these are the four categories [substance, quantity, quality, and place].... And according to them, blackening is a changing or flowing blackness, and ascending is a flowing place to that which is higher, and so forth. And blackening does not differ from blackness in essence through a specific difference, but differs from it as being in motion [differs from] being at rest, which are different instances of being, or as being in progress [differs from] being at the terminus, which are again different instances of being. And to them it is fitting to say that motion is said equivocally of the different species of motion, because there is not one thing or nature that unites quantity, quality, and place, except for analogous things like "being" or "one," in none of which is there motion.³³

The fundamental point about this position is that motion itself (the *fluxus*) and the terminus of motion do not differ in any formal way. This means that they share the same essence or nature, while they differ in that one is in motion and the other is at rest, or, one is in progress (*in via*) and the other is at the end (the terminus). Since the motion and the terminus share the same essence and do not differ by any specific difference, and since the essence in question is given by the category, it would follow that the motion and the terminus are both individual instances of the same species.³⁴ For example, "blackness" would be a species of

³³ "quidam enim dicunt, quod quisque fluxus a fine, in quo stat, non differt differentia specifica sive per essentiam, sed per esse tantum. Et hi dicunt, quod motus est in omnibus illis praedicamentis, in quibus invenitur ens fluens et terminus fluxus illius, et haec sunt praedicamenta quattuor Et secundum istos nigrescere est nigredo pertransiens sive fluens et ascendere est ubi fluens, quod est sursum, et sic de aliis. Et nigrescere non differt a nigredine secundum essentiam per differentiam specificam, sed differt ab ea secundum esse in fluxu et in quiete, quod est esse aliud et aliud, et secundum esse in via et in termino, quod item est esse aliud et aliud. Et istis convenit dicere, quod motus est aequivocum ad ea quae dicuntur species motus, quia nulla est res una vel natura uniens quantitatem et qualitatem et ubi nisi ilia analoga, quae sunt ens et unum, quorum nullum est motus" (ibid. [Cologne 4.1:151 (ll. 23-28, 29-41)]).

³⁴ When I say "individual instances of the same species," I do not necessarily mean simply two individuals that belong to the same species, as Socrates and Plato belong to the species "man." The "individual instances" could be two different modes of being, as an imperfect and a perfect member of the same species. Individual instances as modes of being are, in fact, probably what Albert had in mind. (I thank Fr. Lawrence Dewan, O.P., for this and other helpful points.)

alteration, such that "blackening" and "being black" are two different individual instances of blackness. On this view, however, Albert points out that there is no proper genus called "motion," of which "blackness" would be one of the species. Rather, "motion" is said equivocally or analogically of all the different species of motion. Since this position is the one that Albert adopted as his own, and since it, in contrast with the fourth position, provides the principal problem for our consideration, I shall postpone his arguments for the third position and against the fourth until later.

Position N. The fourth position, in opposition to the third, is the position of those who hold that motion differs from the category in which it is found both essentially and by a specific difference.

A second group [of philosophers], who agree that motion is a flow of being with respect to different categories, say that the flow, by essence and by specific difference, differs from that toward which it flows. Hence they say that blackening by essence and by specific difference differs from blackness, with the result that blackening is neither a species of quality nor a quality, but blackness is a species of quality and a quality, and so forth for other motions and termini of motions.³⁵

This position implies that the relation of motion to terminus is not the relation of one individual to another in the same species, but rather the relation of two things that are simply generically different, for they do not share the same essence. A further implication is that motion cannot be regarded as a species of a genus that would be given by the terminus. This position, in contrast with the third, means that there is properly no formal identity between the motion and its terminus, for they are not two individuals of one species, nor is one related to the other as species to genus.

³⁵ "Secundi autem, qui etiam dicunt, quod motus est fluxus entis, quod est in diversis praedicamentis, dicunt, quod fluxus per essentiam et per differentiam specificam differt ab eo ad quod fluit. Unde dicunt, quod nigrescere per essentiam et per differentiam specificam differt ab nigredine, propter quod et nigrescere neque est species qualitatis neque qualitas, sed nigredo est species qualitatis et qualitas, et sic est de aliis motibus et de his ad quae est motus" (Albert, *Physica*, lib. 3, tract. 1, cap. 3 [Cologne 4.1:151 (ll. 53-61)]).

Thus far the fourth position is the same as the fifth, but the fourth position differs from the fifth in that Avicenna, the holder of the fourth position, insists that there is properly no genus or species at all for "motion."

Certain philosophers of this group [those who hold the fourth position] say that motion cannot be taken in any category, neither in genus nor in species, but it is a way to the thing that belongs in the category and a kind of principle of it. And they say, further, that motion is an analogous name that is predicated based on the causality of the different specific motions mentioned above.... And Avicenna especially seems to agree with this position. And when Aristotle says that motion is in the different categories, they understand this to mean that a way to the category is said to belong to the category, as also other generic principles are said to belong to the genera of which they are principles, as for example, "point" and "unity" belong to the genus of quantity, and as "form" and "matter" belong to the genus of substance. But there is this difference: these principles essentially are saved in their genera. Motion, however, does not belong really or essentially to a genus, because it is a principle as a "way" [to something else] and not as something remaining in being.³⁶

Avicenna's position, according to Albert, like the third position, attempts to understand the *fluxus* in relation to the terminus of motion, and not in relation to the agent or the patient. Avicenna, however, denies that the flow of motion and the terminus of motion are essentially the same. In fact, for Avicenna, motion is not properly in any category, for it transcends them all. It is related to the categories in which there is motion somewhat in the same way as substantial form and prime matter are related to the

³⁶ "Quidam enim illorum dicunt, quod motus neque in genere neque in specie sumptus est in aliquo praedicamento, sed est via ad rem praedicamenti et quoddam principium ad ipsam; et cum hoc dicunt, quod motus in genere est nomen ambigue praedicatum de specialibus motibus propter causas, quas supra diximus.... et Avicenna magis consentire videntur in hanc sententiam. Et cum /Jistoteles <licitmotum esse in diversis praedicamentis, intelligunt hoc illi, secundum quod via ad praedicamentum dicitur esse de praedicamento, sicut etiam alia principia generum dicuntur esse de generibus istis quorum sunt principia, sicut punctus et unitas sunt de genere quantitatis et sicut forma et materia sunt de genere substantiae, praeter hoc solum, quod illa sunt principia essentialiter salvata in generibus istis. Matus autem non salvatur essentialiter in re generis, quia est principium sicut via et non sicut ens permanens" (ibid. [Cologne 4.1:151 (II. 62-81)]).

category of substance: they are principles of the category but are not species or individuals under the category.³⁷

Position V. The fifth position is that the *fluxus* of motion is not identical with the terminus of motion but is in some separate category by itself that is predicated univocally of all species of motion.³⁸ This position is immediately rejected by Albert as something already refuted, because it would imply that there is some category beyond the ultimate categories of being (if they *are* the ultimate categories there can be no category beyond them) and because it would seem to imply that motion should be some one univocal thing (but Albert has already argued that it is not).

Given the five positions, Albert finds that the first and second are wrong but do have some basis in truth; the fifth is obviously wrong. The two most plausible positions, then, are the third and the fourth. Albert accepts the third and rejects the fourth. The real essence of motion is in the being of motion in the moved thing. When motion is considered in that way, and not as something caused or with respect to its cause, then we see that, as was expressed in the third position, motion as a perfection is formally identical with the terminus of motion.

Since motion [considered] in this way is an imperfect perfection of that which is moved, it is necessarily the case that insofar as it is a perfection it corresponds formally with that which is the pure and perfect perfection. For this reason certain renowned men from the sect of Peripatetics have said that motion does not differ essentially from the form to which the motion is directed. On the other hand, insofar as it is an *imperfect* perfection, it does differ from the form to which the motion is directed, through the being of imperfection and through being mixed with the privation of that form toward which the motion tends And this is the opinion that I believe to be true.³⁹

³⁷ The fourth position expresses essentially the position of Thomas. Significantly, Thomas uses the same analogy attributed by Albert to Avicenna: that motion is related to the categories in which there is motion in the way that prime matter is related to the category of substance. See below, note 53.

³⁸ Albert, *Physica*, lib. 3, tract. 1, cap. 3 (Cologne 4.1:151 [l. 86]-152 [l. 2]).

³⁹ "Cum autem [motus] hoc modo sit imperfecta perfectio eius quod movetur, oportet necessario, quod in quantum est perfectio, formaliter conveniat cum eo quod est perfectio pura et perfecta; et ideo dixerunt quidam illustres viri de secta Peripateticorum, quod motus non differt essentialiter a forma, ad quam est motus. In quantum autem est imperfecta perfectio, sic differt a forma, ad quam est motus, per esse imperfectionis et permixtionis cum privatione

Motion and its terminus are formally identical, but motion is a less-perfect instance of the pure form achieved at the end. There is no difference in form between the two, except that the terminus is pure and perfect whereas the motion is mixed with privation and is imperfect.

When Albert introduces his responses to Avicennian objections against the third position, he again states his acceptance of this position.

Among all the positions we find the third to be truer. Avicenna's objections can be answered through this: that blackening is a flowing blackness, for nothing prevents that which "in motion" signifies from being of the same essence as that which "at rest" signifies, provided that they are differentiated in being, as for example, "to love" and "love" [are differentiated] and so are many other such things. And [motion and rest] do not have a specific difference by which they differ, except insofar as a difference is recognized in different instances of being, because with such a difference [the terms] signify with a verb [e.g., "to blacken"] one thing in both motion and time, and they signify with a noun [e.g., "blackness"] another thing without motion. And thus it is clear that blackening and blackness are in some way the same but in some way different.⁴⁰

The very same essence can be characterized as "in motion" or as "at rest." There is no difference formally between the two—even at the level of species, for there is no specific difference by which one could be distinguished from the other—but there is a difference in being, for one involves time and motion, whereas the other does not.

Albert, then, accepts the third position that motion and its end are formally identical and rejects the fourth position that the two

illius formae ad quam tendit motus et haec est opinio, quam credo esse veram" (ibid. [Cologne 4.1:154 (II. 12-24)]).

⁴⁰ "Tertiam autem opinionem de motu inter omnes nos reputamus veriore. Ea autem quae Avicenna obicit in contrarium, solvenda sunt per hoc, quod nigrescere est nigredo fluens, quia nihil prohibet id quod significat 'in motu', et id quod significat 'in quiete', esse eiusdem essentiae, dummodo in esse diversificentur sicut amare et amor et sicut in multis aliis. Et non habent differentiam specificam, qua differunt ab invicem, nisi illa differentia accipiatur per esse differens, quia penes talem differentiam verbaliter significant unum et cum motu et tempore, alterum nominaliter et sine motu. Et sic patet, quod nigrescere et nigredo sunt aliquo modo idem et aliquo modo diversa" (ibid. [Cologne 4.1:155 (II. 4-16)]).

are formally distinct. The following is one principal argument for the third position.

Form mixed with potency and pure form are not essentially different, but they differ in being; motion is a flowing form mixed with potency; therefore, [the flowing form] does not differ essentially from the form taken in the pure sense. But the form that is mixed with potency in motion is the same form as the pure form in the terminus of motion. Therefore, these [tvvo] do not differ essentially, and therefore they are in essentially the same category. The form that is the terminus of motion is neither in [the category of] action nor [in the category of] passion but is in different categories. Therefore, motion also is in different categories.⁴¹

The fundamental point here is that motion itself is a form, though a flowing form, and the terminus of motion is a form, though a pure form. These two forms, however, are not essentially different but are essentially the same. They are different *in being*, for the motion and the rest at the end of the motion are really different, but they are not different *in kind*. Note that the motion is characterized as a form "mixed with potency," whereas the form of the terminus is "pure," that is, not mixed with potency. The relation to potency must be viewed by Albert as accidental, for the two forms are in essence identical.

A second argument to show why the third position must be correct and the fourth wrong is the following.

When a thing in some category is flowing, it reaches a terminus that is either extrinsic to it and not identical with it in any way, or it reaches a terminus that is essentially identical with it though different from it in being. If it reaches a terminus that is not essentially identical with it, then it reaches a terminus that is extrinsic to it. But any extrinsic thing can equally be the terminus for [any other] extrinsic thing. Therefore, any motion can reach any terminus, which is absurd, because any given motion has its own proper terminus. It remains, therefore, that the terminus of motion is intrinsic essentially to the motion. It is,

⁴¹ "Forma permixta potentiae et forma pura non differunt per essentiam, sed per esse et esse; motus autem est fluens forma permixta potentia; ergo non differt per essentiam ab eadem forma pure accepta. Sed forma, quae mixta est potentiae in motu, est eadem cum ea quae pura est in termino motus; ergo non differunt istae per essentiam; ergo etiam essentialiter sunt in uno praedicamento. Sed forma, quae est terminus motus, nee est in actione nee in passione, sed in diversis praedicamentis; ergo etiam motus est in diversis praedicamentis" (ibid. [Cologne 4.1:152 (IL 59-70)]).

therefore, essentially the same as the flowing thing, although it is not the same in being.⁴²

According to Albert, if we do not adopt the third position, we are forced to concede that the terminus of motion has no essential connection with the motion itself, but that is tantamount to saying that any motion can achieve any end, which is absurd. The third position is required in order to maintain the basic intelligibility of motion; if we were to adopt the fourth position we would, in effect, be saying that any given motion could end in any way. What begins as a change in color, for example, could end as a change in place. In order to avoid such absurdities, we must recognize that motion and its terminus are essentially the same.

Albert's favorite image to illustrate the truth of the third position is that of drawing a line.⁴³ If we draw a line with a pen, the tip of the pen makes a point when it is set on the page. By drawing the pen across the page, the pen essentially takes that initial point and extends it, and that same point also makes the end of the line when the drawing stops. The drawing of a line, thus, is like a flowing point: the same point starts the line, makes the line, and ends the line. The point that starts and makes the line, Albert tells us, is always essentially the same point as the terminus of the line, although a point in the middle of the line and the terminus are different in being. One point on the line is different from another—they are different in being—but they are categorically or essentially all the same.

⁴² "[C]um fluit ens alicuius praedicamenti, aut terminatur ad terminum sibi extrinsecum et essentialiter nullo modo in ipso contentum, aut terminatur termino in ipso essentialiter contento, licet per esse differat ab ipso, siquidem terminatur termino sibi non coessentiali, et qui non continetur in ipso; ergo terminatur ad ipsum tamquam ad extraneum. Sed quodlibet extraneum aequaliter est terminus extranei; ergo quilibet motus potest terminari ad quemcumque terminum, quod est absurdum, quia quilibet motus habet proprium tenninum; ergo relinquitur, quod terminus motus intrinsecus sit per essentiam motui; ergo est idem cum ente fluente ad ipsum per essentiam, licet non per esse" (ibid. [Cologne 4.1:152 (II. 71-84)]).

⁴³ "If we imagine that a flowing point makes a line and that the flowing point stops at some point that is the termination of its flowing, it is clear that the terminus of the line, in which the flowing point rests, is intrinsic and essential to the line; and we cannot say that the point terminating the flow is of a different essence from the flowing point, although the being of the flowing and of the standing points are different" (ibid. [Cologne 4.1:152 (I. 85)-153 (I. 4)]). The same example is given later in the same chapter: 155 (II. 56-64).

The truth of the third position must, however, be qualified,⁴⁴ for there is some truth in the first, second, and fourth positions as well. In claiming that the *fluxus* and the terminus of motion are essentially identical, Albert explains that he is talking about the very being or essence of motion. Motion essentially is an "imperfect perfection" (*imperfecta perfectio*). As a perfection, motion is clearly a kind of form and is essentially the same as the terminus of motion. The process of becoming black and blackness are essentially the same. On the other hand, as an *imperfect* perfection, the flowing form does differ from the perfect form that is the terminus. In this sense, the fourth position is correct: there is some difference between the flowing form and the perfect form. Furthermore, in giving the essence of motion, Albert has not been talking about motion as something caused or as something causing motion. If, then, we do talk about motion as something received in the mobile thing, then motion is in the category of passion. If, on the other hand, we talk about motion as something that is causing motion, then it is in the category of action. There is, therefore, some accommodation for the first, second, and fourth positions.

Albert raises and answers a number of Avicennian objections against his own position. One objection is that it is wrong to call motion a form that is essentially the same as the terminus of motion, for a form either *is* or it *is not*.⁴⁵ If the form is, then it cannot be acquired, for it already is; but if the form is not, then it cannot do anything, for only that which is can do anything.

Albert's response is to say that he intends a form that both is and is not. It is insofar as it is a flowing form, and such a form really is. It is not insofar as it is mixed with potency.⁴⁶ In the example of the qualitative change to blackness, the blackness *is* as a flowing form, but it *is not* insofar as the flowing form is mixed with privation. In this, Albert says, he is describing what is true of any change that is a change of degree. Such changes are always characterized by "more" and "less." But the "more" and "less" of

⁴⁴ Ibid. (Cologne 4.1:154 [ll. 5-47]).

⁴⁵ Ibid. (Cologne 4.1:153 [ll. 36-44]).

⁴⁶ Ibid. (Cologne 4.1:155 [ll. 18-24]).

such changes are more and less of the same form.⁴⁷ Insofar as one is specifying *less* of a form, one is specifying a privation that is *not* the form; but insofar as one is specifying less *of a form*, one is specifying the form. In this sense, Albert wishes to hold that the flowing form and the form at rest are essentially the same but yet different in being.

It might be helpful to consider that the model in Albert's mind for all motion seems not to be local motion, as it is for modern philosophers, but to be qualitative change. The alteration of a thing from one color to another is understood by Albert as a process of intensifying the degree of one form. Something becoming black is acquiring an ever-more-intense degree of blackness, but to have *some* degree of blackness is to be black. Hence, Albert thinks that the motion toward blackness and the fully acquired blackness are formally the same, although there is a difference of degree. This difference of degree also represents in all motions, except substantial change, a temporal difference. The lesser degree of something is temporally before the fuller degree of that thing. Albert then thinks of other motions as analogous to alterations. Quantitative changes are greater or lesser degrees of the final specified quantity, and local motions are processes of achieving to greater or lesser degrees the final place. Substantial change, since it is instantaneous, does not manifest itself in a matter of degrees, but this fact, while it makes it harder to think of such change as properly a *motion*, makes it easier to grasp Albert's claim that the motion and the end are essentially the same, for there is nothing in between the two termini of the change that could be formally different from the end.

A second objection against Albert's position is also an objection about form.⁴⁸ A pure form, so the objection goes, is essentially

⁴⁷ "That which is recognized in qualitative change is one in essence but continually different in being, because if it were not one in essence, it would not allow a comparison of more and less, and if it were not continually different in being, there would be no real difference of more or less. A comparison implies some common, univocal nature; and a difference of more or less applies only to that which in being approaches more or less to that true nature to which the name belongs" (ibid. [Cologne 4.1:155 (ll. 27-38)]).

⁴⁸ Ibid. (Cologne 4.1:153 [ll. 44-53]).

different from a mixed form, as black is essentially different from grey. The *forma fluens* is a mixed form and is, therefore, essentially different from the terminus, which is a pure form. Albert responds to this objection by pointing out that the objection concerns the *intermediate* between the two termini of motion.⁴⁹ The problem is, what is the status of this intermediate? If one looks at the intermediate just in itself, as though it were a kind of complete being (*secundum esse completum*), then obviously it and the terminus of motion are essentially different. The intermediate is something composed and incomplete, but the terminus is something simple and complete. On the other hand, if one recognizes that the intermediate is not really a complete being but is "a way toward complete form" (*via ad completam formam*), then one can see that in the intermediate of motion "one and the same form flows from its incomplete being to its complete being" (*unica fluit forma a suo esse incompleto ad suum esse completum*). The intermediate of motion, Albert tells us, is not properly a complete being but is an incomplete being that is specified by its end.

We should make several other notes about Albert's position. For one, Albert does not regard the form itself as something that moves, although his language might suggest that at times. A form, he points out, is simple, but motion is a successive reality, which means that its parts do not exist all at once.⁵⁰ This is why the flowing form is different in being from the terminus or final perfection, although it is the same in essence. Another point is that although Albert calls motion a "perfection" or an "imperfect

⁴⁹ "Whatever is moved is in the intermediate before being in the end. But the intermediate between the two ends can be taken in the sense of a complete being and also in the sense of a continually flowing potency toward perfect being. In the first way, the intermediate is of a different species from the end, because each is a complete species, one of which is a composed thing and the other of which is simple. In the second way, however, the intermediate is neither a complete species nor a form, but is a way toward a complete form, and in this way one and the same form flows from its incomplete being to its complete being (*unica fluit forma a suo esse incompleto ad suum esse completum*). This is not called simply an intermediary but an intermediary in some qualified way, as it may be called an intermediate of motion or flow; in this way the intermediate is specified and defined" (ibid. [Cologne 4.1:155 (II. 39-56)]).

⁵⁰ Ibid. (Cologne 4.1:156 [II. 3-11]).

perfection," he does not mean that motion is an improvement or a change for the better.⁵¹ A subject that could be made better or worse might be said to be brought to perfection or not, but that is not the sense in which Albert is using the term "perfection." He means, rather, a process of going from a potential or imperfect state to an actual or a perfect one. Finally, Albert ends his entire discussion of the categorization of motion by saying that he cannot entirely reject the fourth position, for it expresses an important truth.⁵² The Aristotelian categories are categories of *beings-entia*. They provide a way for us to categorize and define what in the end we recognize to be actual entities. Motion, however, because of its imperfection, is not properly a being but is something that belongs to a being. We determine categories of the things to which motion belongs; these things properly belong in the categories, and by association with them motion can be said to be "reduced" to the various categories.

This last remark expresses a potentially contradictory doctrine, for if one were to insist upon it, it would imply the negation of the third position, which Albert has labored long in chapter 3 to support. It expresses, I think, the heart of the fourth position, namely, that what belong properly to the categories are not the different motions as such but the different *things* with respect to which there are different kinds of motions. If this is strictly true, then it would be false to say, as Albert does, that the motions are really forms that are essentially identical with the forms that are the ends of motions. I think that this last comment of Albert, therefore, must be understood as a sort of admission of the difficulty of categorizing motion. The categories are categories of simple entities, but motions are not simple entities. The fourth position explicitly recognizes this problem. Although, for reasons

⁵¹ Ibid. (Cologne 4.1:156 [!! 17-24]).

⁵² "I do not wish to reject the opinion that motion is not in a category but is a way toward those things that are in a category, because I know that the categories contain beings. Motion, however, because of its imperfection, is not properly speaking a being but is something that belongs to a being. Therefore, it does not properly fall into a category, except in the way in which those things that belong to something else are *reduced* to categories" (ibid. [Cologne 4.1:156 (II. 53-60)]).

we have seen, Albert does not accept the fourth position, he does see the problem that motivates the adoption of the position.

In summary, clearly the various ends of motions are categorizable according to the Aristotelian categories of substance, quantity, quality, and place. The problem is to determine how the motions themselves are categorized. In the end, there are only two possibilities. Either a motion is essentially the same as its end or it is not. Albert opts for the first choice, insisting that motion itself is a flowing form that is essentially identical with its terminus but different from it in being. The other view, he thinks, renders motion unintelligible and is not the standard view of Aristotle and his most prominent commentators. Aristotle had said that motion is in the categories, and Albert takes this as strictly true.

III. THOMAS ON THE CATEGORIZATION OF MOTION

When Thomas Aquinas comments on the preambles to Aristotle's definition of motion in book 3 of the *Physics*, he adopts what I have called above the "fourth position," which was ascribed by Albert to Avicenna. Like Albert, Thomas recognizes that motion itself must be a mixture of actuality and potentiality—it must, in Thomas's terms, be an "imperfect act" (*actus imperfectus*)-but unlike Albert Thomas saw that this fact makes it impossible to say that any specific motion and its category are essentially identical.

[M]otion ... is an imperfect act. But every imperfect thing falls under the same category as that which is perfect, *not indeed as a species but by reduction*, in the same way as prime matter is in the category of substance. It is necessary that motion not be beyond the categories of things in which motion is found. And this is what Aristotle says, namely, that motion is not "beyond things," that is, "beyond the categories of things in which there is motion," as though something were outside or common to all these categories.⁵³

⁵³ "[M]otus ... sit actus imperfectus; omne autem quod est imperfectum sub eodem genere cadit cum perfecto, non quidem sicut species sed per reductionem, sicut materia prima est in genere substantiae; necesse est quod motus non sit praeter genera rerum in quibus contingit esse motum. Et hoc est quod dicit, quod motus non est *praeter* id est praeter genera rerum in quibus est motus, ita quod sit aliquod extraneum vel aliquid commune ad haec genera" (Thomas Aquinas, III *Physic.*, lect. 1, n. 7 [Marietti, 1965, 141]). Recall that Albert had used

I have added emphasis to the words "not indeed as a species but by reduction" to point out the difference between Thomas's position and that of Albert. It is precisely Albert's position that the *fluxus* of motion does "not differ from the end in which it comes to rest by a specific difference or by essence."⁵⁴ Since it is the end that specifies the category of motion, Albert is affirming what Thomas is denying: that any motion and its terminus are one in species. To repeat the example, Albert thinks that the process of becoming black is an instance of blackness, but this is just what Thomas denies. Thomas and Albert agree that motion is not some super-category beyond the ultimate Aristotelian categories, and for the same reason: that the categories adequately divide all finite being.⁵⁵ They differ sharply, however, on how specific motions are related to their categories.

The difference between Thomas's position and Albert's can be seen in four ways. First, as Thomas tells us, motion is neither perfect act nor pure potency; it is rather something in the middle between act and potency.⁵⁶ What is in potency has not yet moved, but what is in act has already moved. That which is now in motion is in between pure act and potency, sharing some aspects of both. The "imperfect act" that is motion must retain a dual ordination: it must be ordered both as potency to further act and as act to previous potency.⁵⁷ If it has only an order to further act,

the same analogy, that motion is to its category as prime matter is to the category of substance, in order to describe the fourth position, which he rejected. See above, note 37,

⁵⁴ "[F]luxus a fine, in quo stat, non differt differentia specifica sive per essentiam" (Albert, *Physica*, lib. 3, tract. 1, cap. 3 [Cologne 4.1:151 (24-25)]).

⁵⁵ Aquinas, III *Physic.*, lect.1, n. 7 (Marietti, 1965, 141). See Albert, *Physica*, lib. 3, tract. 1, cap. 2 (Cologne 4.1:149 [II. 23-28]).

⁵⁶ "We should recognize that one kind of thing is only in act, another is only in potency, and a third is in an intermediate state between act and potency. What is in potency only is not yet moved; what is already in complete act is not moved but has already moved. Therefore, what is being moved is in an intermediate state between pure potency and act, and this is partially in potency and partially in act, as is clear in alteration" (Aquinas, III *Physic.*, lect. 2, n. 3 [Marietti, 1965, 145]).

⁵⁷ "Motion is an imperfect act, There is no motion insofar as something is only in act, but there is motion insofar as what is now in act has an inclination to some further act. If the inclination to further act is taken away, then even an imperfect act would be the terminus of motion and not motion, as is clear when something is only partially warmed. The inclination to further act belongs to that which is in potency to it. Likewise, if the imperfect act is

then it can be regarded as potency only, as that which has not yet moved. If it has only an order to previous potency, then it can be regarded as act only, as that which has already moved. To capture the reality that is motion, we must affirm both the potential ordination to complete act, and the actual ordination to previous potency. This dual ordination of motion means that the "imperfect act" that is motion is really different from the "perfect act" that is the terminus or end of motion.

We should consider that, before something is moved, it is in potency to two acts: namely, to perfect act, which is the terminus of motion, and to imperfect act, which is the motion. Water, for example, before it is heated, is in potency *to being heated* and *to be hot*. When it is being heated [its potency] is brought into imperfect act, which is motion; it has not yet, however, been brought into perfect act, which is the terminus of motion, but is still in potency with respect to that.⁵⁸

This passage expresses neatly the difference between Thomas and Albert. For Thomas, there are really two quite different acts to be considered in the defining of motion, but for Albert there is only one. This is to say that, for Thomas, the imperfect act is fundamentally of a different nature from the perfect act; they are not of the same genus or category, as Albert had thought. Albert, on the other hand, regards the act of motion, which he calls a form, and the terminus of motion, which is also a form, as being essentially the same.

A second way in which the difference between Thomas and Albert can be seen is from the distinction that Thomas draws between the "act of what is imperfect insofar as it is so" (*actus*

considered only as inclined to further act, which is the meaning of potency, it would not have the character of motion but of the *beginning* of motion. Heating can begin from what is cold or from what is warm. Hence, the imperfect act has the character of motion, both because as potency it is inclined to further act and because as act it is related to what is less perfect" (ibid.).

⁵⁸ "Considerandum est enim, quod antequam aliquid moveatur, est in potentia ad duos actus: scilicet ad actum perfectum, qui est terminus motus, et ad actum imperfectum, qui est motus; sicut aqua antequam incipit calefieri est in potentia ad calefieri et ad calidum esse: cum autem calefit reducitur in actum imperfectum, qui est motus; nondum autem in actum perfectum qui est terminus motus, sed adhuc respectu ipsius remanet in potentia" (Aquinas, III *Physic.*, lect. 2, n. 5 [Marietti, 1965, 145]).

imperfecti in quantum hujusmodi), which is motion, and the "act of what is perfect insofar as it is so" (*actus perfecti in quantum hujusmodi*), which is operation. In the following text Thomas draws this distinction in a way that is relevant to our problem.

There are two kinds of act: act that is the act of what is imperfect insofar as it is so, like motion, and act that is the act of the perfect insofar as it is so, like operation that follows from form. Sometimes it happens that the act of what is perfect is found in that which is imperfect but which participates to some degree in perfection, as, for example, something of the actuality of white is in a pale thing. When, therefore, that which is imperfect comes to perfection, the act that belongs to it insofar as it has something of the perfection toward which it tends, remains with respect to the substance of the act, but is removed with respect to what was imperfect of the act. For example, when the child reaches maturity, his lisping speech is removed—that is, what was imperfect is removed. Anything of perfection, however, in the speech remains. But when motion, which is the act of what is imperfect, achieves its terminus, it does not remain as to the substance of its act but only as to the root [of that act], insofar as motion *was* present, which was a kind of relation and order of what is imperfect to perfection.⁵⁹

What Thomas says in this text about *operation* is what Albert has said about *motion*. An operation can be found in that which is less perfect than its final or mature state, as speech can be found in a child that is an imperfect instance of speech that will be later found in the adult. In such a case, the act in the imperfect state and the act of the perfect state are essentially the same, but one is an imperfect version of the other. One could say that they share the same essence but differ in being-as Albert had said about motion. Motion, however, according to Thomas, cannot be said

⁵⁹ "Est autem duplex actus; scilicet actus qui est actus imperfecti in quantum hujusmodi, sicut motus; et actus qui est actus perfecti in quantum hujusmodi, sicut operatio consequens formam. Contingit autem quandoque quod actus perfecti inveniantur in imperfecto secundum quod jam participat aliquid de perfectione, sicut aliquid de actu albi est in pallido. Quando ergo imperfectum ad perfectionem venit, actus qui est ejus in quantum habet aliquid de perfectione in quam tendebat, manet quantum ad id quod est substantia actus, sed tollitur quantum ad id quod erat de imperfectione actus; sicut loquela balbutientis pueri tollitur, quando venit ad perfectam aetatem, quantum ad id quod imperfectionis erat in ipso; manet autem quidquid erat de perfectione et de substantia loquela. Sed motus qui est actus imperfecti, quando pervenitur ad terminum motus, non manet quantum ad aliquid substantiae actus, sed quantum ad radicem, secundum quam motus inerat, quae erat proportio quaedam et ordo imperfecti ad perfectionem" (Aquinas, III *Sent.*, d. 31, q. 2, a. 1, q. 2 [Paris: Letiellieux, 1933, 988]).

to be an imperfect version of the final act that is the perfect version, for nothing of the *act of motion* remains when the terminus is achieved. In Thomistic terms, what Albert has said about motion is really true, not about motion, but about operation. Interestingly, Thomas cites the example of a pale thing in relation to a white thing. Such an example is an example of how something imperfect may be seen to participate in what is perfect, and thus to share in the same act or form. But the example is not an example of a motion. It may be true that a pale thing is an imperfect participation in whiteness, but it is not true that the motion of becoming white is an imperfect participation in whiteness.

A third way in which the difference between Albert and Thomas can be seen concerns the intermediate between the two termini of motion. Albert has said that the intermediate can in some sense be regarded as of the same species as the terminus. Thomas, however, denies this. According to him, whenever something moves locally it must always move from one terminus to another, and the termini are obviously different in species. But it must move through some intermediate that is also different in species from either terminus. Significantly, Thomas says that this same principle can be noted in alteration, and he gives Albert's favorite example.

And likewise in the motion of alteration, it must be recognized that the first thing into which something is changed is an intermediate [between the two termini] that is a different species [from either of the termini]. For example, when something is changed from white into black, *grey-not less white-must* be recognized [as an intermediate].⁶⁰

According to Thomas, when something changes from white to black, it necessarily changes into something *specifically different* from either the white or the black. The intermediate stages cannot

⁶⁰ "Et similiter in motu alterationis accipiendum est primum in quod mutatur, medium alterius speciei; sicut cum mutatur de albo in nigrum, accipi debet fuscum, non autem minus album" (Aquinas, VI *Physic.*, lect. 5, n. 19 [Marietti, 1965, 399]). The Latin word *fuscus* does not quite mean "grey"; it means something darker than grey but not quite jet-black, but the word "grey" conveys Thomas's point accurately.

be understood as merely an imperfect instance of either terminus-as "less white" or "imperfectly black"-but they must be understood as something of a different nature, if real motion is taking place.

A fourth way in which the difference between the two philosophers can be seen is from the way in which they characterize the relation of a point to a line, or the relation of the now to time. For Thomas, as for Aristotle, it is simply the case that between two points there is always a line that is of a different nature from the points; likewise, between any two nows there is always time that is of a different nature from the now.

One point does not follow another point such that from them a *length*, that is to say, a line, can be constructed; nor can one "now" follow another "now" such that time can be constructed from them. This is so because one [indivisible] follows another, the intermediate of which is not something of the same kind [as the indivisible].⁶¹

Albert, by contrast, when he is commenting on the same passage at the beginning of book 6 of the *Physics*, will argue in favor of a startling thesis:

A line is terminated by points, and time is terminated by the now, such that between any points there are points on the continuum and between any nows there are other nows in time, *so that the intermediate is something of the same proximate genus both with respect to points and with respect to nows.*⁶²

Albert recognizes that what he is saying is controversial,⁶³ but he defends his claim by saying that a point formally can be

⁶¹ "Non enim punctum se habebit consequenter ad aliud punctum, ita quod ex eis constitui possit longitudo, idest linea; aut unum nunc alteri nunc ita quod ex eis possit componi tempus: quia consequenter est unum alteri quorum non est aliquid medium eiusdem generis" (Aquinas, VI *Physic.*, lect. 1, n. 5 [Marietti, 1965, 374]).

⁶² "Linea autem est terminata punctis, et tempus est terminatum nunc, et ita inter quaelibet puncta sunt puncta in continua et inter quaelibet nunc sunt alia nunc in tempore, et sic aliquid proximi generis est medium tam inter puncta quam inter nunc" (Albert, *Physica*, lib. 6, tract. 1, cap. 1 [Cologne 4.2:447 (ll. 47-52)]; emphasis added).

⁶³ "But perhaps someone will doubt this, saying that a line is generically different from a point, since the point is neither a line nor a part of a line" (ibid. [Cologne, 4.2:447 (ll. 53-55)]).

considered not as a *continuous thing (continuatum)* but as a *continuator (continuans)*. As a continuator, the point is in the line as beginning, as middle, and as end. From the beginning of the line one can construct the line by imaginatively moving the point through to the end of the line. In this sense the line is truly composed of parts-not quantitative parts but essential parts, for the point is the "cause" and "form" of the line.⁶⁴ Whereas Thomas sees an irreducible difference between an indivisible point and a continuous line, Albert recognizes the difference between the two but thinks that the difference is not irreducible, for in some sense the point and the line are of the same nature. Albert thinks that a line can be *constructed* from a point, but Thomas denies that such a construction is possible.

Albert characterizes motion as a "flowing form." If he intends by "form" what is essentially the same as the terminus of motion, then Thomas would say that he is guilty of taking motion to be a "perfect act" rather than an "imperfect act." By insisting that motion is a form that is identical in species with the end of motion, Albert is implying a denial of the potentiality of motion. He would, implicitly, be indicating not that which is in motion but that which has already moved and is now at rest.

IV. CRITICAL COMMENTS

Albert's attempt to categorize motion, as we have just seen, was not a success. His discussion of the definition of motion, however (given in the next chapter [*Physica*, lib. 3, tract. 1, cap. 4]), is

⁶⁴ "A point is on a line in three different ways: as a beginning, as an intermediate, and as an end. As a beginning, continuity (which is the line) flows from it first, in that a constant imaginary motion of the point can make the line, as we said above. It has thus been said that the line is composed of points, not as of parts, but as of that from which its indivisibility in length has been acquired. [Et sic dictum est, quod linea est ex punctis, non quidem sicut ex partibus, sed a quibus est indivisibilitas eius per totam longitudinem.] As an intermediate, the point joins parts, such that between any two points falls a line segment, and hence no one point can immediately follow any other. As an end, the continuity of the line comes to an end with it. It is clear, therefore, that the point is on the line both as its cause and as its form. But form is an essential part, although not quantitative; hence some have said-not irrationally, in my view-that the point is an essential part of the line, but not a quantitative part" (ibid. [Cologne 4.2:448 (11. 37-54)]).

unobjectionably Aristotelian. The problem, then, is that his attempt to relate motion to the categories is not consistent with his Aristotelian understanding of the definition of motion.

Albert divides Aristotle's definition of motion into three parts: (1) "motion is an actuality or a perfection" (*motus est entelechia sive perfectio*) (2) "of that which is in potency" (*existentis in potentia*) (3) "insofar as it is in potency" (*secundum quod est in potentia*). The first part indicates, as we have already seen, that motion generically is a perfection in the sense that it is a way or a process toward perfection. The second part indicates that motion belongs to that which is in potency, that is, to the mobile subject, and not to the agent. The third part indicates that, although motion is a perfection or a form, nevertheless it must be understood as a potency to form and not as the actual attainment of form.

It is necessary to consider further that insofar as [something] is in potency it can only have the perfection that is motion, because form is the perfection of a thing existing in act, and when it has form, it is not in potency to it but in act. But when [something] is in motion, then it is still in potency to form. And so it is that the fulfillment of that which is in potency, insofar as it is in potency, is motion, but the fulfillment of that which is in potency, insofar as it is not in potency but in act, is form.⁶⁵

Here Albert makes it dear that motion cannot be defined as a form; it must be a potency to form, for when form is attained motion is complete and finished. But in attempting to categorize motion he declared that the motion and the terminus of motion—the form to be attained in motion—are essentially identical. He could call motion a "flowing form" only because he did make the identification of the form that is motion with the form that is the term of motion. On the one hand, Albert understands the Aristotelian requirement to define motion as a

⁶⁵ "Adhuc autem, considerare oportet, quod secundum quod est in potentia, non habet perfectionem nisi motum, quia forma est perfectio rei existentis in actu, et cum habet formam, non est in potentia ad illam, sed in actu. Sed cum est in motu, tunc est in potentia adhuc ad formam. Et ideo complementum eius quod est in potentia, secundum quod est in potentia, est motus, complementum autem eius quod fuit in potentia, secundum quod non est in potentia, sed in actu, est forma" (Albert, *Physica*, lib. 3, tract. 1, cap. 4 [Cologne 4.1:157 (ll. 23-32)]).

potency to form and not as the attainment of form; but, on the other hand, he categorizes motion as essentially the same as the attained form.

Albert's difficulty can be seen from an analysis of his own example of the line produced by the point. Albert, recall, asks us to imagine the production of a line made by the moving of a point. The very same point, he argues, forms the beginning of the line, the line itself, and the end of the line. In essence, or in species, there is no difference between the end-point and any of the points along the line or the beginning-point. Hence, all such points are in the same specific category. Yet, it is true that the points are different, not specifically, but in being.

The example, however, should indicate a fundamental distinction that Albert fails to make. A line and a point are realities of irreducibly different natures: a line is continuous and divisible, but a point is discrete and indivisible. A line cannot be reduced to the reality of a point, and no line can be expressed as a series of points, no matter how many such points are given. Even an infinite number of points will not constitute a line, for no point is continuous and no multitude of points is continuous, even if there should be very many of them. It simply makes no sense in geometry to claim that the essence of the end-point and the essence of the line are the same. Any point taken along the line is not a line and is not a part of a line. A point can mark the end of a line, the beginning of a line, or an intersection, but it cannot be a line or a part of a line. Parts of lines must themselves be lines—line segments. Hence the point that marks the end of the line is not a part of the line.

The application of this to the problem of motion should be clear. The end or terminus of motion is not a part of the motion, for motion and rest are of fundamentally different natures. The form achieved when motion is finished (whether that form is intrinsic to the moving thing or extrinsic does not matter) is not itself any part of motion. It is precisely the termination of motion and is therefore quite different from it. To claim, as Albert does, that the motion and its terminus are essentially the same in nature

is to deny the potency as potency of the motion. It identifies motion, not with the motion itself, but with the "having been moved" that is the terminus of motion.

Albert's example of qualitative alteration, a thing's becoming black, can show the problem as well. If we are going to turn something white into something jet-black, the process of doing so (by painting or dyeing) will proceed through intermediate shades of grey and not-quite-jet-black. But if the end is to produce something that is jet-black, these intermediate shades, although we might call some of them "black" are not the intended end, jet-black. They are, in fact, all different *in species* or *in essence* from the intended end. They are generically colors, but then so is the starting point, white. None of them is, in essence, the same as the end. If the process of painting or dyeing ended, not with jet-black, but with grey, we would say that the white thing had become grey, not that it had become jet-black; we would, in fact, recognize that a different sort of change had taken place.

I am trying to show that Albert's insistence that motion itself and the terminus of motion are the same in essence was a philosophical mistake. This mistake is partially related to the characterization of motion as a *forma fluens*, but only partially. Insofar as the term is intended to indicate that motion and its terminus are of one and the same form, the term is part of a larger philosophical mistake. Furthermore, if the term is intended as a definition of motion, then it is again problematic, for it both includes the thing to be defined in the definition (*fluens* is itself a kind of motion) and it implies a denial of potency, insofar as the *forma* and the terminus are the same. But it must be remembered that Albert appreciated Aristotle's definition of motion given strictly in terms of act and potency and that, when he was not attempting to solve the problem of the relation of motion to the categories, he could express the meaning of motion in a faithfully Aristotelian way. In this light, the term *forma fluens* can be given a benign interpretation. By using the term *forma* Albert can mean simply that motion is some sort of actuality; by using the term *fluens* he can mean that the actuality is incomplete. The term can

be taken as a version of his formula, "imperfect perfection," which is similar to Thomas's term, "imperfect act." Both Albert and Thomas recognized that motion is an actuality of a peculiar sort: it is something in between that which is *simpliciter* in potency or that which is *simpliciter* in act. I would conclude that the term *forma fluens* is misleading but it is not necessarily wrong.

Anneliese Maier had claimed that the position of Albert led logically to that of Ockham. This claim is largely false, since Albert understood the definition of motion in an Aristotelian way as an imperfect perfection that is reducible neither to act nor to potency, and he understood that motion is a reality independent of Ockham's *res permanentes*. Albert's understanding of motion is completely different from Ockham's. Albert's attempt to categorize motion, however, is another matter. When he attempts to understand motion in relation to the ten Aristotelian categories, he insists, wrongly, that motions are essentially the same as the categories in which there are motions. This claim, if it were true, would imply a denial of the potential character of motion and hence would imply something like Ockham's position.⁶⁶ But the problem of categorizing motion is not the same as the problem of defining motion, and I think that the two are separable. The problem of categorizing motion is really a logical problem; the problem of defining motion is really a problem about nature. When we know what motion is and what the different kinds of motion are—these are problems about nature—we may then wonder how to understand these claims in relation to the ultimate categories of all finite being. Logically, what have we said in defining motion in relation to these categories? The answer should be that, whereas the things with respect to which motions occur (substances, quantities, qualities, and places) really do belong to the different categories in question, the motions with

⁶⁶ Even if we do interpret Albert in this way, his position would be somewhat different from Ockham's. Whereas Ockham means that what we call motion is really a collection of *different* atomistic claims (the thing was there, now it is here, later it will be somewhere else, and so forth), Albert would mean that what we call motion and its end are really the *same* in some formal way. But the similarity of both positions is a denial of the potential as potential of motion. See also above, note 12.

respect to these do not. This is a logical point. Albert, however, seems to have taken this logical question as one about nature, and that has produced some confusion. The logical scheme needed for the classification of motions has been confused with the motions themselves. There is, however, no reason in Albert's thought why this confusion should have occurred, for his principles of natural philosophy do not demand it. His Aristotelian understanding of the meaning of motion can stand without it.

IS AQUINAS AN ACT-ETHICIST
OR AN AGENT-ETHICIST?

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ONE OF THE STANDARD WAYS of construing a (or the) basic distinction between virtue theories and nonvirtue theories in ethics is as a distinction between agent-ethics and act-ethics.¹ Twelve years before Elizabeth Anscombe's landmark 1958 article on "Modern Moral Philosophy,"² which is widely credited with sparking the late-twentieth-century revival of virtue ethics, John Laird analyzed the broader role of character in ethics in an article in *Mind* entitled "Act-Ethics and Agent-Ethics."³ There Laird described the contrast between the two conceptions of ethics as follows: "By the morality of the act I mean the morality of specific willed actions. By the morality of the agent I mean a morality whose central conception is a man's moral character."⁴

I take the act-agent contrast, as understood by Laird and others who make this distinction, as distinguishing the primary object of

¹ See, e.g., Lawrence C. Becker, "The Neglect of Virtue," *Ethics* 85 (1974-75): 110-22; Robert B. Loudon, "Some Vices of Virtue Ethics," in *Virtue Ethics*, ed. Roger Crisp and Michael Slote, Oxford Readings in Philosophy (Oxford: Oxford University Press, 1997), 201-16; J. B. Schneewind, "The Misfortunes of Virtue," in Crisp and Slote, eds., *Virtue Ethics*, 178-200.

² G. E. M. Anscombe, "Modern Moral Philosophy," in Crisp and Slote, eds., *Virtue Ethics*, 26-44. Anscombe's article originally appeared in *Philosophy* 33 (1958): 26-42.

³ John Laird, "Act-Ethics and Agent-Ethics," *Mind* 55 (1946): 113-32.

⁴ *Ibid.*, 113.

moral evaluation in the two approaches.⁵ The focus of *act-ethics* is on the identification and moral evaluation of particular *act-tokens* (e.g., Larry's telling a falsehood to Tom), which I will understand, following Laird, as specific willed-i.e., intentional-acts, as well as of the *types* of acts (e.g., lying) they instance.⁶ The focus of *agent-ethics* is broader: it involves the identification and moral evaluation of an agent's character, which comprises not only the agent's actions, but also her attitudes, emotions, desires, and sustained patterns of motivation. These are the concerns of an ethics of virtue.⁷

The distinction between act-ethics and agent-ethics, so described, expresses much of what the differences between virtue and nonvirtue ethical theories amount to.⁸ Moreover, it illu-

⁵ "The mark of a virtue theory of morality is that the primary object of evaluation is persons or inner traits of persons rather than acts" (Linda Trinkaus Zagzebski, *Virtues of the Mind: An Inquiry into the Nature of Virtue and the Ethical Foundations of Knowledge* [Cambridge: Cambridge University Press, 1996], 15). "So for virtue ethics, the primary object of moral evaluation is not the act or its consequences, but rather the agent" (Louden, "Some Vices of Virtue Ethics," 204). According to Louden, this distinguishes "the respective conceptual starting-points of agent- and act-centered ethics" (ibid.).

⁶ Moral particularists like Jonathan Dancy are, on my view, act-ethicists, but they restrict moral evaluation to particular acts only, and deny that there are general moral features or types of acts. See Jonathan Dancy, *Moral Reasons* (Oxford: Blackwell, 1993). However the focus of act-ethicists typically extends to considerations of types of acts and to the rules or principles under which they fall.

⁷ A virtue is "a disposition to act, desire, and feel that involves the exercise of judgment and leads to a recognizable human excellence, an instance of flourishing" (Lee H. Yearley, "Recent Work on Virtue," *Religious Studies Review* 16 [1990], 2). Virtues are "[c]omplexes involving inner states, representations, feelings, as well as dispositions to act, express feelings, and the exercise of these" Oulius M. Moravcsik, "The Role of Virtue in Alternatives to Kantian and Utilitarian Ethics," *Philosophia* 20 [1990]: 35). "Virtues are not just dispositions to actions. They are determinations of our emotions, passions, desires, and concerns. They are patterns of saliency, attention, perception, and judgment" (Robert C. Roberts, "Virtues and Rules," *Philosophy and Phenomenological Research* 51 [1991]: 329).

⁸ It does not exhaust the possible different contrasts. E.g.: ethics of requirement vs. ethics of aspiration (Richard Taylor, "Ancient Wisdom and Modern Folly," in *Midwest Studies in Philosophy*, vol. 13, *Ethical Theory: Character and Virtue*, ed. P.A. French, T. E. Uehling and H.K. Wettstein [Notre Dame: University of Notre Dame Press, 1988], 54-63); ethics of rules vs. ethics of character (David Solomon, "Internal Objections to Virtue Ethics," in French et al., eds., *Ethical Theory*, 428-41); deontic vs. aretaic ethics (Michael Slote, *From Morality to Virtue* (New York: Oxford University Press, 1992); imperative vs. attractive ethics (Henry Sidgwick, *The Methods of Ethics*, [7 ed.; Indianapolis: Hackett, 1981]); and law vs. virtue-

minates what is particularly plausible about virtue ethics, namely, that what is morally important extends beyond willed acts. Laird observes that "much that *is* moral, including most of the Christian virtues set forth in the Beatitudes, *is* moral without being a willed act."⁹ We in fact evaluate persons morally with regard to their character traits, whether or not these are actually expressed in willed acts. Sue's hating Sally and desiring her death because she has a nicer automobile than Sue has is ethically reprehensible. Bill's standing intention to murder Ted is bad, even if he never finds opportunity to accomplish it. We care about what people like, not just what they do.¹⁰

While character traits are importantly related to willed acts, they are seldom (if ever) reducible to such acts.¹¹ Indeed, at least some morally important character traits, such as gratitude¹² and compassion, are expressed essentially in patterns of attitude, feeling, and motivation, rather than in characteristic kinds of action. The right response to a situation calling for compassion, for example, is essentially emotional and desiderative;¹³ it will often involve some action as well (e.g., putting one's arm around the grieving widow's shoulders), but there is no characteristic kind of action that is necessarily appropriate to all situations calling for compassion. In fact, unlike the strategy of Job's friends, the most appropriate "action" may well be simply to be still in the presence

ethical conceptions (Moravcsik, "The Role of Virtue in Alternatives to Kantian and Utilitarian Ethics"; T. H. Irwin, "The Virtues: Theory and Common Sense in Greek Philosophy," in *How Should One Live? Essays on the Virtues*, ed. Roger Crisp [Oxford: Clarendon Press, 1996], 37-56; Edmund Pincoffs, "Quandary Ethics," *Mind* 80 [1971]: 552-71; Roger Crisp, "Modern Moral Philosophy and the Virtues," in Crisp, ed., *How Should One Live?*, 1-18). In my view these contrasts overlap in various ways and are generally compatible with each other and with the act-agent contrast.

⁹ Laird, "Act-Ethics and Agent-Ethics," 115 (emphasis in original).

¹⁰ See Irwin, "The Virtues," 47.

¹¹ See Walter E. Schaller, "Are Virtues No More Than Dispositions to Obey Moral Rules?" *Philosophia* 20 (1990): 195-207.

¹² See *ibid.*, 200-202.

¹³ "Compassion is a kind of emotion or emotional attitude; though it differs from paradigmatic emotions such as fear, anger, distress, love, it has ... an irreducible affective dimension" (L. A. Blum, "Compassion," in *The Virtues: Contemporary Essays on Moral Character*, ed. R. B. Kruschwitz and R. C. Roberts [Belmont, Calif.: Wadsworth, 1987], 173).

of the sufferer. What *is* necessary, however, is to *feel* empathy and to *desire* the person's good. Again, these broader concerns of character, extending beyond specific willed acts, are the concerns of an ethics of virtue.

So understood, act-ethics and agent-ethics express two distinct conceptions of ethics. Indeed, so understood, the two conceptions are incompatible-and they are in fact treated as such by those who emphasize the distinction. Yet considerations of both actions and character are central to moral reflection, and have always been regarded as such. It would seem that an adequate conception of ethics would account for the centrality of both, without eliminating either or reducing it to the other, and would do so coherently and fruitfully.¹⁴ Thomas Aquinas's understanding of ethics is of interest in this regard, it seems to me, because his moral writings include extensive accounts of both action and character, and both, arguably, play a central role in his thought.

I. AQUINAS AND THE QUESTION

In recent years, Thomas Aquinas's status as a virtue ethicist has risen significantly as scholars have rediscovered and rearticulated his extensive account of an ethics of character.¹⁵ Such an account is central to his massive treatment of ethics in the *Summa Theologiae*. Aquinas devotes some 20 questions in the *Prima Secundae* to the nature of virtue in general, and then in the *Secunda Secundae* turns to a detailed account of the moral life, which he spells out in terms of virtue-a 189-question, specific

¹⁴ Loudon argues that "we need to begin efforts to coordinate irreducible or strong notions of virtue along with irreducible or strong conceptions of the various act notions into our conceptual scheme of morality" (Louden, "Some Vices of Virtue Ethics," 216).

¹⁵ See Philippa Foot, "Virtues and Vices," in Crisp and Slote, eds., *Virtue Ethics*, 164, for an early, eloquent tribute to Aquinas by a leading virtue ethicist. Several significant recent works have contributed to the recovery of Aquinas as a virtue ethicist, in contrast to the traditional view of him as (solely or primarily) a theorist of natural law, including Jean Porter, *The Recovery of Virtue: The Relevance of Aquinas for Christian Ethics* (London: SPCK, 1990); idem, *Moral Action and Christian Ethics: New Studies in Christian Ethics* (Cambridge: Cambridge University Press, 1995); Daniel Westberg, *Right Practical Reason: Aristotle, Action, and Prudence in Aquinas* (Oxford: Clarendon Press, 1994); as well as recent works of Alasdair MacIntyre.

analysis of some 90 moral virtues. Aquinas's account of ethics in the *Summa Theologiae*, both in its structure and in its content, emphasizes virtue. Indeed, in terms of space, his account of virtue is far more extensive than his account of law, even though it is the latter (at least in the case of natural law) for which he is best known. Aquinas appears to be fully a virtue ethicist.¹⁶

On the other hand, the center of gravity of Aquinas's account of ethics is his concern with human action. As Jean Porter writes, "For Aquinas, as for us, the starting point for an account of morality is the concept of action."¹⁷ Ralph McInerny notes that "moral theory for Thomas Aquinas derives from reflection on actions performed by human agents ... the acts human agents perform are moral acts, which is why the theory of them is moral theory."¹⁸ Warrant for these assertions is found in the structure of the *Prima Secundae* itself, where Aquinas begins in question 1 with a sustained, detailed analysis of human action, only moving to give specific attention to the nature of virtue in general beginning in question 49. Moreover, when he does deal with the subject of virtue, and later, of law, he approaches them explicitly in terms of their relation to human *action-that* is, insofar as they constitute the principles or origins (*principia*) of human action.¹⁹

On the basis of these latter considerations, Aquinas appears to be fully an act-ethicist. Yet we have also seen his credentials as a virtue ethicist, a position that involves an agent-centered focus. So, the question of this paper: Is Aquinas an act-ethicist or an agent-ethicist? Aquinas himself would not have put the question

¹⁶ By "virtue ethicist," for my purposes here, I simply mean one in whose conception of ethics considerations of virtue or character (including character traits, attitudes, emotions, desires, habits, and sustained patterns of motivation) play at least as basic a conceptual role as do considerations of actions, rules, principles, etc. This is a "weak" notion of virtue ethics. A strong virtue-ethical theory (such as expressed in note 5, above) would see "right action," as well as other moral concepts such as moral rules or principles, as being derivative from, reducible to, or perhaps eliminable in favor of notions of character. See Zagzebski, *Virtues of the Mind*, 16, 77ff.; Gary Watson, "On the Primacy of Character," in *Identity, Character, and Morality*, ed. O. Flanagan and A. O. Rorty (Cambridge, Mass.: MIT, 1990), 451-52.

¹⁷ Porter, *Moral Action*, 91.

¹⁸ Ralph McInerny, "Ethics," in *The Cambridge Companion to Aquinas*, ed. Norman Kretzmann and Eleanor Stump (Cambridge: Cambridge University Press, 1993), 196.

¹⁹ *STh* I-II, q. 49, pro!.; I-II, q. 90, pro!.

this way, but it is a valuable question both for understanding Aquinas's conception of ethics and for its potential to elucidate the relationship between action and character in ethics. The answer, I suggest, is-in the spirit of Aquinas concerning many such questions-yes. Aquinas is certainly an act-ethicist, and he is certainly an agent-ethicist. Of course, in order for such a position to be coherent, we cannot leave our initial characterizations of these positions as they stand. To follow Aquinas's typical strategy for showing how two apparently true but also apparently incompatible positions can both be affirmed, when understood properly in light of more general considerations, we will need to make some distinctions. I shall unpack some crucial distinctions in Aquinas's understanding of action and agency in order to show how, in terms of his own, robust conceptions of these, he is indeed-and is coherently-both an act-ethicist and an agent-ethicist. Central to my argument will be to show that Aquinas's understanding of action is significantly richer than conceptions such as Laird's. This understanding creates the conceptual room in Aquinas's account for the centrality and compatibility of both action and character in ethics.²⁰

II. ACTION IN THE *SECUNDA PARS*

Before looking specifically at Aquinas's account of action let us return to the general question of the place of action in the structure of the *Secunda Pars*. Here I will qualify the initial impression of Aquinas's act-orientation in two ways. First, it is true that action is central to Aquinas's account of ethics in the *Secunda Pars*, and that the first forty-eight questions of the *Prima Secundae* are specifically devoted to an analysis of it. But an important distinction emerges even within this specific analysis of action that calls into question at the outset any simple assumption of Aquinas as being an act-ethicist in Laird's sense.

²⁰ I do not claim that Aquinas's is the only way to create such room. Even if one rejects the general Thomistic picture explicated here, it should be valuable in indicating the kinds of moves that can be made, and that perhaps may be required, if one is to bring together action and agency as central to an ethical conception.

Aquinas begins his ethical account (*STh* I-II, qq. 1-5) with an analysis of end-directed, rational action, and its ultimate rational and motivational grounding in an agent's conception of her ultimate end, that is, happiness or flourishing. Next he turns to a specific analysis of human action as such (qq. 6-48), since "it is necessary to reach happiness through certain actions." However, in his introduction to this analysis he makes a crucial distinction between *two kinds* of human action.²¹ He does not distinguish between them linguistically or terminologically, which obscures the contrast. I suggest that the distinction is between "direct" and "indirect" human action (I will discuss each more fully below). Questions 6-21 are addressed to *direct* human actions, which correspond to the standard case of specific willed acts. In this context Aquinas examines voluntariness and will (qq. 6-10), analyzes in detail the rational/volitional psychological components of the human act (qq. 11-17), and then provides a moral analysis of direct human action (qq. 18-21). In questions 22-48, however, which constitute more than half of his treatment of human action, Aquinas examines a very different kind of human action, which does not correspond to the standard case. It is this that I term *indirect* human action, and to which we shall return. My point here is that, within Aquinas's central account of human action itself, even apart from his other accounts of agency and virtue, he speaks of action in a way that is not restricted to specific willed acts. Thus we should not assume at the outset, simply on the basis of the terminological centrality of "action" in Aquinas's ethical theory, that he is an act-ethicist in Laird's sense.²²

Second, we should consider how Aquinas himself explicitly characterizes the nature of his account of action in the *Secunda Pars*. At the very beginning of the *Summa* Aquinas indicates that the work will follow a three-part, overall structure: the *Prima Pars* is a consideration of God himself, the *Secunda Pars* examines the movement of the rational creature toward God, and the *Tertia*

²¹ *STh* I-II, q. 6, pro!.

²² While Porter and Mdnerny emphasize action in Aquinas's ethics, their interpretations of Aquinas reflect his broader approach and are consistent in this respect with the interpretation I urge here.

Pars considers Christ, who with respect to his humanity is the way that leads us to God.²³ Later, in his specific introduction to the *Secunda Pars*, Aquinas emphasizes that his focus here is on the rational, human creature:

Since, as Damascene says, the human being (*homo*) is said to be made to God's image, in that the "image" signifies an intelligent being with free will and the ability to move itself; and now that we have dealt [in the *Prima Pars*] with the exemplar, i.e. with God, and with those things that proceed from God's power according to his will, it remains for us to consider his image-i.e. the human being, insofar as it too is the origin of its actions, by having free will and power over its own actions.²⁴

This is clearly an account of ethics that will feature human action in an important way. But note that Aquinas does not characterize his account as being an analysis of human action *as such*, but more broadly as being an account of the *human agent who acts-the* human being insofar as it is a rational agent (a self-determining, free, rational creature). Aquinas is deeply interested in human actions, but not simply as such; he is interested in them inasmuch as they *express* the rational nature of human beings.

This point does not imply the contrasting extreme view, however, that Aquinas is simply an agent-ethicist; both agency and action are central to his account, as is evidenced by the account of action that immediately follows. He manifests no inclination to drive a wedge between act and agent in his conception of ethics. However, one may still suspect the need to press further. Despite Aquinas's emphasis on the agent at the outset of his account of ethics, if in fact he goes on to spell out his account solely in terms of specific willed acts, then he turns out to be an agent-ethicist in

²³ *STh* I, q. 2, pro!. For a discussion of scholarly debates concerning the structure of the *Summa Theologiae*, see Jean-Pierre Torrell, *Saint Thomas Aquinas*, vol. 1, *The Person and His Work*, trans. Robert Royal (Washington, D.C.: The Catholic University of America Press, 1996), 150-53.

²⁴ *STh* I-II, pro!.: "Quia, sicut Damascenus <licit, homo factus ad imaginem Dei dicitur, secundum quod per imaginem significatur *intellectuale et arbitrio liberum et per se potestativum*; postquam praedictum est de exemplari, scilicet de Deo, et de his quae processerunt ex divina potestate secundum eius voluntatem; restat ut consideremus deus imagine, idest de homine, secundum quod et ipse est suorum operum principium, quasi liberum arbitrium habens et suorum operum potestatem."

name only. We have already glimpsed an indication that this is not the case, but we need to see further whether his notion of action really does the work of accounting for the broader components of an agent-approach. Specifically, I shall consider how Aquinas's account of action makes room for emotions or emotional responses to persons or situations as being morally evaluable. We have noted the insight of virtue ethics, that in some cases the morally appropriate response to a situation is emotional rather than actional. An act-centered ethical approach seems incapable of accounting for this, since emotional responses are not "willed acts" in any straightforward sense. Indeed, this role of emotions would seem particularly problematic for Aquinas's view of action, since emotions for him are passions-and passion, of course, is contrasted with action. Actions are what one does or effects; passions are what one suffers or undergoes, how one is affected by something else. The former is-literally-active and the latter is passive. Can Aquinas's central understanding of human action fully express an agent-orientation in this respect?

III. THE METAPHYSICS OF ACTION

Let us turn more specifically to Aquinas's conception of action. To understand it, we need first to set it within the metaphysical context in which Aquinas operates more generally. The terms he uses to denote *action-actus*, *actio*, and *operatio* (primarily, *actus*)-are in fact broader concepts than the English "act" or "action." This is due primarily to his metaphysical-teleological understanding, not only of human beings, but of all natural substances.

The core signification of *actus*, for Aquinas, is "actuality" or "actualization."²⁵ Its proper contrast is to "potentiality" -rather than to "possibility," as in standard contemporary usage. The actuality/potentiality distinction pervades Aquinas's metaphysics. Human powers, for example-faculties, abilities, capacities-are *potentiae*: powers, yes, but understood as potencies or

²⁵ Norman Kretzmann, "Philosophy of Mind," in Kretzmann and Stump, eds. *The Cambridge Companion to Aquinas*, 149 n. 6.

potentialities-abilities or capacities to be actualized or realized to their full potential.

A brief summary of Aquinas's metaphysical teleology will be helpful. According to Aquinas, "the nature of X is chiefly the form according to which X is assigned its species."²⁶ He is speaking here of X's *substantial form*.²⁷ The substantial form of X (where X is a natural substance) is its specific nature-its initial actuality (*actus*), that in virtue of which X is the kind of thing it is. X's substantial form is the subject or ontological ground²⁸ of the set of essential properties or characteristics that constitute X in its species. These properties include the specifying powers and potentialities which constitute X's abilities and capacities for performing the characteristic kind of activity essential to members of its species. The substantial form of X-X's *nature-is* thus a first principle or starting point for the *action* of X.²⁹ X's nature is indicated by its characteristic operation;³⁰ X expresses its nature in its action (actualization).

As indicated, for Aquinas, X's substantial form is its initial or "first actuality"--that is, X's *existing* as an instance of the kind of thing X is, "for to exist [*esse*] is the actuality [*actualitas*] of everything."³¹ By virtue of its nature, however, X is in potentiality to its full actualization, "for everything is complete insofar as it is

²⁶ *STh* I-II, q. 71, a. 2: "natura uniuscuiusque rei potissime est forma secundum quam res speciem sortitur."

²⁷ Particularly helpful here are T. H. Irwin, "The Metaphysical and Psychological Basis of Aristotle's Ethics," in *Essays on Aristotle's Ethics*, ed. A. O. Rorty (Berkeley: University of California Press, 1980), 35-54; T. H. Irwin, "Aristotle's Methods of Ethics," in *Studies in Aristotle*, ed. D. J. O'Meara, *Studies in Philosophy and the History of Philosophy* 9 (Washington, D.C.: The Catholic University of America Press, 1981), 193-223; Scott MacDonald, "Egoistic Rationalism: Aquinas's Basis for Christian Morality," in *Christian Theism and the Problems of Philosophy*, ed. M. D. Beaty (Notre Dame: University of Notre Dame Press, 1990), 327-54; and Eleanor Stump and Norman Kretzmann, "Being and Goodness," in *Being and Goodness: The Concept of the Good in Metaphysics and Philosophical Theology*, ed. Scott MacDonald (Ithaca: Cornell University Press, 1991), 98-128.

²⁸ See MacDonald, "Egoistic Rationalism," 329, whom I follow closely here.

²⁹ *ScG* III, c.7; *STh* I, q. 76, a. 1.

³⁰ *STh* I, q. 76, a. 1.

³¹ *STh* I, q. 5, a. 1: "esse enim est actualitas omnis rei."

actual.³² X is ordered to and naturally seeks its "second" or "final" actuality, its fulfillment or end (*finis*), which is its completion or perfection (*perfectio*): namely, the exercise of X's specific powers and the actualization of X's specific potentialities.³³ According to Aquinas, the full actualization of X's nature is X's ultimate good,³⁴ for its good and well-being consist in the full realization of its characteristic activity.³⁵

On Aquinas's view, what is true of all natural substances in general is true for human beings and their actions in particular. According to Aquinas,

the nature of X is chiefly the form according to which X is assigned its species. Now the human being is placed in its species through its rational soul. Thus, what is contrary to the ordering activity of reason [*ordo rationis*] is, properly speaking, contrary to the nature of the human being, as human being, while that which is according to reason is in accordance with the nature of the human being, as human being.³⁶

The substantial form of the human being is "rational animal"; the human soul is a rational soul. The *root* of rational action is the rational nature,³⁷ and the *fruit* of such nature is its full actualization in activity ordered by reason, which is the characteristic activity of rational animals.

The human rational nature is the ontological ground of the human being's specifying powers and potentialities. In addition to having powers they share with other kinds of natures appearing at lower levels on the natural hierarchy, rational beings are specifically distinguished by two specific, interacting powers:³⁸ the cognitive power of *intellect*, which comprises the ability to grasp

³² *STh* I, q. 5, a. 1: "Intantum est autem perfectum unumquodque, in quantum est actu."

³³ *STh* I, q. 77, a. 1; *STh* I-II, q. 3, a. 2.

³⁴ I *Nie. Ethic.*, lect 1 (12). Parenthetical numbers in references to the commentary on the *Nicomachean Ethics* refer to paragraph numbers in the Marietti edition.

³⁵ I *Nie. Ethic.*, lect. 10 (119).

³⁶ *STh* I-II, q. 71, a. 2: "natura uniuscuiusque rei potissime est forma secundum quam res speciem sortitur. Homo autem in specie constituitur per animam rationalem. Et ideo id quod est contra ordinem rationis, proprie est contra naturam hominis in quantum est homo; quod autem est secundum rationem, est secundum naturam hominis in quantum est homo."

³⁷ *STh* I-II, q. 85, a. 2.

³⁸ *STh* I-II, q. 1, a. 1.

universal natures and think abstract thoughts, and the intellectual appetitive power of *will* ("rational appetite"), which comprises the ability to be drawn to objects on the basis of reasons, beyond being drawn simply to the particular attraction of sensory appetite.³⁹ Will, as Aquinas puts it, seeks "intelligible good" (*bonum intellectum*), good as grasped or conceived by the intellect.⁴⁰ In other words, rational agents can act for reasons. They can have rational desires, formulate a general conception of good, evaluate and judge between competing particular (apparent) goods in light of their overall purposes,⁴¹ and thus seek their completion or actualization rationally, living according to reason. Such a capacity can be ascribed only to rational animals, for it is a function of the interaction between intellect and will.⁴² The actualization of human nature in action-human good-is realized in the rational ordering (*ordo rationis*) of one's life, which Aquinas identifies with living according to reason and according to human nature.⁴³ Human action in its ultimate expression, then, is the full, complete realization of human nature in the actualization of the human's rational powers.

IV. PROPERLY HUMAN ACTION

Within this general metaphysical context, Aquinas provides a more specific account of human action and its relation to ethics. In the next three sections I shall unpack several elements of this account, which provide crucial *distinctiones* for Aquinas in understanding the relationship between action and agency.

Aquinas, importantly, identifies moral actions with "properly human actions." What are properly human actions? In the very first article of the *Prima Secundae* Aquinas distinguishes between human actions that are merely "actions of a human" (*quidem hominis actiones*) and "properly human actions" (*actiones proprie humanae*). Only the latter, which he specifies as human actions

³⁹ *STh* I, q. 78, a. 1.

⁴⁰ *STh* I-II, q. 19, a. 3.

⁴¹ *STh* I-II, q. 15, a. 2; I-II, q. 30, a. 3.

⁴² *STh* I-II, q. 1, a. 1.

⁴³ *STh* I-II, q. 71, a. 2, quoted above.

that are aimed at an end and proceed from a deliberate will, are actions over which the human being exercises control (*est dominus*),⁴⁴ and thus are the kind of actions with which Aquinas is specifically concerned in the *Secunda Pars*.⁴⁵ An example of a mere "action of a human" is blinking; an example of a properly human action is winking-blinking "for the sake of" sending a message of some kind constitutes an action ordered to an end.⁴⁶ Properly human actions, for Aquinas, are morally evaluable; indeed, it is just these actions to which we refer when we speak of *moral actions*, that is, actions that fall into the order of things pertaining to moral philosophy.⁴⁷ It is by being rationally ordered to ends that actions enter the moral order.⁴⁸ Thus, properly human, morally evaluable actions are *rational actions*, for to act rationally, according to Aquinas, is to act for an end, that is, to act for the sake of that which one grasps as a good to pursue.⁴⁹

Properly human actions, then, appear to correspond to Laird's "willed actions." If so, and if Aquinas in fact defines the moral sphere extensionally solely by reference to properly human actions, then he turns out to be simply an act-ethicist after all, on Laird's construal. Aquinas's actual treatment of these matters, however, shows his picture to be more complicated.

V. FINER-GRAINED DISTINCTIONS

Within the general and primary sense of *actus* as actualization Aquinas utilizes several more specific notions of action, which are of interest to our central question. He does not consistently

⁴⁴ *STh* I-II, q. 1, a. 1; cf. *ScG* III, c. 2. Aquinas gives a similar account of the kinds of actions that constitute the material of practical or moral philosophy in *INic. Ethic.*, lect. 1 (3).

⁴⁵ See his introduction to the *Secunda Pars*, quoted above in section 2.

⁴⁶ Example from David M. Gallagher, "Aquinas on Goodness and Moral Goodness," in *Thomas Aquinas and His Legacy*, ed. David M. Gallagher, Studies in Philosophy and the History of Philosophy 28 (Washington, D.C.: The Catholic University of America Press, 1994), 47.

⁴⁷ *STh* I-II, q. 1, a. 3. "Moral" here is to be contrasted to "nonmoral," rather than "immoral."

⁴⁸ *STh* I-II, q. 2, a. 5; q. 1, a. 3, ad 3; q. 18, a. 8; q. 18, a. 10; q. 34, a. 2, ad 1.

⁴⁹ *STh* I-II, q. 1, a. 2; q. 19, a. 3. "Rational" here is to be contrasted to "nonrational," rather than "irrational."

distinguish them linguistically or terminologically, and they are easily missed. I distinguish four levels of increasing specificity of "action," as illustrated in the following figure, "Kinds of Human Action in Aquinas."

Kinds of Human Action in Aquinas

(1)	Actualization	
(2)	Activity Practical Science Broadly practical	
(3)	<i>Actio</i> (a) Doing 'Practical' (narrow) Moral Philosophy	<i>Factio</i> Making Technical Art
<i>I</i>		
(4)	<i>Actio</i> (b) 'Action' Direct Active Doing Affecting	<i>Fassio</i> 'Passion' Indirect Passive Being Being affected

Level 1 identifies the most general and fundamental (meta-physical) sense of *actus* as actuality or actualization (as opposed to potentiality). More specifically, we may distinguish the category of "activity" (level 2), which in Aquinas's terminology is often identified as *operatio*. Within this category fall not only properly human acts but also a different kind of broadly practical rational activity: that which is expressed in making things, that is, technical thinking or art (*ars*).⁵⁰ These are distinguished from each other in level 3. Aquinas stresses both what these two forms of thought share and how they differ. Most fundamentally, each involves an expression of rational ordering (*ordo rationis*), that is, reason's bringing order into human activity, but in two different ways: into human acts themselves, in the case of properly human action, and into external things, in the case of creating or building (*ars*). There are important similarities in the kinds of reasoning these forms of rational ordering employ, and Aquinas appeals frequently to analogies between them. Both human action and human art involve "practical intellect,"⁵¹ which is ordered, not simply to truth as such (as is "theoretical intellect"), but to operation, that is, to what can be made or done by virtue of one's activity.⁵² Both action and art concern contingent and variable matters,⁵³ and both utilize flexible forms of rational determination in their reasoning.⁵⁴ Systematic consideration or general knowledge with regard to each, which Aquinas calls "moral philosophy" (or moral science) and "art," respectively, both fall under the general category of "practical science," broadly understood.⁵⁵ I shall refer to the latter, level 2 rational activity, as "broadly practical" reasoning or rational activity.

⁵⁰ In *I Nie. Ethic.*, lect. 1 (1-3), Aquinas spells out four relations between order and reason, which in turn differentiate four kinds of sciences: (1) natural philosophy and metaphysics, (2) logic, (3) moral philosophy, and (4) art. In an even broader sense than I describe in the text, all of these express modes of rational activity. I limit myself in the immediate context to what I call "broadly practical" rational activity (to be defined below), which is expressed only in (3) and (4).

⁵¹ *I Nie. Ethic.*, lect. 1 (8).

⁵² *In Boet. de Trin.*, q. 5, a. 1; *STh* I, q. 1, a. 4, sc.

⁵³ *VI Nie. Ethic.*, lect. 3 (1150-52).

⁵⁴ *I Nie. Ethic.*, lect. 2 (24); lect. 3 (32, 35).

⁵⁵ *In Boet. de Trin.*, q. 6, a. 1, ad secundam quaestionem.

The distinction between the two more specific forms of rational activity identified in level 3 is often put by Aquinas, following the Aristotelian picture, as a distinction between *actio* and *factio*: between "doing" and "making," as they are often rendered. "Making" is rational activity aimed at producing something external to the agent herself, while the object of doing properly remains internal to the agent. Although it may have external effects, "doing" fundamentally expresses ordering rationality in the operations of the will itself through deliberation, intention, understanding, willing, and so on.⁵⁶ In a broad sense of *practicus*, then, for Aquinas, both doing and making count as "practical" (as in level 2). But in a still further, narrower and more proper sense (as in level 3), Aquinas speaks of doing, alone, as "practical,"⁵⁷ and therefore solely as morally evaluable.⁵⁸

It might seem that, having reached this narrower, more specific sense of "practical" or doing in level 3, we have found a sufficiently precise notion of "action" for understanding Aquinas's account of human action, but this is not the case. Distinguishing between *actio* and *factio* as doing and making, although helpful in some respects, is inadequate to capture fully Aquinas's picture. A still finer-grained distinction within the *actio* side of this contrast is implicit in his account, although it, again, is not distinguished linguistically or often explicitly. Let us call the *actio* we have identified thus far (i.e., *actio* in contrast to *factio*-the *actio* of level 3): "*actio* (a)." Within *actio* (a) Aquinas makes a further, still more specific distinction, between two subsidiary kinds of actualization (expressed now in level 4). The first of these he simply refers to as "*actio*" as well, and this represents his most specific use of the term. Let us distinguish this as "*actio* (b)." This

⁵⁶ INic. *Ethic.*, lect. 1 (13); lect. 12 (144); VINic. *Ethic.*, lect. 2 (1135-36); lect. 3 (1151); lect. 4 (1167); *STh* I-II, q. 3, a. 2, ad 3.

⁵⁷ Note that "practice" and, derivatively, "practical," in the Aristotelian tradition Aquinas inherits, is etymologically coextensive with "action," as Aristotle's Greek term for action is *praxis*. Aristotle also has a range of uses of *praxis*, which are not always easy to distinguish. The word refers to: (1) most broadly, all broadly intentional actions; (2) rational action based on choice; and (3) most narrowly, rational action which is its own end. See Irwin's discussion in Aristotle, *Nicomachean Ethics*, trans. T. H. Irwin (Indianapolis: Hackett, 1985), 385.

⁵⁸ *ScG* III, c. 10.

kind of actualization constitutes what I call *direct* or *active* action: it is indeed a kind of doing, affecting, or effecting something, and it corresponds to specific willed or intentional human action. However, there is also a second kind of actualization that falls under *actio* (a), which Aquinas refers to, again when being most specific, not as "*actio*" at all, but rather as "*passio*": passion. *Passio*, strikingly, constitutes a kind of *actio* for Aquinas: it involves the actualization of a human power, namely, a passive power, that is, a power whose actualization or act is *to be affected* in a certain way. Thus I call this kind of action an *indirect* or *passive* action; not a kind of doing, but a kind of "being" or of "being affected" by something. For Aquinas, then, both direct and indirect actions constitute human actions. Thus can he speak of human action as comprising both "actions" and "passions."⁵⁹

Where does properly human action fit in this scheme? My claim is that it fits in two places. Properly human action, first, is action corresponding to *actio* (a), the left disjunct of level (3), and thus to *all* that falls under it, including, more specifically, *both* action and passion, or direct and indirect action. Most typically when Aquinas speaks of human *actus* or *actio*, it is this inclusive notion (*actio* (a)) that he appears to have in mind. However, when being most specific, he draws upon or implies the further distinction between *actio* (b) and *passio*, and refers to *actio* in distinction to *passio*. Thus, sometimes Aquinas refers to human action in terms that apply only to direct human action, and in such contexts he is easily read as thinking that direct human action alone counts as properly human action. Interpreted solely along these lines, Aquinas's approach to the centrality of human action in ethics renders him an act-ethicist in Laird's sense. The broader context of his account of action, however, makes it evident that indirect action is also included in his general view of

⁵⁹ E.g. *STh* I-II, q. 1, a. 3: Human acts, whether considered as acts or as passions, receive their species from their end ("Et utroque modo actus humani, sive considerentur per modum actionum, sive per modum passionum, a fine speciem sortiuntur"). In the context, Aquinas is unpacking the notion of properly human acts, and he includes passions here insofar as they are directed by reason towards an end.

properly human action.⁶⁰ Our narrower understanding of "action" easily misleads us here, and we may well wish that Aquinas had distinguished terminologically between these different conceptions of *actio*. In terms of his own approach, however, there is no confusion or equivocation; it fits his general analogical methodology, where he often gives specific treatments of core conceptions or central cases of concepts as being paradigmatic or standing for other, more extended cases that are analogously related to the core notions.⁶¹ In this instance, I suggest, Aquinas treats direct human action as constituting the central case or focal signification of (properly) human action, since reason's role in ordering it is direct and immediate. Indirect human action, where reason's ordering role is indirect, constitutes human action in a more extended sense.⁶²

VI. DIRECT AND INDIRECT HUMAN ACTION

The identification of what I am calling indirect human action opens up room for Aquinas to account for morally evaluable emotional responses, and thus for considerations that are distinctive of agent-ethics. Let us examine Aquinas's account of direct and indirect human action more specifically and see how they relate.

To review, Aquinas commences his ethical study in the *Prima Secundae* with an analysis of end-directed, rational action-properly human acts-and for the first 21 questions simply focuses on direct human action. Such action is *active*: the actualization or perfection of the human's active powers, that is, the agent's ability to affect something, due to a principle internal

⁶⁰ E.g., *ibid.*

⁶¹ On analogy in Aquinas, see Ralph M. McInerney, *The Logic of Analogy: An Interpretation of St. Thomas* (The Hague: Martinus Nijhoff, 1961); George P. Klubertanz, S.J., *St. Thomas Aquinas on Analogy*, Jesuit Studies (Chicago: Loyola University Press, 1960). On a related approach in Aristotle, see Christopher Shields, *Order in Multiplicity: Homonymy in the Philosophy of Aristotle* (Oxford: Oxford University Press, 1999).

⁶² E.g., Aquinas claims that what I am calling direct human action is proper to humans alone, while indirect human action is shared with nonrational animals (*STh* I-II, q. 6, pro!).

to the agent.⁶³ Indirect human action, however, to which Aquinas turns in questions 22-48, is *passive*: the actualization of the human's passive powers, that is, the agent's ability to be affected by something, due to a principle external to the agent.⁶⁴

Direct human action is paradigmatic voluntary, rational action. A fully voluntary act, according to Aquinas, has three conditions: (1) its origin is internal to the agent; (2) it is performed for the sake of an end (*propter finem*) that is grasped by the agent;⁶⁵ and (3) the end is grasped by the agent *as* an end (*sub cognosciter ratio finis*), and what is done for the sake of the end is grasped in terms of its ordered relationship to the end (*proportio actus ad finem*).⁶⁶ The actions of nonrational animals may satisfy (1) and (2), for example, when Fido sees food in the corner of the kitchen and runs to get it. Such acts are incompletely voluntary, according to Aquinas. Only an agent who possesses general concepts, who is able to see an aim as some sort of good, and who is able to see herself as an agent engaged in action—that is, only agents that are able to act for reasons and to have the thought that they are doing so—may express fully voluntary, self-determining action.⁶⁷ While all animals act for the sake of ends, only rational animals are able to *determine* their ends rationally, "to move themselves in relation to an end which they determine or propose [*praestituunt*] to themselves," and to coordinate their actions in relation to it.⁶⁸ Unlike Fido, Phil may not only see a piece of chocolate in the kitchen as a particular good and an end of action, but he may also rationally evaluate his eating it in light of more general considerations concerning what he knows about chocolate's properties of keeping one awake (caffeine) or being fattening (calories), and in light of his desire to get a good night's sleep

⁶³ *STh* I-II, q. 6, a. 1.

⁶⁴ *STh* I-II, q. 22, a. 1.

⁶⁵ *STh* I-II, q. 6, a. 1.

⁶⁶ *STh* I-II, q. 6, a. 2.

⁶⁷ See A. J. P. Kenny, *Aquinas on Mind*, Topics in Medieval Philosophy (London: Routledge, 1993), 81-83; Peter King, "Aquinas on the Passions," in *Aquinas's Moral Theory: Essays in Honor of Norman Kretzmann*, ed. Scott MacDonald and Eleanor Stump (Ithaca: Cornell University Press, 1999), 101-32; 125 n. 46.

⁶⁸ *STh* I, q. 18, a. 3.

and/or of his objective to lose weight. In sum, a rational agent is able to formulate a general conception of what is good, establish general plans and overall purposes, and understand and evaluate her actions in light of them.⁶⁹

Direct human action fits what we have seen about properly human action, and is possible only for rational agents. Indirect human action, on the other hand, for Aquinas, shares common ground with the action of nonrational animals.⁷⁰ Passions are actualizations of the passive power⁷¹ of sensory appetite,⁷² or the cluster of passive *potentiae* that constitute it.⁷³ Passions are discrete affections or episodes of the capacity to be affected or to respond affectively in certain ways to objects grasped in sensory cognition, that is, grasped as good or bad.⁷⁴ Different kinds of response are specified by their objects;⁷⁵ thus fear constitutes a passional response to a fearful object, such as a monster. Passions are complex psychophysiological states, for Aquinas; fear of a monster is typically expressed in physiological states such as trembling and "contraction of heat and spirits towards the inner parts."⁷⁶ Like sensory perception, however, passions are "objectual": they are responses to perceived objects, which objects constitute the principles of the passions' actualization. Moreover, they are "intentional": they are states of the sensory appetite directed towards their object (e.g., fear *of* the monster), which, unlike perception, may be present or absent, real or imagined.⁷⁷ Thus, passions constitute "objectual intentional states" of the

⁶⁹ *STh* I, q. 83, a. 1.

⁷⁰ *STh* I-II, q. 6, pro!.

⁷¹ *STh* I-II, q. 22, a. 1.

⁷² *STh* I-II, q. 22, aa. 2-3.

⁷³ On passions in Aquinas see Mark D. Jordan, "Aquinas's Construction of a Moral Account of the Passions," *Freiburger Zeitschrift für Philosophie und Theologie* 33 (1986): 71-97; King, "Aquinas on the Passions"; Robert C. Roberts, "Emotions among the Virtues of the Christian Life," *Journal of Religious Ethics* 20 (1992): 37-68.

⁷⁴ *STh* I-II, q. 23, aa. 1-2.

⁷⁵ *STh* I-II, q. 23, a. 1.

⁷⁶ *STh* I-II, q. 44, a. 1: "contractio caloris et spirituum ad interiora."

⁷⁷ *STh* I, q. 80, a. 2; q. 81, a. 2; *STh* I-II, q. 22, a. 2; q. 44, a. 1. Here I closely follow King, "Aquinas on the Passions," 104-9.

sensory appetite: ⁷⁸ affective psychophysiological responses to one's cognized environment, ways of "taking" or perceiving the world. ⁷⁹

Nonrational animals, for Aquinas, also naturally "take" objects of sensory cognition as good or bad (*sub ratione boni vel mali*), that is, as suitable or not (*convenientis vel nocivi*), and thus are motivated to pursuit or avoidance with respect to those objects. ⁸⁰ How, then, can Aquinas consider the actualization of human passion to constitute *properly human action*, which he describes as rationally ordered, end-directed, and self-determining? How, that is, can human *passion* constitute morally evaluable, rational *action*?

The answer is that, on Aquinas's view, human passion, as distinct from related animal passion, is, in Peter King's terminology, "cognitively penetrable": ⁸¹ that is, it can be rationally ordered. Insofar as passions are able to be shaped and directed by *ordo rationis*, they are voluntary and are morally evaluable. ⁸² On Aquinas's view, just as some kinds of direct human actions are specified as moral kinds of acts (e.g., benevolence, murder), according to their rationally ordered relations to certain kinds of objects, so some kinds of passions constitute moral kinds of passions, expressing specific rationally ordered relations to certain kinds of objects. Envy, for example, is sorrow for another's good—a morally bad kind of affective response to a morally relevant kind of object or property. ⁸³

Passions may be ordered by reason in various ways. Bill may be affected by lust for a beautiful woman, but choose not to act upon it. ⁸⁴ Ann may shape her passionate response of fear of a monster by

⁷⁸ King, "Aquinas on the Passions," 105-6.

⁷⁹ Ibid., 106: "the passions are a kind of 'appetitive perception.'" This picture fits an emphasis in many virtue-theorists in construing emotions as modes of moral perception. See Nancy Sherman, *The Fabric of Character: Aristotle's Theory of Virtue* (Oxford: Clarendon Press, 1989); Roberts, "Emotions among the Virtues."

⁸⁰ *II Sent.*, d. 24, q. 2, a. 1; *STh I*, q. 78, a. 4; q. 81, a. 3.

⁸¹ King, "Aquinas on the Passions," 126ff.

⁸² *STh I-II*, q. 24, a. 3.

⁸³ *STh I-II*, q. 24, a. 4.

⁸⁴ *STh I*, q. 81, a. 3; *STh I-II*, q. 17, a. 7, ad 1; q. 10, a. 3, ad 3; q. 15, a. 2, ad 3.

general considerations of reason (e.g., by thinking about the fact that there are no monsters except in fairy tales).⁸⁵ Specifically, according to Aquinas, passions may be teleologically ordered by reasonmg:

Human acts, whether they be considered as actions or passions, receive their species from the end [to which they are directed]. For human actions can be considered in both ways [i.e., as both actions and passions], since the human moves itself and is moved by itself.⁸⁶

He suggests in this statement the possibility of an end-directed rational shaping of appetitive response. For Aquinas, an agent can rationally choose to shape her passions according to reason, that is, for the sake of some end. This is not a possibility that Aquinas details in his account of the passions as such, as far as I know, but it grounds the whole of his account of habituation and virtue.

This kind of rational action is indirect. Whereas one can directly choose at a particular time, say, to speak, one cannot directly choose to be affected in a particular case (e.g., to feel joy over the promotion of one's colleague). However, one can indirectly choose to be so affected, by choosing to act (directly) in certain ways (e.g., to congratulate the colleague, speak well of him to others), so as to help establish patterns of acting in a certain way, and thus to begin to cultivate, by habituation, the appetitive, motivational conditions in one's character whereby one will become disposed to express patterns of proper affective response.⁸⁷ The actions one chooses to perform *now* are direct, end-directed actions-Aquinas's paradigm-but they are aimed at producing affective responses (indirect actions) in the future.

⁸⁵ *STh* I, q. 78, a. 4; *STh* I, q. 81, a. 3.

⁸⁶ *STh* I-II, q. 1, a. 3: "Et utroque modo actus humani, sive considerentur per modum actionum, sive per modum passionum, a fine speciem sortiuntur. Utrouque enim modo possunt considerari actus humani: eo quod homo movet seipsum, et movetur a seipso." Aquinas goes on here to specify that the principle of human acts is the end to which they are directed, and that all such acts are moral acts.

⁸⁷ For an influential account of this type of picture in Aristotle's thought, see L. A. Kosman, "Being Properly Affected: Virtue and Feelings in Aristotle's Ethics," in Rorty, ed., *Essays on Aristotle's Ethics*, 103-16.

Passions constitute properly human actions, then, insofar as the agent's appetitive powers are rationally ordered, and thereby express rationally ordered affective responses to the situations the agent encounters, even though this is indirect. Aquinas holds that reason is the first principle of human acts, both action and passion,⁸⁸ and that the complete actualization of human nature—the human good—involves the rational ordering of both. "Acting according to reason," according to Aquinas, involves bringing *ordo rationis* into both action and passion.

If we simply name as "passions" all of the movements of the sensory appetite, then it belongs to the completion of the human good that the human passions be moderated [*moderatae*] by reasoning. For since the good of the human consists in reason as its root, that good will be all the more complete, as it is able to extend to the range of things that are suitable to the human Since the sensory appetite is able to obey reason, it belongs to the completion of the moral or human good that the passions themselves be ordered [*regulatae*] by reasoning.⁸⁹

As we have seen, Aquinas seldom makes explicit the fine-grained distinctions between direct and indirect human action. Properly human action includes both action and passion, for Aquinas, although he often simply speaks of properly human action solely in terms of direct human action. In such cases, however, we should understand him to be thinking of paradigmatic direct human action as it represents the whole, as a kind of shorthand. In his broader account of action, which includes indirect human action, he accounts for the moral evaluability of emotional responses, making room for the virtue-ethical notion that the right response to a practical situation may not be direct action (i.e., to do something), but to be affected in a certain way.

⁸⁸ *STh* I-II, q. 58, a. 2.

⁸⁹ *STh* I-II, q. 24, a. 3: "Sed si passiones simpliciter nominemus omnes motus appetitus sensitivi, sic ad perfectionem humani boni pertinet quod etiam ipsae passiones sint moderatae per rationem. Cum enim bonum hominis consistat in ratione sicut in radice, tanto istud bonum erit perfectius, quanta ad plura quae homini conveniunt, derivari potest.... Unde, cum appetitus sensitivus posit obedire rationi, ut supra dictum est, ad perfectionem moralis sive humani boni pertinet quod etiam ipsae passiones animae sint regulatae per rationem."

VII. ACTION AND VIRTUE

We have seen that, for Aquinas, "action" is a broader notion than simply "specific willed acts." Human action in its fullest expression is the full, complete realization of human nature in the actualization of the human's rational powers, both in action and in passion. Thus Aquinas's action-orientation in ethics includes or is an expression of his agent-orientation. As we saw in his introduction to the *Secunda Pars* (section 2, above), he is centrally concerned with human action in his ethics, but insofar as it is an expression of the human agent who acts.

It would be a mistake, however, to conclude that Aquinas is an agent-ethicist, according to our initial characterization, and simply to eliminate or reduce his extensive accounts of human action to considerations of agency. For Aquinas, understood within his larger metaphysical teleology, human agency cannot be understood apart from the actualization of human nature more generally, and from its particular actualization in properly human action, both direct and indirect, more specifically. We have seen how, in his understanding of action and agency, Aquinas can emphasize both character and action in his ethics. In this final section I shall explore this further, by giving a brief account of how, more specifically, Aquinas's understanding of virtue fits into the picture we have seen.

Virtue, according to Aquinas, is a kind of *habitus*, or habit.⁹⁰ *Habitus* constitutes a kind of "having" (from *habere*) in relation to something, thus a quality. Health, for example, is a bodily habit.⁹¹ Aquinas's specific interest with respect to character is in the habits of the human soul. A *habitus* is a disposition (*dispositio*) that has become firm or settled,⁹² whereby one is consistently and

⁹⁰ As Anthony Kenny points out, *habitus* in Aquinas implies a firmer disposition than does the notion of "habit" in ordinary English usage (*The Metaphysics of Mind* [Oxford: Oxford University Press, 1989], 85). In the latter, if one has a habit of doing X (e.g., smoking) then it is harder *not* to do X than if one does not have the habit, whereas to have a *habitus* to do Y (e.g., be generous) it is *easier* to do Y than if one has not. I shall use "habit" to refer to Aquinas's conception of *habitus*.

⁹¹ STh1-11, q. 49, a. 1; q. 49, a. 3, ad 3.

⁹² STh 1-11, q. 49, a. 2, ad 3.

reliably well- or ill-ordered to something-specifically, to one's nature, or to one's end or actualization.⁹³ A moral virtue is an "operative habit," a disposition of character whereby one acts well, doing what is good and doing it well.⁹⁴ This conception explicitly ties character to notions of "action," but again this must be understood in light of the context we have considered.

In his account of *habitus* Aquinas qualifies the metaphysical-teleological account of human nature that he gives initially in the *Summa* by specifying a middle stage between the "seeds of virtue" (the first principles of action grounded in X's nature)⁹⁵ and the full fruit of virtue, that is, the full expression of virtue in *action*. This middle stage is, as it were, the "plant" of virtue itself (*habitus* or virtuous disposition of character). Aquinas earlier (in the *Prima Pars*) identifies X's substantial form as X's first actuality: that is, the existence of X, the initial expression of X's specifying capacities and inclinations to actualization. There, as well, Aquinas identifies X's second or final actuality as the full realization of X's nature as expressed in action. The human substantial form is rational, so the final actualization of human nature is "acting according to reason," the full expression of *ordo rationis* in action and passion. However, in his later treatment, when giving an account of *habitus* and virtue, Aquinas somewhat confusingly modifies this picture by also specifying *habitus* as the "first actuality" of X's nature.⁹⁶ On this expanded view, however, he does not consider *habitus* to be the same as X's substantial form; rather, it is a modification of it. *Habitus* is a development or perfection of X's substantial form, disposing it to its actualization in a more determinate way.⁹⁷ *Habitus* is a kind of "half-way house," as it were, between X's substantial form and X's final actuality,⁹⁸ standing, as Aquinas says, midway between

⁹³ *STh* I-II, q. 49, a. 2, ad 1; q. 49, a. 3.

⁹⁴ *STh* I-II, q. 56, a. 3; q. 57, a. 5, ad 2. I shall only address "good" *habitus*, for example, virtue and not vice.

⁹⁵ See *STh* I-II, q. 63, a. 1 for discussion of *seminalia virtutis*.

⁹⁶ *STh* I-II, q. 49, a. 3, ad 1.

⁹⁷ *STh* I-II, q. 54, a. 1; II *Nie. Ethic.*, lect. 5 (298).

⁹⁸ Cf. Q. D. *De Anima*, q. 2, a. 4.

power and act.⁹⁹ We may, less confusingly, specify the three actualities he has in mind as: "first actuality" (substantial form), "second actuality" (*habitus*, which Aquinas elsewhere describes as a "second nature"),¹⁰⁰ and "final actuality" (complete actualization, activity).

Habitus is not needed by every X. Aquinas specifies three conditions for X's needing to be so disposed to something.¹⁰¹ First, the subject of *habitus*, X, needs to be in potentiality to actualization. This is true of all created substantial forms but not true of God, who is fully actual. Second, X must be capable of being determined in several ways, to various things. We saw that Aquinas distinguishes rational appetite along these lines. No X can aim at an indeterminate good in action. The particular aims of nonrational beings are determined by virtue of their nature (e.g., to particular determinate objects, as in the case of Fido's instinctive desire for the bone), but rational beings, by virtue of their ability to be drawn to various kinds of objects because of their capacity to bring objects under general conceptions of good, must further rationally determine their own ends in action.¹⁰² Third, it must be the case that in disposing X to that of which X has a potentiality, several different things need to occur, which are capable of being coordinated in various ways, either well or badly.¹⁰³ This picture fits Aquinas's account of the process of rational determination expressed in practical reasoning.

Every power that is able to be ordered to action in diverse ways, requires a habit which disposes it well to its own acts. Will, since it is a rational power, is able to be ordered diversely to action. And thus there needs to be established in the will some habit, by which it is well-disposed to its own acts.¹⁰⁴ ---

⁹⁹ *STh* I-II, q. 71, a. 3: "habitus medio modo se habet inter potentiam et actum."

¹⁰⁰ *STh* I-II, q. 58, a. 1, c and ad 3; q. 60, a. 4, ad 2.

¹⁰¹ *STh* I-II, q. 49, a. 4.

¹⁰² *STh* I-II, q. 1, a. 2. See *De Malo*, q. 6.

¹⁰³ *STh* I-II, q. 49, a. 4, ad 3.

¹⁰⁴ *STh* I-II, q. 50, a. 5: "omnis potentia quae diversimode potest ordinari ad agendum, indiget habitu quo bene disponatur ad suum actum."

Will by the very nature of its power is inclined to the good of reasonableness [*bonum rationis*].¹⁰⁵ But since this good is multiply diversified, will needs to be inclined to some determinate reasonable good through some habit, so that action will follow more promptly.¹⁰⁶

There is a range of kinds of goods that form the general starting points for the actualization of human nature,¹⁰⁷ and each is multiply realizable, able to be expressed variously in different situations, by different agents. The basic human good of truth, for example, may be expressed in various kinds of actions: research, writing a letter, testifying in court, telling a story, making a promise, talking to a friend. Within these general cases, how and when to tell the truth is all-important (e.g., in breaking the news of the death of a loved-one). Between the basic human good of truth (the seed of virtue, grounded in the starting point of action in X's nature) and rightly and wisely telling the truth in a particular situation (the fruit of virtue in action) for Aquinas lies *habitus* (the plant of virtue), which in this case is the virtue of truthfulness: X's being rightly disposed to tell the truth and to **discern the proper ways and means to express it in various situations.**

For Aquinas, then, a moral virtue is a settled, habituated disposition of character that specifically determines an agent towards particular, determinate, excellent actualizations of her nature.¹⁰⁸ Virtue is needed to shape determinately the agent's character (appetites, desires, passions) and reasoning toward right perception and expression in particular situations.¹⁰⁹ The inclination of the agent's appetitive power to something determinate in this way is necessary for her to reach the end or

¹⁰⁵ On *bonum rationis*, see John Finnis, *Aquinas: Moral, Political, and Legal Theory* (Oxford: Oxford University Press, 1998), 83-84.

¹⁰⁶ *STh* I-II, q. 50, a. 5, ad 3: "voluntas ex ipsa natura potentiae inclinatur in bonum rationis. Sed quia hoc bonum multipliciter diversificatur, necessarium est ut ad aliquod determinatum bonum rationis voluntas per aliquem habitum inclinetur, ad hoc quod sequatur promptior operatio." Cf. *De virtut. in comm.*, a. 9.

¹⁰⁷ See *STh* I-II, q. 94, a. 2.

¹⁰⁸ *STh* I-II, q. 55, a. 1.

¹⁰⁹ *Ibid.*; *De virtut. in comm.*, a. 9.

aim of human life,¹¹⁰ for the habit of moral virtue makes her ready to choose the rational mean in particular actions and passions, which mean is the aim of each virtue.¹¹¹ "Moral virtue perfects the appetitive part of the soul by ordering it to the good of reasonableness. For the good of reasonableness just is that [i.e. action and passion] which is moderated or ordered by reason."¹¹²

Thus, on Aquinas's view, beyond the nature in virtue of which one is constituted as an instance of the kind of thing one is, one may develop, as a kind of "second nature," a character (*habitus*) of virtue. Habituation develops in the agent a natural, specifically determinate aptitude and inclination to her end, whereby it becomes natural and pleasing to her to act rightly.¹¹³ Virtue, like the agent's substantial form, is a kind of intrinsic principle of action; it is a developed expression of her nature, which reliably determines her *appetitus* towards action. For Aquinas, an agent's action expresses her nature or character.¹¹⁴ If an agent is temperate, for example, then she actually desires-sees as good, as constituting part of her specific conception of good, and is motivated to express-a right, reasonable balance with respect to sensory pleasures. She is not naturally sidetracked by passion from reason's command or rational determination.¹¹⁵ Indeed, her virtuously moderated passions form a kind of appetitive perceptual capacity, enabling her to judge what is good *because* she is rightly affected in the situation.¹¹⁶ She "takes" the situation rightly and is able to respond correctly.

For Aquinas, character (virtue) is an intrinsic principle of action: a developed intrinsic principle, a kind of second nature that enables an agent to express in a particular situation the

¹¹⁰ *STh* I-II, q. 50, a. 5, ad 1.

¹¹¹ *STh* I-II, q. 53, a. 3; q. 59, a. 1; VII *Nie. Ethic.*, lect. 9 (1435).

¹¹² *STh* I-II, q. 59, a. 4: "virtus moralis perficit appetitivam partem animae ordinando ipsam in bonum rationis. Est autem rationis bonum id quod est secundum rationem moderatum seu ordinatum." The context makes it clear that both action and passion are in view. See Finnis, *Aquinas*, 98 note r.

¹¹³ *STh* I-II, q. 60, a. 1, ad 2; q. 34, a. 4; q. 70, a. 1; II *Nie. Ethic.*, lect. 6 (315).

¹¹⁴ *STh* I-II, q. 55, a. 2, ad 1; q. 58, a. 1, ad 3; q. 59, a. 1.

¹¹⁵ *STh* I-II, q. 58, a. 5; q. 59, a. 2, ad 3; q. 77, a. 1; q. 67, a. 3.

¹¹⁶ *STh* I-II, q. 8, a. 1; q. 9, a. 2, ad 2; q. 10, a. 3.

appropriate, reasonable action or passion-to realize her nature in appropriate actualization in the circumstances. What one does, how one feels (i.e., how one responds)-one's "action," in Aquinas's broader sense-expresses *who one is*, one's nature or character. Action expresses agency, even as the shape of one's character expresses the actualization of one's nature.

In sum, then, Aquinas stresses the nature of human action in developing his ethical theory, not by way of contrast to his understanding of character or of the human agent, but rather as an expression of it. Properly human action, for Aquinas, is the expression or realization of one's character, and it involves the full range of rationally directed human powers, including both "specific willed actions" and emotional responses. Similarly, one's character-one's virtue-is the developed actualization (second actuality) of one's nature, and both the product and origin of one's properly human action. Aquinas is-when both these designations are properly understood, in the context of his metaphysical account of nature and action-both an act-ethicist and an agent-ethicist.¹¹⁷

¹¹⁷ I am grateful for helpful comments on this article by anonymous referees, and for comments on earlier drafts given by audiences at the International Conference of Ancient and Medieval Philosophy, Fordham University, November 2003; the Society of Christian Philosophers Mountains and Pacific conference, Grand Canyon University, February 2003; and the Society of Christian Philosophers Central Conference, Bethel College, March 2002 (particularly Michael Waddell and Gene Fendt). I am also grateful to the U.K. Overseas Research Scholarship Award Scheme and contributors to the Oxford Project for financial assistance during initial work on this subject.

AN ARGUMENT FOR THE
EMBRYONIC INTACTNESS ¹ OF MARRIAGE

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IT HAS BECOME a commonplace of the prolife movement to speak of "embryonic rescue." This is, of course, an attempt to save the lives of wrongfully discarded embryonic human beings who languish in a frozen condition. It is, in other words, on all accounts, *in its intention of the end* noble. However, there is in this case, as in every case of deliberate human action, also the question of the *choiceworthiness of the means*, of the objective goodness or otherwise of that which one's action is about relative to reason. Granted that the end one seeks is desirable, it is not impossible that the means one has before one, or that one's proposed action, still falls short of right reason. With respect to the question of a woman taking a child conceived by another man into her womb, the question thus arises whether this is not surrogacy, either as already condemned by *Donum vitae*² or as deserving such condemnation.

¹ I am indebted to my wife, Anna Maria Salinas Long, who earned her M.A. in moral theology from the John Paul II Institute for Marriage and Family, for the genius of this term.

² Cf. *Donum vitae* II.A.3: "Is 'Surrogate' Motherhood Morally Licit?" "No, for the same reasons which lead one to reject heterologous artificial fertilization: for it is contrary to the unity of marriage and to the dignity of the procreation of the human person. Surrogate motherhood represents an objective failure to meet the obligations of maternal love, of conjugal fidelity and of responsible motherhood; it offends the dignity and the right of the child to be conceived, carried in the womb, brought into the world and brought up by his own parents; it sets up, to the detriment of families, a division between the physical, psychological and moral elements which constitute those families."

The question I wish to pose is this: Is it illicit surrogacy for a woman to take a child not conceived with her husband into her womb, by reason of this being a material violation of marital intimacy, or else a violation of the chastity of the unmarried woman? To examine the question, I will follow, more or less, the pattern of an article from the *Summa Theologiae*.³

OBJECTIONS

1. It shouldn't matter whether surrogacy is involved in the moral proposal of embryo rescue or not. Surrogacy is merely physical, and so does not reach to the definition of the moral object. The moral species of one's action is not determined simply by the physical nature of one's action. The physical nature and teleology of one's action is irrelevant to the constitution of the moral object and to suppose it to be relevant is physicalism, a reduction of the moral to the physical. Therefore, all we need for moral assessment of "embryo rescue" is to determine what the agent proposes. Since what the agent proposes is to save innocent human beings from death by sharing natural gifts, this proposal should immediately be seen as sound, and its moral object that of

³ It is not my intention in any way to derogate the extensive discussions which already have occurred (cf. *National Catholic Bioethics Quarterly* 5 [2005]), nor to deny that elements of the contemporary exchange are in my view helpful and correct. For example, in the *NCBQ* issue cited above, see in particular Robert F. Onder, Jr., M.D., "Practical and Moral Caveats on Heterologous Embryo Transfer," 75-94; or Catherine Althaus, "Can One "Rescue" a Human Embryo? The Moral Object of the Acting Woman," 113-41, with both of which, and especially the latter, my conclusions below tend to concur. Likewise, the arguments of Msgr. William Smith, in "Rescue the Frozen?" *Homiletic and Pastoral Review* 96 (Oct. 1995): 72-73, and "Response to 'Adoption of a Frozen Embryo,'" *Homiletic and Pastoral Review* 96 (Aug.-Sept. 1996): 16-17, make points regarding the object of the act involved with which I strongly agree. Nonetheless, the teleological analysis requisite to the question, together with the apposite objections, seems to me best treated simply and in their own right. For this purpose, especially regarding a disputed question touching the teaching of the Church, the form of an article of a disputed question seems most effective. This present treatment seeks to address this question at the most foundational speculative level, and to consider objection and response in their own right, for the sake of achieving the clearest consideration of this difficult issue that is possible. The absence of reference to contemporary disputants is thus for the sake of a more focused, accurate, clear, systematic, and concise consideration of the foundational teleology that governs the solution of this issue.

saving the innocent. Further, *Veritatis splendor* states: "By the object of a given moral act, then, one cannot mean a process or an event of the merely physical order, to be assessed on the basis of its ability to bring about a given state of affairs in the outside world. Rather, that object is the proximate end of a deliberate decision which determines the act of willing on the part of the acting person" (VS 78). Therefore, all that matters to determining the moral object of an act is the intelligible proposal of the one acting, and it is this one must assess.

2. The surrogacy condemned by *Donum vitae* is, as the document indicates, that whereby one would introduce a split between the embryonic child and mother; but, this split having already been immorally introduced by another, the surrogacy whereby a mother tries to save the life of the child is of an entirely different nature. Therefore the condemnation of surrogacy in *Donum vitae* does not apply.

3. Many things which the spouses give to one another in marriage are given in such a way that, while they are owed first in relation to the spouses and to their own children, can also be given to another: for example, education of children, upbringing of children, breastfeeding. Other things, such as conceiving a child and the acts leading up to this, belong to the spouses alone. Because "gestation" is closer to the former category than to the latter, it is licit for a married woman to carry a child fathered by a man not her husband, and for a single woman to carry a child outside of wedlock, if the purpose is to save a life. For gestation is simply providing nourishment and shelter, and anyone can do that for someone who otherwise will perish.

4. The view that it is a material violation either of marital intimacy or the chastity of the unwed for a woman to choose to carry a child not fathered by her husband would imply that a woman who is raped should abort the child. But abortion is wrongful homicide and is a *per se malum*. It follows that it can be

right for a woman to choose to carry a baby not fathered by her husband. Therefore, for a married woman to undertake the rescue of an embryonic child fathered by another by taking it within her womb is not a material violation of marital intimacy.

5. The view that it is a material violation of marital intimacy for a woman to choose to carry a child not fathered by her husband assumes that carrying a child is integrally necessary to the procreative end. But carrying the child is not integrally necessary to the procreative end, for the procreative end is simply conception, and one can have this without carrying a child.

6. The view that it is a material violation of marital intimacy for a woman to choose to carry a child not fathered by her husband assumes also that that which is integrally necessary to the procreative end belongs as exclusively to the couple as couple as does conception and the acts leading up to conception. But this does not follow. Therefore, even if carrying a child is integrally necessary to the procreative end, it does not follow that it belongs to the couple as couple and to no one else.

7. The natural character of a power, act, object, and end must be taken in relation to technology. Thus, for example, it is natural that man should fly, because human beings can manufacture airplanes. Likewise, what is natural for the woman to carry in her womb must be taken in relation to technology, and thus it is natural not only that she may carry a child conceived by an entirely different couple, but also that procreation occur in any way that permits conception and the development to life of the conceived being. Thus, the view that it is wrong for a woman to take a child into her womb which she has not conceived with her husband presumes that what is not conformable to the development of human nature apart from technology should provide the norm for the use of technology, and this is an error.

8. It is surely more natural either for an embryonic child to be carried by a woman than by a machine, or for it to live than to die. But the condemnation of the implantation of an embryonic child into the womb of one who is not its mother implies either that the child may rightly be rescued only in a machine—an artificial womb—or that it should be left to die. But both of these options are less natural than being carried by a woman not its mother. Therefore the embryonic child should be carried by a woman not its mother if this is the only way in which it can be spared death. Further, it is simply natural for women to carry children—it is natural for women to "gestate." Therefore, it is simply natural for a woman to gestate another's child.

9. Many acts that are in themselves not permissible may become permissible on the supposition of some prior evil, danger, or grave situation. Hence an apostate priest who renounces the truths of the faith may not normally hear a confession and dispense absolution, for were he to do so, given his renunciation of the sacred truths of the faith, it would be sacrilege. Yet, when a soul is *in extremis* and on the verge of death, for such an apostate priest to hear his confession is not only permissible but may even be ethically obligatory. Likewise, although no one should seek to alienate embryonic human beings from their mothers, and although normally mothers should only carry the babies conceived by them with their husbands, yet because of the gravity of the case, and the proximity of the endangered frozen embryonic human beings to death, it is in this case by way of exception permissible for married and even unmarried women to carry such children and give birth to them.

SED CONTRA

Donum vitae (II.A.3) states that "Surrogate motherhood represents an objective failure to meet the obligations of maternal love, of conjugal fidelity and of responsible motherhood." But deliberately placing a child not conceived with one's husband into

one's womb is to be a surrogate mother. Further, childbirth is ordered to occur within marriage, and both the conception of the child, and the carrying of the child, exist for the integral purpose of delivering a live rather than a dead child, something which by nature only the mother of the child can perform. Therefore for a woman deliberately to seek to implant in her womb an embryonic child whom she has not conceived with her husband in a specific act of conjugal union is a violation either of marital intimacy, or of the chastity of the unwed, and constitutes illicit surrogacy.

RESPONDEO

It should be said that for any woman deliberately to implant an embryonic child whom she did not conceive in a specific conjugal act with her husband is clearly wrongful conduct because violative of marital intimacy or, in the case of the unwed, of simple chastity. This of course leaves the case wherein parents have wrongfully alienated their embryonic child from the womb, but who wish to remediate this by replacing the child in the womb, to be licit.

The reason for the deprivation of marital intimacy is as follows. We determine the *per se* naturally normative teleological order from paradigmatic cases taken apart from what is technologically possible, for the natural order of power, act, object, and end is not determined by technology. Hence, one must begin with the realization that whatever is the natural ordering of the childbearing to the conception of the child by its mother and father, this ordering is not to be determined merely by what may adventitiously be possible as a result of *techne*. Now, with respect to this normative natural ordering, it must be affirmed that the carrying of the child exists for the sake of the integral purpose of procreation, whose purpose is not alone the mere conception of the child but the delivery of a live rather than a dead child. And this purpose is, according to the natural order of power, act, object, and end, achievable only by the mother, without whose carrying of the child the child will perish. The other and more

remote ends of the nourishment of the child outside the womb, its breastfeeding and housing and clothing and education, all may in the paradigmatic natural case yet be performed by others should the parents perish. But in the paradigmatic natural case, only the mother can bear her child so that the integral end of procreation—a live baby rather than a dead one—is achieved.

Of course this indicates that the carrying of the conceived child is at the heart of the procreative purpose of marriage. Since the whole *raison d'être* of childbearing is to serve the integral procreative purpose of marriage, to which it is naturally necessary, it necessarily follows that childbearing falls within the scope of that which belongs to the spouses as spouses, and which is not rightfully transferable to others even if this may technically be possible. That is, just as the acts leading up to and including conception are rightfully those of the spouses as spouses, so the bearing of the child, which is integrally necessary to the procreative purpose, belongs rightfully only to the spouses as spouses and to no one else. The bearing of the child in the womb by the mother is naturally and normatively necessary to the end of a live child, and so that which generically pertains to the procreative good belongs to it insofar as it is integrally necessary to the procreative good. To repeat, the other further ends to which parents are also ordered may, naturally speaking, be fulfilled by others; but naturally and normatively the maternity of the mother in her bearing of the child in her womb is necessary to the procreative purpose of the delivery of a live child. Integrally procreative faculties, then, extend beyond the mere geometric point of conception, for the normative natural purpose of procreation is the delivery of a live rather than of a dead child. Granted that in the narrow sense we speak of procreation as merely conception, the procreative act taken as a whole is not merely the act whereby the child is conceived, but the extension and perfection of this conception by the childbearing of the mother. The fact that technology may treat childbearing as a detachable module and deprive it of its intact procreativity does not make such detachment the natural order. On the contrary, it

is an error to reduce what is teleologically one densely intelligible narrative to a series of modules whose teleology will then be bestowed anew through human rearrangement.

For a married woman to implant in her womb an embryonic human being who is not conceived in a specific conjugal act with her husband is for her to take that which belongs to the spousal couple as spousal couple and give it to another. But all that which integrally and essentially is naturally necessary to the procreative end is included in the spousal donation as belonging to the couple alone. It follows that a married woman who implants an embryonic human being in her womb who is not conceived in a specific conjugal act with her husband violates marital intimacy, which is a *per se malum*. Just as one may not share venereal activity with one who is not one's spouse, because these venereal acts exist for the sake of, and are necessary to, the generation and transmission of new life (i.e., the integral procreative end, which is not generation alone) in marriage, so one may not rightfully choose to share childbearing with anyone save one's spouse, as it exists for the sake of the transmission of the life conceived with one's spouse (i.e., because childbearing naturally exists for the sake of, and is necessary to, the integral procreative purpose of the generation and transmission of life).

Likewise, for an unmarried woman to choose to implant in her womb an embryonic human being is a violation of chastity. For childbearing exists for the sake of the integral procreative purpose of marriage, and belongs to spouses in marriage and to no one else.

For a religious woman to choose to implant in her womb an embryonic human being is a violation of her profession of perpetual chastity, by which she turns away from the fecundity of the flesh in the blessings of marriage for the sake of the Kingdom of Heaven.

REPLY TO OBJECTIONS

1. When *Veritatis splendor* states that "By the object of a given moral act, then, one cannot mean a process or an event of the merely physical order, to be assessed on the basis of its ability to bring about a given state of affairs in the outside world" (VS 78), it does not deny that the physical character of an act may be one causal element in defining the moral species of an act. By "event of the merely physical order" it refers to purely physical accident outside of choice as such (e.g., accidental physical infecundity does not make an act contraceptive). It does not refer either to deliberately chosen means or to the normative natural teleological grammar of the moral act itself. The reason of this is twofold, pertaining to the nature of the object and the role of teleology in determining moral species.

As to the first point: the integral nature of the act is always included in the moral object. The moral object is what an act is about relative to reason. But what an act is about relative to reason always materially includes and presupposes *the act itself*. Although the moral object is formal with respect to the act, this does not preclude its containing a material aspect, just as the formal character of nature abstracted as a whole—the *abstractio totius-does* not prevent nature so abstracted from including what is known as the common matter of the definition (as "bodiliness in general" is included in human nature abstracted as a whole, as opposed to "this particular body with these particular accidents"). Likewise, the moral object is formal with respect to the act, while always materially including the integral nature of the act itself. One sees this when *Humanae vitae* states that

Consequently, unless we are willing that the responsibility of procreating life should be left to the arbitrary decision of men, we must accept that there are certain limits, beyond which it is wrong to go, to the power of man over his own body and its natural functions—limits, let it be said, which no one, whether as a private individual or as a public authority, can lawfully exceed. These limits are expressly imposed because of the reverence due to the whole human organism and its natural functions, in the light of the principles We stated earlier, and in

accordance with a correct understanding of the "principle of totality" enunciated by Our predecessor Pope Pius XII. (*HV* 17)

Clearly, "the reverence due to the whole human organism and its natural functions" is not "physicalism." Nor is it physicalism to realize that the physical character of an act performed may be one causal element in the determination of the moral species of an act. For that it may be one element does not preclude the relation to reason. Rather, it is *angelism* to say that the physical character of the act performed has no role in the determination of moral species. For example, when one who commits active euthanasia states that the end sought is merely "relief from pain" this may in truth be the end sought by the agent. However, inspection of the means in such a case will indicate that it is not merely from pain that the euthanized person is being relieved, but from life, for the nature of the act performed is homicidal. Given that the person being killed is innocent, and that the act is neither an act of justice nor one of defense, this act is correctly identified as wrongful homicide, owing to the very nature of the act committed, even though what the agent seeks as an end and by way of "proposal" may be merely relief from pain. A noble end does not justify the performance of an intrinsically evil deed. And so, it does matter whether an act is of itself ordered to a wrongful violation of marital intimacy, or not, irrespective of the nobility of the end sought.

The second point pertains to teleology. As St. Thomas Aquinas instructs us, when the moral object is *per se* ordered to the end, the species of the moral object is contained within the more defining, containing, and formal species that derives from the end.⁴ And so, without knowing the teleological order of object to end, we will not even be able to determine the most formal species of the act (for we need to know whether the object is *per*

⁴ Cf. *STh* I-II, q. 18, a. 7: "From all this it follows that the specific difference that is derived from the end is more general; and that the difference that is derived from an object which is *per se* ordered to that end is a specific difference in relation to the former" ("Et ex istis sequitur quod differentia specifica quae est ex fine, est magis generalis; et differentia quae est ex obiecto per se ad talem finem ordinato, est specifica respectu eius").

se ordered toward the end or not). Indeed, we will not be able to distinguish simple from complex acts, for the difference only arises consequent on the distinction between acts where the object is naturally ordered to the end and acts in which the object is only *per accidens* ordered to the end. It follows that teleology is not excluded from, but rather is essential to, the constitution of the moral object. Indeed, the teleological grammar for the constitution of the moral object is described most painstakingly by St. Thomas Aquinas.

Further, if any proposal to save from death by sharing natural gifts is permissible, then fornication and adultery would be permissible if in the mind of some agent these could be ordered to the end of sparing life (e.g., by placating a despot). But one may not do evil that good may come, as we alike are reminded in *Veritatis splendor* 78. It follows that we need to know more than merely how the agent describes the proposed act in order to judge of the moral object. It is true that we need to know this description which (at least) pertains to the relation of the act to reason. But we also and essentially need to know the nature of the act itself. This is not physicalism, but the realization that for *ratio* to be *recta* it must first conform to and be measured by the ordering of nature, so that it may then serve as the measure for our action. Thus it is in no way irrelevant to the morality of what is called "embryo rescue" whether it involves surrogate motherhood, for "embryo rescue" is not choiceworthy if it requires violation of the integrity of marriage as has been argued above.

2. It is true that in the section wherein *Donum vitae* condemns surrogacy, it is not expressly contemplating the issue of what has come to be called "embryo rescue." This does not mean that its condemnation cannot include this case. Indeed since its condemnation is general, and since the meaning of "surrogate" is dearly to stand in for another and this is what those who propose "embryo rescue" have in mind with respect to childbearing, it should be admitted that the *prima facie* sense of this condemnation must be taken to include every instance of such "standing

in" pending any action of the Church expressly permitting such acts. Hence, by reason of its general formulation, there is no reason to limit the condemnation of surrogacy only to the particular cases expressly considered in *Donum vitae*, any more than there is reason to suppose that certain categories of adultery are not intended to be proscribed within the general proscription of adultery. Further, however, the understanding in accord with which surrogacy is condemned by *Donum vitae* is also manifested in other places in that document. Thus, *Donum vitae* condemns homologous artificial fertilization (II.B.4) because "Homologous artificial fertilization, in seeking a procreation which is not the fruit of a specific act of conjugal union, objectively effects an analogous separation between the goods and the meanings of marriage." This method of artificial fertilization collects the procreative matter from the male over time so as to multiply the odds of conception to overcome any deficiency in healthy procreative matter. Though such a child would at least be the biological child of the couple, yet the Church condemns such an approach as illicit because it seeks a procreation which is "not the fruit of a specific act of conjugal union." Surely it would be ironic to condemn a couple for attempting to conceive its own child in a way that stems from no specific conjugal union of the spouses, but then to permit a wife to carry a child that stems from no specific conjugal union of the spouses and which is not even a child of that couple but was conceived by others. If it is said that such "adoption" is not procreative, because procreation is only "conception," this has been answered above: under natural law the integral purpose of procreation is the delivery of a live rather than a dead child. Hence childbearing is integrally necessary to procreation, and belongs, as does all that is essential to the natural procreative end, to the couple as couple and to none other.

3. Granted that "gestation" is a term that applies to all mammals, and hence also to human beings, one should in ethical discourse prefer the more precise designation that pertains to the mode in which humans possess a power. Hence one might think

that "childbearing" or "pregnancy" is the language we might prefer, granted that all mammals have some similar capacity: for the meaning of this capacity differs in humans, and we should so far as possible wish to acknowledge this.

But, further and to the point, whether we call it "gestation" or "childbearing" or "pregnancy" it is not the case that it is closer to wetnursing, or educating, or housing, or any number of other activities outside the womb, than it is to conception. This is clear in three ways. First, it is integrally necessary to the procreative end, which is the generation and transmission of human life which is achieved in the delivery of a live rather than a dead child. As has been argued above, all the other activities outside the womb to which parents are further directed may, in the natural order of things, be undertaken by others, whereas, in the natural order of things-which is not defined by the *per accidens* possibilities offered by supervening technology-the carrying of the child is always or for the most part integrally necessary to the procreative end of birthing a live rather than a dead child. Hence clearly, as it is integrally necessary to the procreative end, it is in the broad rather than narrow sense procreative, and as it may alone naturally speaking be achieved by the mother and not by others it is clearly dissimilar to wetnursing, housing, educating, etc.

Second, it is closer to conception in that it follows proximately, naturally, and *per se* from conception, as conception is clearly naturally and further ordered to childbearing. But wetnursing does not follow proximately and naturally from conception; nor does housing, education, and so on. That is to say, the teleological narrative does not read: "after conception, the fertilized ovum is implanted at Harvard Law School." For others may send the child to Harvard Law School, but only the mother, in the paradigmatic natural instance, enables the integrally procreative end of delivering to the world a life rather than a dead child to be achieved.

Third, no Catholic scholar, prior to the advent of the technology to dis sever childbearing from conception, ever supposed that childbearing was not an integrally procreative faculty, or that

its use as such was not generically included together with all things essentially necessary for the integrally procreative end within the spousal donation of the body and of what belongs uniquely and solely to the couple as couple. That is to say, no one would have supposed that the integrally procreative end was achieved merely through conception and that the wife did not owe to the husband as part of the unique spousal donation the use of the integrally procreative capacity of childbearing so that the couple might enjoy the gift of the birth of a live rather than a dead child. But that which is integrally necessary to procreation is, as has been argued above, contained within the generic gift of procreativity that belongs solely to the couple as couple, and hence belongs to no one else.

4. The two cases are not on a par. The woman who is raped is clearly not choosing to perform a venereal act, and so is not choosing to conceive, nor to carry the child, simple speaking. Rather, on the hypothesis of a prior evil, the woman who is raped heroically refuses to slay the child, who is innocent, having full confidence that since she did not intend the venereal act, nor all that follows, she is not culpable of seeking it out and choosing it and so not culpable of performing what falls under negative precept. By contrast, in the case of the woman who chooses to implant a child not her own (by reason of a specific act of conjugal union with her husband) into her womb, she deliberately chooses that which is violative either of marital intimacy or of the chastity of the unwed, or of the perpetual chastity of the religious state. And so there is no moral parity between the very different acts of the woman who, having been raped, does not commit wrongful homicide but bears the child and the woman who freely chooses to violate marital intimacy, the chastity of the unwed, or perpetual chastity by bearing a child of whom she is not the mother, and her husband not the father—that is, one whose conception does not derive from a specific act of conjugal union with her husband. Of course, this does not pertain to miracle: no one would be so bold as to claim that the Mother of God violated

chastity by assenting to the Incarnation, for here the ends of procreation are achieved in manner essentially higher than the natural manner, in a supernaturally miraculous fashion.

5. This objection has been dealt with above. Nonetheless, it may briefly be stated that the integral procreative end is the birthing of a live rather than a dead child, and this is indeed why the Church speaks of the generation and transmission of life rather than merely of generation or conception alone. As every married couple that has received the grace of children knows, it is not merely the point of conception but the fulfillment of their integral procreative capacities-established by identifying that which is always or for the most part necessary to the birth of living children-that constitutes the procreative good in its natural fullness. It is at the birth of a live child, and not merely consequent on conception, that the couple rejoices in the achievement of the integral procreative purpose of marriage. Accordingly, this is what constitutes the integral procreative good. And this good is not fully achieved by conceiving and then aborting or miscarrying, which latter are tragic deprivations not alone with respect to the life of the conceived human being but with respect to the natural ordering of the parents as parents and to the integral procreative good.

6. When it is said that "even if carrying a child is integrally necessary to the procreative end, it does not follow that it belongs to the couple as couple and to no one else," this could be true only if not all that is *per se* naturally ordered to the generation and transmission of human life were for the sake of the integral procreative good of the married couple as couple. But this is not the case. If it were true of childbearing, then this would vitiate the marital good as such, because it would treat an essential element of the integral procreative good of the couple as a detachable module not exclusively given to the spouse, but potentially to others. Now it is beyond any cavil that, naturally and *per se*, childbearing is necessary to the integral procreative good-for,

naturally and *per se*, there is no birthing of a live child without it. It is also true that either all that is necessary to the integral procreative good is bestowed uniquely by the spouses upon one another, or not. If not, then marriage does not involve the unique gift of integral procreativity, and it necessarily follows that marriage is not essentially but only accidentally ordered to procreation. But this latter the Church has always denied. Indeed, even celibate marriages are naturally ordered to procreativity, but in these rare cases the spouses as spouses receive a calling to an essentially higher or spiritual fecundity such that they, as a couple, renounce the use of the body.

It would further follow by necessary logic that no wife would ever act contrary to the nature of marriage by choosing only to carry the children of others, for she never gave her integral procreative capacity uniquely and solely to her spouse, any more than she uniquely and intransferably gave her capacity to play checkers only to the spouse. Nor will it do to claim that choosing to bear the children of others is just like wetnursing the children of others, for in the paradigmatic *per se* natural instance, wetnursing may be done by others, whereas naturally speaking carrying the child of one's husband to live birth may be achieved only by the wife and mother and is part of the integral procreative good whereby one seeks the delivery of a live rather than a dead child.

7. The proposition that "The natural character of a power, act, object, and end, must be taken in relation to technology" is both false and dangerous, for it implies that there is no distinction between that which may be caused by technology and that which is natural. Now, we may admit that that which technology may cause always exists in relation to the natural order. But technology does not constitute this order, nor should what is technically possible supplant that which is required by natural teleology. Rather, the purpose of technology is to assist in the realization of natural teleology, or to remove that which is contrary to natural teleology. But in the definition of this teleology as such, we make

no reference to what is introduced solely through technical means. For example, we know what health is prior to knowing what disease is, and we employ technical means either to aid the body to recuperate according to its natural tendency, or to remove something that is incompatible with the natural health of the body (as, for example, antibiotics remove the presence of bacteria harmful to one's health). When we ask about what is integrally necessary to the procreative good, we consider this not in relation to technical means, but in itself. And taken just so, in itself, it is clear that naturally the carrying of the child by the wife and mother is integrally necessary to the procreative good of the birthing of a live rather than a dead child. Hence this childbearing is at the heart of the spousal donation, which embraces integral procreative capacity and not the point of conception alone—for conception alone is not sufficient of itself for the birthing of a live rather than a dead child. Rather, conception requires the further gift—which by nature and *per se* is alone provided by the wife and mother—of the woman's bearing in her womb the conceived life.

The teaching that natural power, act, object, and end, are constituted only in relation to technology is also indeed incoherent: technology cannot be defined save by what it does, and what it does is knowable only in relation to the teleology of nature (how does one act upon or influence X with respect to Y, or define the same, if one has literally no idea of how X is naturally ordered with respect to Y?). Hence, technology presupposes natural teleology, whereas teleology does not presuppose technology but is the condition for it. Of course, this is clearly the case also inasmuch as efficient causality implies teleology, for efficiency can only be defined by that toward which it is ordered, and in which the efficiency terminates as in an end. Accordingly, to seek to define natural teleology as essentially constituted by technology is simply to give up thought about that to which nature in general, and human nature in particular, is ordered. But the abandonment of coherent thought about natural teleology is not itself an argument for nescience, but merely an illustration of

the same. It follows that those who seek understanding of the human condition, and of the world generally, proceed differently.

8. It is surely true that it is more natural for an embryonic child to be carried by a woman in her womb than by a machine such as an artificial womb, and also that it is more natural for the embryonic child to develop and live rather than to die. But the conclusions drawn from this are erroneous. For while it is generically speaking more natural for the child to be carried in a woman's womb than in a machine or artificial womb, the accruing of an additional form may make such carrying of the child to be unnatural. Similarly, it is generically better not to kill human beings than to kill them, but subsequent upon a certain form of justice, it may be better to kill—say, in just war, in defense, or in the case of the death penalty. Likewise, generically it is more natural for the embryonic child to be carried in the womb of a woman. But when one considers the added formality that the woman in question is not the mother of the child, so that such carrying constitutes either a sin against marital intimacy, against the chastity of the unwed, or against the vow of religious chastity, it is clear that by this form it is contrary to natural order for such a woman to carry the child of other parents. Indeed, it is the sin of surrogacy which the Church has proscribed. It is clear that it is then more natural for the child to be saved in an artificial womb than that anyone contrary to moral precept materially violate marital intimacy, or unwed chastity, or religious chastity. With respect to it being more natural for the child to live than to die, this is generically true; but, consequent upon the form that for the child to live someone must do moral evil, one sees that in this case, even were death the only remaining likelihood for the child, it would be better that no morally evil act be done. For one may not do evil that good may come.

With respect to the claim that it is simply natural for women to carry children (to gestate) and therefore it is natural for a woman to gestate another's child, one must say: this is overly generic, too general. Generically speaking, yes, it is natural for

women to carry children, to gestate; and generically speaking, one might also say it is natural to human beings to gestate; or indeed, one might say it is natural for human beings to engage in sexual activity, or for human beings to marry. But what is generically true requires specification. It is natural to the mother to carry the child she conceives, but not for the woman to go to a clinic and carry a child she never conceived. It is natural to man and wife within the bounds of matrimony to procreate children, but it assuredly is not a perfection of normative natural teleology for all human persons of whatsoever age and sex, and apart from matrimony, to engage in sexual activity. It is natural to those fit for and desiring marriage to marry, but it is not natural to one who is called by God to religious life or the priesthood to deny the divine call, or alternatively and by way of defect for one who cannot engage in the procreative act to marry. It is natural for the prison guard to hold prisoners in jail, but it is not natural for the prison guard to hold someone in jail who is known by all to be innocent or if such holding is dearly contrary to law, justice, and charity. From such a generic proposition as "it is natural for women to carry children" one does not sufficiently fathom normative natural teleology, for the children carried do not naturally fall out of the air, but are conceived by man and wife. It is natural for a wife to conceive a child and then to carry the child in her womb, but the normative teleology is not for a woman to have an embryonic child whom she never conceived implanted in her womb by a clinic.

It remains true that one may not do evil that good may come—one may not violate marital intimacy, the chastity of the unwed, or religious chastity, for the end of saving the lives of embryonic children wrongfully alienated from their mothers' wombs and in danger of death. Yet there is in fact hope that these children may be rescued through the development of an artificial environment that can medically provide some minimal degree of what the mother should have provided her child in her womb.

9. It is true that many acts that are not otherwise permissible may become permissible on the supposition of some prior evil, danger, or grave situation. Nonetheless no such act is permissible if it involves the objective transgression of negative precept, that is, if its moral species is one of wrongdoing. One may not do evil that good may come. Hence the reason why the apostate priest may not habitually dispense the sacrament is that his state of unbelief would render this sacrilegious given his public unbelief, and that he lacks the habitual grace minimally proportionate to such habitual sacramental action, and that this might even in the external forum be an occasion for the ridiculing of the sacrament. But just as in the case of a penitent *in extremis* there is an extreme need, so the apostate priest may in such a state, mindful of that dignity to which he had been called, receive from God the graced motion of will whereby he wills in this extreme case to provide the sacrament. One notes that the giving of the sacrament is an end that is good in itself. Likewise, for the child's *mother* to bear her child is good in itself; but for one who is not the mother to carry the child is not good in itself because contrary, as has been said above, either to marital intimacy, the chastity of the unwed, or religious chastity. And so there is no moral parity here between an apostate priest hearing confession of a penitent *in extremis* and the case of the woman who chooses to carry a child she has not conceived with her husband in a specific act of conjugal unity: for the former is (or at least may be) good, while the latter is, simply speaking, not good, because it is surrogacy.

Yet the gravity of the case of the embryonic human persons needs to be addressed. How shall it be addressed? It has been seen above that whereas it is generically better for a woman to carry the child, consequent upon a certain form it is seen that to carry a child not her own is wrongful because materially violative of marital intimacy, the chastity of the unwed, or religious chastity. Likewise, as already seen it is generically inferior for an embryonic human being to be placed in a machine rather than in the womb of a woman. But given the realization that this child cannot be placed in the maternal womb as ought to be the case,

and that this child can be placed in the womb only of a woman for whom this act will be violative of marital intimacy, unwed chastity, or religious chastity, clearly it is better for the child not to be placed in such a woman's womb, and to be placed in an artificial womb. For this offers both to supply medicinally at least some minimal degree of that of which the child has been deprived by its mother, and also it does this without any violation of the moral law. It is, accordingly, the only moral option for attempted rescue of frozen embryonic human beings. But if there is no such artificial womb that is workable, or if any attempt at thawing in the current state of technology should prove to be lethal, may these embryonic children be kept in their unnatural and frozen state in the hope that a technical means may be found to enable at least some of them to survive and live normal human lives?

Although this is not formally part of the question at hand, it seems fitting to conclude by noting that this is indeed one of the circumstances in which, supposing the prior evil, and supposing that there is real hope of normal life for these beings, we may do what otherwise we would not, namely, retain them in their frozen state. Although this is unnatural, and it was wrong initially for them to be alienated from their mothers, yet to unfreeze them is lethal and arguably thus to do them even worse injury; and by unfreezing them it seems that we deliberately choose to take responsibility for their deaths. Hence insofar as there is a realistic prospect of providing a means for at least some of these children to live, it seems not unreasonable to retain them in this unnatural condition in the hope, finally, of freeing them not merely from this affliction by thawing them unto their deaths, but of freeing them from this unnatural state for the sake of living a normal human existence.

In the absence of any such realistic prospect, however-if it is correctly judged that this is now, and for the foreseeable future will remain, impossible-then to unfreeze them, baptize them, and permit them to perish free of their unnatural and unnaturally imposed state, is permissible under the principle of double effect, inasmuch as the circumstances pertinent to their unnatural

condition rather than the effort to free them therefrom exerts the decisively baneful influence. For to keep innocent human persons trapped in unnatural rigidity indefinitely, in quasiperpetuity and with no practical plan to free them, is unjust. Further, in such circumstances the caretaker's principal responsibility is to baptize them-which means also letting them thaw and die, since there is more probability that they will be alive to be baptized earlier rather than later. To insist upon keeping them in their frozen state without any practical hope of normal life is to perpetuate the wrongful act of those who initially separated them from their mothers and froze them. Only a reasonably practical hope of enabling normal life for these embryonic persons could justify failing to baptize them and keeping them for some slight increment longer in their present unnatural frozen state.⁵

⁵ I am greatly indebted to Janet Smith for the benefit of her searching criticisms of the position articulated in this paper. While she strongly disagrees with its analysis, whatever strengths it may possess derive significantly from our extensive discussion of this question.

BOOK REVIEWS

The Cambridge Companion to Reformation Theology. Edited by DAVID BAGCHI and DAVID C. STEINMETZ. Cambridge: Cambridge University Press, 2004. Pp. x + 298. \$70.00 (cloth), \$25.99 (paper). ISBN 0-521-77224-9 (cloth), 0-521-77662-7 (paper).

This well-conceived volume of introductions makes clear the breadth and vigor of theological thought and writing in the sixteenth century in Europe. Sixteen scholars offer introductory accounts for nonspecialists of the main figures and schools, beginning with late medieval systematic theology, Lollardry, and the Hussite reformation. Some chapters are outstanding. E. Rummel is solid on Erasmus's genuinely theological contribution. S. Hendrix is concise but splendidly informative on Luther's teaching through the phases of his incredible productivity. R. Kolb charts well the movement of Lutheran theology through the controversies leading to the *Formula of Concord* (1577). D. Steinmetz surveys Calvin surehandedly, R. Muller exudes vigor and mastery on Reformed theology after Calvin, and W. O. Packull clears a path through the maze of Anabaptist theological works. D. Bagchi is informative and thoughtful on early Catholic controversialists. Other chapters seem to have less to offer theologically, for example, on Cranmer and on writing in Reformation Scotland.

The volume begins with the editors' introduction, emphasizing how a knowledge of theology is essential to understanding the world-historical event of the Reformation. They tell quite well how present-day scholarship situates the era's theology, that is, in relation to the wider sixteenth-century culture, to early modern confessionalizing drives in cities and principalities, and to the interaction between elites and the ordinary lives of believers. The bibliographies are generally good (for critical comments, see below). The volume's conclusion is accurate on directions for ongoing research, leading to an engaging final word to an intended student-reader. An index will serve well anyone wanting to study how the main figures handled major theological topics, such as baptism, the meaning of the Old Testament, the church, eucharist, God, justification, predestination, and sacraments.

Problems and defects in the volume come in three sizes: small, medium, and large. Some small flaws escaped editorial oversight, as when the author of the chapter on the Hussites speaks of "observation" where "observance" is meant (23) and of "conservation" for "consecration" (24). The *Formula of Concord* is

wrongly dated in 1579 on page 135. Also, Steinmetz erroneously promotes Johann Gropper to be archbishop of Cologne (240).

In the medium range of problems, the structure of the volume leads it to omit reference to valuable recent studies that treat significant areas of life (and death) in the Reformation era by studying topics across multiple authors and taking up the same issue in different confessional settings. One thinks of C. Eire, *The War against the Idols* (1986), on iconoclasm, and of B. Gregory, *Salvation at Stake* (1999), on martyrs and martyrological literature.

Some lacunae limit the value of the bibliographies, beginning with omissions of some primary texts available in English, such as Jan Hus's "On Simony," in M. Spinka, ed., *Advocates of Reform* (1953); Martin Bucer's "The Kingdom of Christ," given in large part in W. Pauk, ed., *Melanchthon and Bucer* (1969); and William Tyndale's *Answer to More* in the critical edition by A. O'Donnell and J. Wicks (2000), in which this reviewer offered a concise account of Tyndale's impressive theological tenets.

W. P. Stephens's chapter on Zwingli, which digests his *Zwingli: An Introduction to His Thought* (1992), notes the importance for the Zurich reformer of his reading of "Hoen's letter" (89), but then offers no help to one wanting to learn more about Hoen or even locate a copy of the letter. For this, one should consult H. A. Oberman, ed., *Forerunners of the Reformation* (originally 1966, newly released by James Clarke, 2003). Later in the volume, Packull presents the Schleithem Articles as a good expression of Anabaptist faith and community life, but offers no help toward finding the text of the Articles, which are given in M. G. Baylor, ed., *The Radical Reformation* (1991).

Secondary studies deserving but not receiving mention in the Companion are R. Rex, *The Lollards* (2002) and G. Tavard, *The Starting Point of Calvin's Theology* (2000). Rex raises a significant issue not addressed in this volume, namely, the construction by Reformation authors of historiographical schemes which offered a providential view of the past, for example, by casting the Lollards as one of several faithful remnants of true believers who witnessed to Protestant truth before the Reformation.

For discussion on a much more serious level, I begin by commending D. Janz for his accurate survey of late-medieval Thomism, Scotism, and Ockhamism in the opening chapter. This is helpful and would be sufficient if the following chapters in fact treated the complex sin-grace-faith-justification-works as the controlling issue of all or most Reformation theologies. But in central chapters several contributors opine that ecclesiology was or became a more basic area of difference between Reformation theologians and the Catholic tradition. If this is so, then the late-medieval topic that would aid toward better contextualization is early fifteenth-century conciliarism. Spinka's *Advocates of Reform* offers four good conciliarist texts, while those who know the field usually speak of Nicholas of Cusa's *De concordantia catholica* (edited and translated by P. E. Sigmund [1991]) as being the most mature expression of this ecclesiology. To be sure, conciliarist ecclesiology met opposition from exponents of papal primacy such as Juan de Torquemada, O.P. (*Summa de ecclesia*, 1452, studied recently by T.

Izbicki in *Protector of the Faith* [1981]), which brings in another ecclesiology of no little influence in the Reformation era. But the conciliarists did leave a legacy that echoed in the sixteenth century, both in positions taken by Spanish and French bishops at Trent and in notions applied by the architects of synodal government in reformed churches.

Finally, this reviewer has seriously to contest central points offered by Steinmetz on the Council of Trent. He rightly privileges the council's early decrees on the biblical canon, the Vulgate, Scripture and unwritten traditions, and ecclesial interpretation, but his handling of these topics is anything but deft. He finds the decree asserting the official status of the Vulgate Latin translation of Scripture surprising and he implies that it ruled out study of Scripture in the original Hebrew and Greek. But he makes no connection between the decree and the proliferation of new Latin versions of Scripture before Trent. Latin Psalters translated from the Hebrew had come out, by Felice de Prato (1515), Agostino Giustiniani (1516), and Cardinal Cajetan in his 1527 commentary. Erasmus's new Latin New Testament (1516) is well known, but Sante Pagnini, O.P., brought out a complete Latin Bible with a new Hebrew-based version of the Old Testament in 1528 as did Isidore Clarius in 1542. Thus it escapes Steinmetz that the decree's primary intention was to specify *which* Latin Bible would serve in revised editions of the Missal, Liturgy of the Hours, Catechism, and other church documents for Latin-rite Catholics. Furthermore, he takes no note of Trent's stipulation that the Vulgate "shall be printed after a thorough revision" (*Decrees of the Ecumenical Councils*, eds. G. Alberigo and N. Tanner [1990], 665). Also, study of biblical interpretation by Tridentine Catholics from 1550 to 1620 shows the best practitioners writing in Latin and interpreting the Vulgate, but not hesitating to refer regularly to the original biblical languages, as in R. Bellarmine's esteemed and often reprinted Psalter commentary of 1611.

Steinmetz committed a serious gaffe on Trent's clarification of the sources from which it proposed to draw its doctrinal teaching and disciplinary reforms. In the famous decree of 8 April 1546, the source is to be the gospel of Christ as mediated by Scripture and "unwritten traditions" stemming from the apostles. On this, readers of the Cambridge Companion will meet the statement, "the council used the words *partim-partim*, 'partly-partly'. Explicit Catholic teaching is found partly in Scripture and partly in the church's traditions" (238). I urge readers to add in pencil in the margin, "No, it did not say that!" Any Catholic student of fundamental theology should have learned that the conciliar drafters at Trent struck the phrasing "*partim . . . partim*," which had stood in the draft, to make way for a simple "*et . . . et*" in the decree approved by the council and reprinted in Denzinger's *Enchiridion* and in the Alberigo-Tanner *Decrees*.

Trent's decree left open whether the traditions that it solemnly receives only interpret and apply Scripture in a vital manner or whether they, in addition, contain gospel-level doctrines and practices beyond Scripture. The decree's minimalist affirmation left space for different conceptions of the Scripture-Tradition relation. To be sure, many Catholic apologists, seeking to vindicate the insufficiency of Scripture taken alone, did in fact espouse a "*partim . . . partim*"

understanding of how Scripture and the traditions transmit gospel truth and discipline, but in this they went beyond Trent's text. Because Trent left the issue open, the period 1945-60 saw a vigorous Catholic discussion break out over the relation between Scripture and tradition. Where Trent left an open door, Vatican Council II walked through to offer a creative reformulation of the relation in chapter 2 of its Constitution on Divine Revelation (1965). But there could have been no twentieth-century argument, and surely no conciliar restatement, if Trent had said "*partim . . . partim*" in 1547-which it did not do.

This reviewer takes no pleasure in playing a role which has to seem to be that of a carping critic. But Reformation theology and Tridentine doctrine are both too important to leave unnoticed the several imperfections that blemish this expensive volume.

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The Cambridge Companion to Hans Urs von Balthasar. Edited by EDWARD T. OAKES, S.J., and DAVID MOSS. Cambridge: Cambridge University Press, 2004. Pp. 282. \$70.00 (cloth), \$25.99 (paper). ISBN 0-521-81467-7 (cloth), 0-521-89147-7 (paper).

Hans Urs von Balthasar resisted the attempt to place the pronounced tensions within his thinking into a systematic theology. How does one produce *The Cambridge Companion* to such an individual? One could declare an amnesty for his crossing of interdisciplinary borders and single out elements that, once screened by the Homeland Security of today's academics, could still contribute in some fashion to the normal *loci*. Alternatively, one could present the mysteries hidden within the Master's own style and thought while paying modest attention to the academic skirmishes that Balthasar so often disdained. A third approach would make virtue out of necessity and adopt the stance of postmodern *bricolage*, simultaneously constructing and deconstructing the not so tidily arranged provocations of the Swiss theologian. All three strategies can be found in this volume, and the coeditors make no effort to privilege one over another.

The volume is structured according to theological topics, the trilogy, disciplines, and contemporary encounters. In the first part, eight theological topics are identified. Larry Chapp's opening chapter on revelation sets forth Trinitarian metaphysics, Christ as the concrete universal, and the mediation of a revelatory irruption (i.e., the life of a saint) as three antidotes to a hermeneutics of suspicion that unprofitably reduces the event of revelation to a bare fact. Mark McIntosh highlights the joining of mission and obedience as a call to

participation, thereby creating a unified spiritual Christology out of Balthasar's diverse historical and systematic explorations. Rowan Williams approaches the Trinity through Holy Saturday and is thus able to shed light upon intradivine difference, gender, and pneumatology (including Balthasar's nuanced differentiation from Hegel). Nicholas Healy and David L. Schindler contribute an essay on the Eucharistic mystery in creation that enables the Church to include in its mission of salvation the transformation of the world. They conclude that this Eucharistic model of ecclesial life not only endorses what Vatican II calls "the legitimate autonomy of earthly affairs" but adds Christological depth to the very notion of creaturely freedom. Lucy Gardner traces "a certain 'Iv'farian watermark' [that] can be detected through Balthasar's massive theology" and suggests after judicious analysis that Balthasar "at once 'sees' and spectacularly misrecognizes" eternal truths about the Mother of God and about women. David Moss in an essay on the saints shows that Balthasar's interest in the topic showed not the least desire "to cruise down the esoteric tributaries of 'spirituality'" but was rather a decision to lay bare "an entire theological programme, funded from the lives of the saints." Corinne Crammer displays theological sophistication of the highest order in her essay on Balthasar's theology of the sexes, a topic to which I will return below. In his contribution on eschatology, Geoffrey Wainwright focuses on the Christocentric pattern to Balthasar's thinking about last things and concludes his presentation of the controversy regarding universal salvation with an illuminating and ultimately Socratic dialogue.

Three short essays cover the entire trilogy. Oliver Davies treats theological aesthetics as a rewriting of Western metaphysics but questions whether "the Thomist-Heideggerian metaphysics of the earlier volumes in a sense 'lag behind' the more dynamic and kenotic themes of [Balthasar's] later thinking." Ben Quash surveys Balthasar's theo-drama and shows certain affinities with both Barth and Hegel. Aidan Nichols's piece on the theo-logic is extremely valuable, especially in light of the relative lack of attention that has been directed to these three decisive volumes in the literature in English.

The first disciplinary chapter is an essay by W. T. Dickens on biblical hermeneutics. Dickens casts a friendlier eye towards contemporary exegesis than did Chapp, but he is still able to unfold the inner cogency and explanatory logic of Balthasar's starting point in God's own hermeneutics. Brian E. Daley analyzes the scholarship on the Church Fathers and concludes that Balthasar assembled an intriguing portrait gallery of "theological positions, arguments, influences, and connections" but often without sufficient attention to historical context. Ed Block, Jr., considers literary criticism and focuses on a poem by von Eichendorff, the French writer Bernanos, and the legacy of Greek tragedy. He shows that the self-professed Germanist turned to Christian themes in literature in order to breathe new life into contemporary theology. Fergus Kerr's essay on metaphysics contains enough real brilliance (e.g., the concise summary of Balthasar's reading of Heidegger's fourfold distinction) to offset his annoying apologies to analytic philosophers for "the stumbling block" of a Heideggerian idiom.

The final section includes a chapter on Barth, one on Rahner, and a final concluding piece by Oakes. In his essay on Barth, John Webster adopts the now-standard criticism that Balthasar overdoes the presence of analogy in *The Church Dogmatics*. On the other hand, Webster introduces a novel point by indicating Balthasar's even more palpable blindness to Barth's rootedness in a Calvinist ethical tradition of reconciliation. Karen Kilby does considerable justice to the complexity of the Balthasar's relationship to Rahner and offers a carefully nuanced point of departure for further rapprochement between Rahnerians and Balthasarians. Oakes's *envoi* was written to point out "the future of Balthasarian theology," but actually highlights the creativity of the varied interpretations within the volume, an open-ended interplay that contrasts with the defiant, Lear-like stance of "Balthasar *contra mundum*" that Oakes sees the Master having adopted.

Given the wide array of themes and interpretations, a synthetic judgment upon the whole is clearly impossible. Two somewhat disparate themes readily encountered are the return to metaphysics and the problem of gender. In their introduction the editors note that Balthasar's thought cannot be classified as premodern, modern, or postmodern. They see a commonality with the postmodern suspicion of grand narratives and the postmodern view that reason is participatory rather than autonomous. In the end, however, postmodern gesturing in a Balthasarian key falls flat, they argue, for the Swiss thinker saw as an essential part of his task the rewriting of metaphysics in terms of "a new kind of 'engraced reason'" that approximates a Trinitarian ontology of love. The contributions of Chapp, Williams, Healy/Schindler, Davies, Nichols, and Kerr begin to flesh out this enormous undertaking and offer considerable insight into its complex genealogy. Davies expresses reservations, however, which seem to be shared by Williams and Kerr. Chapp, Healy/Schindler, and Nichols treat the guardianship of Trinitarian ontology by Christian theology as axiomatic and seemingly beyond question. A comment by Davies may focus the issue at hand:

It may be that for all his brilliant overcoming of Heideggerian metaphysics, Balthasar retained from Heidegger something of the conviction that a certain way of thinking about being is itself redemptive. It is this again that locates him within a particular current of thought which places metaphysics at the centre of human life (the contrast, for instance, which Jewish anti-metaphysical traditions, themselves motivated by scriptural reasoning, is instructive on this point).

Balthasar's rigorous obsession with the question of being alienates many who otherwise sympathize with the project. Defenses of Balthasar's metaphysics that start with abstract notions of dialectic, paradox, or analogy do not really help here, for the debate about whether there is an "unveiledness of being" intrinsic to the Christian calling has taken many new turns since the time of Heidegger, Pryzwara, Barth, and de Lubac. A contribution defending Jean-Luc Marion's

claim that the Eucharistic disclosure illuminates the Christian calling from *beyond* being but "outside of the text" would have added an additional perspective. If Balthasar erred as Davies suggests in thinking that thinking about being is itself redemptive, he nonetheless offered salutary advice in recognizing that the textual traditions that mediate the claims of a revelatory event are not self-illuminating. The Word that speaks in words reverberates beyond its textual inscriptions, including that of nature. The task of metaphysics is to heed these echoes and maintain the patience to allow them to rise to thought.

Balthasar's treatment of gender receives even less praise in this volume than his Heideggerian metaphysics. Williams issues the first salvo by questioning the assimilation of the polarity of active and passive to that of male and female in the context of Trinitarian difference. What is striking about his essay is that he considers the analogical attribution of both embodiment and gender to the Trinitarian life of God as both possible and laudatory. He has no problem, for example, with locating either the "foundation in God for the difference of desire" or "the spatial inexchangeability of bodies" in the Trinity, but Balthasar's complicated interweaving of the roles of agency and passivity in the mutual love of Father, Son, and Spirit, he argues, should not be mapped onto the difference between men and women. Gardner's criticism is more circumspect but easier to grasp: "Balthasar sets out to prize sexual difference and femininity, espousing difference in equality, but unfortunately another (patriarchal) law is at work in his writings which frustrates these attempts and turns them to opposite effect." Finally, Crammer builds upon critiques developed elsewhere by others and concludes that Balthasar unwittingly reiterates Western stereotypes of women. She maintains that for Balthasar "woman is envisioned as providing what men lack ... and never truly exists as a subject and actor." This debate reveals what is no doubt the single most problematic aspect of Balthasar's thought from the perspective of contemporary academic theology. What is lacking is more ample consideration of the actual theological collaboration that took place between Adrienne von Speyr and Balthasar in both their writings and in the work of The Community of St. John. It is an open question whether the metaphors and ideas they employed in their writings on gender do full justice to the interpersonal exchange that took place in the mutuality of their ecclesial mission. The latter witness extends beyond the texts through this collaboration and is therefore more difficult to submit to scrutiny. Moreover, their collaboration would still fall short of the model of autonomous agency envisaged by some of Balthasar's feminist detractors (but explicitly rejected by Williams and Gardner, for example). But as the debate about Balthasar and feminism rages more attention could be paid to the remarkable configuration of a concrete man and a concrete woman working together as disciples in the Lord's vineyard.

One could quibble about other central issues that were neglected by the editors, for example, Balthasar's activity as a translator and publisher, his reflections on the office of Peter, and his promotion of lay movements. No introductory volume can capture all the nuances of so rich a legacy, and the editors were far more generous in their overall appraisal than were many of the

academic theologians in Balthasar's lifetime. One could even cite this volume as a barometer of the surprisingly resilient Anglo-American afterlife of Balthasarian theology, a development that has little parallel in continental Europe today.

A final reservation concerns the anachronism conveyed by the idea of Balthasar *contra mundum*. To be sure, the author of such diatribes as *Cordula oder der Ernstfall* seemed to revel in his vitriolic excesses. But the center of all Balthasarian theology, if such a beastly label can even be granted, consists of a Christian witness at the heart of the world. Rather than King Lear, the figuration of this stance is found in Richard II, the Shakespearean protagonist who according to Balthasar "has become a pure image and metaphor of the totally humbled Son of Man." In placing Balthasar's theology sometimes at the center and sometimes at the margin of academic theology the contributors to this volume seem-perhaps precisely because of their insistence upon his idiosyncrasy-to forget that the usual place from which Balthasar took on the world was not the contemporary guild but the chaplaincy at the University of Basel.

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Aquinas in Dialogue: Thomas for the Twenty-First Century. Edited by JIM FODOR and FREDERICK CHRISTIAN BAUERSCHMIDT. Oxford: Blackwell, 2004. Pp. 200. \$36.95 (paper). ISBN 1405119314.

Given his ecumenical approach and his broadminded confidence in the power of reason, Thomas Aquinas is a particularly apt subject for studies that place him in conversation with various "others." Jim Fodor and Frederick Christian Bauerschmidt have assembled a series of well-crafted and tightly reasoned essays that do just that, establishing engagements between Thomas and Buddhism, analytical philosophy, Islam, Judaism, Eastern Orthodox Christianity, and classical Protestantism. To be sure, all of these essays reveal intriguing family resemblances between Thomism and other philosophical and religious perspectives, but what the most compelling of them show is, paradoxically, the distinctiveness of Aquinas's view of God and the radical difference that it makes. David Burrell's treatment of Aquinas and Islam and Paul William's analysis of Aquinas in relation to Buddhism both indicate the uniqueness of Thomas's account of the God who, precisely as creator, is not one thing among others. And Bauerschmidt's own essay on the "hillbilly Thomism" of Flannery O'Connor makes plain the enormous difficulty of explaining this understanding of God within a modern context. O'Connor famously explained the exaggerations and

grotesqueries in her stories by saying, "one must learn to shout in the land of the hard of hearing." The deafness of the modern person is a profound insensitivity to the peculiar form of divine otherness that Thomas Aquinas made central to his doctrine of God.

Burrell's presentation commences with the reminder that Thomas had inherited from the Aristotelian tradition a fundamental aporia, namely, the tension between substance as the paradigm of existence and species or form as the telos of the epistemological process. This same dilemma, of course, preoccupied Duns Scotus a generation after Aquinas, leading Scotus to articulate the form of *haecceitas*. Thomas solved the problem, Burrell tells us, by placing it in the higher context of creation: "The presence of the One as creator, bestowing *esse* to each individual, retained proper Aristotelian respect for formal structures while offering such immediacy to the creator/ creature relation that the status of individuals as paradigms for substance was clearly vindicated." The introduction of this new metaphysical dimension of creation—a sort of meta-causality never envisioned by Aristotle—is what led to the peculiar type of "Aristotlese" that Aquinas consistently and creatively employed. For instance, when speaking of God, Thomas will use the Aristotelian designation of prime mover, but he will do so in a highly analogous manner, since he knows that creation is not a type of worldly motion or change, involving a pre-existing substrate. Like the prime mover, God is an efficient cause, but he is not one cause among many, operating within the context of nature; rather, he is the *causa essendi* of the entire realm of finitude. This means that God is not, in Burrell's own phrase, "the biggest thing around," the highest reality caught in the net of contingent agents. When speaking more technically of the creator, Thomas uses, typically, not *ens summum*, but *ipsum esse subsistens*, thereby indicating that God is that sheer power of to-be in which all finite things participate. This clarification—unavailable to the classical philosophical tradition—allowed Thomas to articulate, simultaneously, the radical difference between God and the world (what Robert Sokolowski calls "the Christian distinction") and the incomparable closeness between God and those things that he continually sustains in existence.

The burden of Burrell's essay is to show that the conceptual tools that made possible this ontological account came, to a large extent, from Muslim sources, especially from the Arab-tinged rendering of Proclus's *Liber de causis*. In that text, Thomas found an altogether novel linking of causality and ordering. To be sure, Aristotle drew these ideas closely together, but the *Liber de causis* adapts the classical framework so that the ordering is not the arrangement of pre-existing prime matter, but rather an act coincident with the creative emanation of all things from God. God's creation of the cosmos is not, therefore, the actualization of a potential already independently in place but instead the "bestowal of being, yielding an inherent order structuring each existing thing." This allows Thomas to speak of divine efficient causality, without turning God into a competitive cause among causes, an intervening and interrupting force. James Alison affirms much the same thing when he speaks of the "non-violence"

of *creatio ex nihilo*. Burrell points out that the grasping of this metaphysical principle serves to dissolve many of the classical conundrums dealing with providence, human freedom, and the integrity of creation. Even when he governs the universe that he has made, God always acts as nonviolent creator, and hence divine ordering and creaturely independence are not mutually exclusive but mutually implicative.

Williams's essay, "Aquinas Meets the Buddhists," follows a very different trajectory from Burrell's but ends up making much the same point. One appreciates Williams's honesty in regard to the thoroughgoing Buddhist dismissal of the idea of God, and his frank assessment that this refutation puts Buddhism radically at odds with Thomas Aquinas: "I want to show that there can be no question that with reference to God what Thomas accepts, the Buddhist denies." No lazy ecumenical irenicism here.

Williams first shows how, in regard to the notion of God, the Buddhist texts actually clear the ground in a helpful way, setting aside obviously errant views of God as one of the primal elements, or as some depth-dimension of the self, or even as the space in which physical objects are situated. Here Thomas would rather enthusiastically concur. But Williams indicates that the Buddhist masters go much further, denying even more sophisticated views of God. One of their favorite techniques is the application of something akin to Occam's razor: a transcendent cause ought not to be introduced when immanent causes suffice to explain a given worldly phenomenon. Thus, a tree is quite adequately accounted for as the result of seed, water, air, nutrients, etc., just as a pie is explained sufficiently as the result of apples, dough, sugar, the intervention of the pie-maker, etc. No-one, the Buddhist masters imply, should be tempted to add, in regard to either tree or pie, "don't forget to add the secret ingredient-God." Basic to this sort of argument is the presupposition that God is a rival cause to the ordinary causes within the nexus of conditioned things. Williams helpfully reminds us that this dismissal of God is of far more than mere conceptual interest, for it is one of the prime conditions for the possibility of realizing the interdependent co-origination of all things, a realization that stands at the very heart of Buddhist spirituality and meditative practice.

What would Thomas Aquinas make of this? Williams suggests that he would be little impressed by these atheist arguments, since they rest upon a fundamental misconstrual of the nature of their subject. The Buddhist philosophers tend to see the following questions as more or less of the same type: "How come the bus arrived late?" "Why have Mary and John just had a baby?" and "How come there is something rather than nothing at all?" But not to grasp what makes the first and second questions radically different from the third question is to miss the heart of the matter regarding the Christian understanding of God. The third question wonders why there is a context for answering the first two questions. It places the entire collectivity of co-originating, interdependent causality into question and targets a possible source of it. Therefore, showing that God is not required as an additional or competitive natural cause is, from Thomas's Christian perspective, just an elaborate exercise in missing the point. Here we see

the dovetailing of Williams's essay with that of Burrell: the noninterruptive and properly supernatural causality which the Muslim commentators helped Aquinas to articulate is precisely what the Buddhist masters fail to see. The strange, noncompetitive transcendence of the creator God is the crucial issue.

That same odd otherness is what haunts the imagination of the hillbilly Thomist, Flannery O'Connor. When a reviewer suggested that O'Connor's philosophical ideas came from Kierkegaard, she sharply disagreed, insisting that Thomas Aquinas was the source of her philosophy and theology. Yet, even the most casual glance at her stories might lead us to sympathize with her reviewer, for there seems little of Thomas's even-handedness and calm rationality in her fiction. Instead, everything is exaggerated, violent, extreme, indeed Kierkegaardian. Whereas Thomas consistently emphasized the continuous relationship between a fallen but still integral nature and the grace that perfects it (*gratia perfecit naturam*), O'Connor seems to opt for a more confrontational, even antagonistic, model of that relationship, along the lines suggested by Karl Barth. Bauerschmidt solves this dilemma by calling attention to Flannery's own explanation that she is compelled to shout the truths of Catholicism to an audience largely grown deaf to its cadences and subtleties. "There are ages when it is possible to woo the reader; there are others when something more drastic is necessary," she explained to a correspondent.

What has intervened, of course, between Thomas's thirteenth and O'Connor's twentieth century is the advent of modernity and its accompanying loss of confidence in regard to ultimate ends. As O'Connor herself put it, "if you live today you breathe in nihilism." But what is the ground of this nihilism? One could argue that it is the loss of precisely the idea of God that Thomas Aquinas advocated so persuasively and that Burrell and Williams recover so deftly. When God is demoted from *ipsum esse to ens summum*, the ontological links that connect all creatures to God and through God to one another are lost. What results is a universe of independent individuals standing over and against one another and in, at best, an extrinsic and tensive relation to the highest truth and goodness. In fact, as the modern atheists make clear, the supreme being, "the biggest thing around," is construed, soon enough, as a threat to the freedom and flourishing of human beings and must therefore be resisted or, at the limit, eliminated. The nihilism that Flannery O'Connor complains about is the psychological and spiritual fruit of this typically modern demotion of God.

So how does one communicate a *gratia perfecit naturam* theology in a modern context? One shouts. And one emphasizes the interruptive quality of grace: *gratia turbit naturam*. This is not to fall into Barthianism or a Protestant anthropology of total depravity. It is, rather, a practical strategy adopted by a Thomist who finds herself in a nihilistic culture.

Fodor and Bauerschmidt have done us a great service by reminding us, once again, of Thomas Aquinas's enduring relevance to the religious conversation. Philosophy, it has been said, is the art of making distinctions, and there is perhaps no more illuminating distinction than the one that stands at the heart of Thomas's philosophical and theological program: God is noncompetitively other

than the world. When the subtlety of that demarcation is compromised, deep confusion obtains both within Christian thought and in the ecumenical and interreligious dialogue.

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The Ways of Judgment. By OLIVER O'DONOVAN. Grand Rapids, Mich.: Eerdmans, 2005. Pp. 356. \$35.00 (cloth). ISBN 0-8028-2929-1.

Ten years ago in his magisterial *Desire of the Nations*, Oliver O'Donovan promised a sequel that would analyze our central political concepts through the lens of Christian faith. He fulfills this promise ably in his new book, and it is important to begin by recalling why he made the promise in the first place.

For O'Donovan, Christian faith is not in crisis nowadays as much as faith in liberal democracy is. Just a few generations ago, apologists for liberal democracy could assume that history was like a single glacier flowing inexorably toward an ever-brighter future. At that time, Christians had cause to fear that their beliefs would be ground to dust under this glacial weight, for it was comprised of uncontested and apparently mutually reinforcing trends like modern natural science, technology, democratic politics, and Enlightenment accounts of the dignity of the individual. However, the floe broke apart on the chaotic waters of world wars, the dissolution of European colonialism, critiques of Enlightenment, ecological disaster, nuclear weapons, and the realization that democracy does not guarantee human dignity. Today, secular advocates of liberal democracy find themselves navigating the relationships among these sometimes dangerous cultural icebergs. However, they do so without a compass, for they participate in a culture that increasingly undermines the spiritual resources needed to deal with such fragmentation. Indeed, by seeking popular support through the pursuit of a materialistic conception of flourishing, late-liberal societies foster alienation among the spiritually sensitive people that communities rely upon for periodic renewal (76-77). In sum, citizens of liberal democracies have practically no coherent notions of the practices, concepts, and institutions they cherish. In turn, this makes it difficult to gain an adequate understanding of, much less agreement about, the kinds of goods liberal democracies stand for, such as equality and respect for human dignity. In such a situation, right political action requires an accurate description of political concepts in light of the coherence of the Christian faith. O'Donovan's ambition is to describe our political discourse and practices in light of Christian claims. He believes that this will make better sense of what we actually do politically. In turn, it will help us

to pursue the kinds of goods to which our polities are devoted, as well as to criticize them when they fall short.

For O'Donovan, the revelation of God in Christ decisively changed human affairs. Politics could no longer claim the kind of authority that belongs to Christ alone. Thus politics occupies an ephemeral parenthesis between the nonpolitical societies of Eden and Heaven. In light of this change politics must be limited, and O'Donovan equates politics with judgment in order to effect that limitation. Judgment is "an act of moral discrimination, that pronounces upon a preceding act or existing state of affairs to establish a new public context" (107). When politics sticks to judgment, it merely reacts to events that have already occurred. In such a case, it cannot conceive of statesmanship as an architectonic practice that cultivates a comprehensive way of life (61). Indeed, O'Donovan holds that this classical conception of politics is "totalitarian in principle" (ibid). After the resurrection of Christ, political authorities cannot be imagined as sovereign. Politics can be informed by a sense of the justice of the Kingdom of God, but it cannot represent it fully. Thus, O'Donovan describes a limited (though not libertarian) government. It has a duty to judge and punish wrongs. However, it is incapable of cultivating any comprehensive social ideal because communal harmony is the result of communications that exist and flourish without having been designed in a ruler's head. If we want more from common life, we should seek it in the church.

The book has three main parts. The first outlines O'Donovan's conception of judgment as *the* political act, and the ways this conception bears on concepts like freedom, equality, and punishment. The chapter entitled "Political Judgment" is central to his case, for there he argues most clearly for the kind of limits he wants to place on political authority. His chapter on equality is representative of the nuanced way he articulates his claim that Christian theological reflection can rescue cherished political concepts from contemporary confusion about their meaning. Given the extraordinary range of human talents and endowments, claiming straightforward equality seems counterintuitive. Our belief in human equality must be understood as an aspect of "the doctrine of creation" (41). Despite our different gifts, each of us is a creature equally loved by God. Once liberal democracies abandon this theological ground of equality, their commitment to equality becomes unintelligible and arbitrary. They will be unable to adjudicate the more outrageous claims made in the name of equality (51). Worse, they are tempted to abandon economic or social equality because the term has lost meaning. However, O'Donovan also argues that our belief in equality can neither be straightforwardly applied to policy, nor does it require identical treatment for everyone. Equality does not mean eliminating differences. Rather, it requires redressing situations that threaten to ignore our God-given equal dignity. This thumbnail sketch only begins to give a sense of the nuance of his discussion of equality, which is matched by his treatment of punishment, mercy, and freedom in the first part of the book.

In the second part, O'Donovan turns to the problem of how a political authority may legitimately represent society. He examines concepts that have

been articulated in political philosophy from a Christian perspective, such as political authority, legitimacy, the separation of powers, and international law. In contrast to early modern contract theorists, O'Donovan argues that human beings are social because God made us that way. He argues that a society must have a shared identity before government can represent it, and that this identity is the work of a moral imagination. Government almost of necessity tries to represent a society's identity fully. However, there is a temptation to idolatry lurking here because our common life is a gift from God, and our hopes for its completion can only be fulfilled in his Kingdom.

The book's third part is the most straightforwardly theological. In it, O'Donovan takes pains to articulate why and how a government must judge, in the face of Christ's admonition to "judge not." He explores afresh the boundaries between the household and the city. He is especially concerned to rebut Arendt's criticism of Christianity's supposed retreat into the household. In O'Donovan's thought, household and city are two mutually intermingling spheres of communication. Finally, in contrast to recent political theologians who argue that the Church must become a kind of counter-polis, O'Donovan concludes by arguing that the Church must be characterized as "unpolitical." He argues that the eschatological society to which the Church witnesses will not be political, for it will exist without human authorities or institutional structures other than the immediate presence of God in its midst. The Church is a witness to the fact that political life is interim, between the paradise of Eden and the paradise of Heaven. The Church's inner life thus presents a political teaching about the inherent limits of political life.

It is impossible to give an adequate sense of the scope and ambition of this book. It is a ponderous tome, with insights and judicious assessments of scholarly debates coming in a disconcertingly swift fashion. Reading it is like trying to drink through a fire hose. And reading more slowly does not stem the flow; it merely opens more depths. In sum, this is an important and serious work by a mature scholar who asks questions that are fundamental to any reflective Christian trying to do right by love of Christ and country. O'Donovan has done us all a tremendous service by pressing these questions and explaining why they matter with rigor and depth. Especially impressive is the fact that he avoids the twin dangers to which much contemporary political theology is subject: the militant and imprudent equation of liberal democracy with terror and oppression on the one hand, and the career-rewarding but imprudent desire to justify liberal democracy by claiming it as the embodiment of the Christian message, on the other. O'Donovan can be a friend who provides needed critiques of liberal democracy precisely because he refuses to take it as the sole horizon of his reflections. He is sensitive to the ways democracy can be transformed by opening its horizons to the transcendent.

If this assessment is accurate, it may seem out of place to raise questions about the book. Yet not to do so would be to refuse the gift of reflection the author has bestowed. O'Donovan is right to claim that Christ changed everything-politics included. We can sketch two alternative ways of

understanding this, both of which are problematic. On the one hand, if Christian revelation simply continues what came before in a deeper way—if it did not bring anything *new* to the structure of political life—it would be merely a recapitulation of traditional wisdom, perhaps even available through the sustained efforts of a few practically wise people. On the other hand, if Christianity is a fundamental break with the structure of society prior to Christ, then it could not be a redemptive transformation of political life. Rather, it would do violence to the meaning of politics as people experienced it prior to Christ.

O'Donovan may come close to espousing the second alternative. He argues that after Christ politics merely passes a judgment on events that have already happened. It cannot cultivate flourishing communities through the practical wisdom of statesmen. To claim that statesmen should order affairs in the future for the common good is to deny Christ's proper lordship. One alternative O'Donovan does not consider is articulating the structure of the problem by analogy between statesmanship and God's providential rule. That was a strategy for a long time in many parts of the Christian world, among both practitioners and theorists of political life. In a book that raises such fundamental political problems, analogy deserves a hearing.

Yet I also worry that in severely delimiting the functions of politics, O'Donovan's account cannot comprehend ordinary political practices that we should not easily dismiss. Statesmen engage in a host of political activities that cannot be easily reduced to the judgment that O'Donovan claims is coextensive with proper politics. They help constitute the community's identity by cultivating a collective memory through their rhetoric, or the establishment of national holidays, festivals, and the creation of memorials and museums. They give out medals to cultivate difficult virtues like courage. Harmonious common life seems to require the practically wise coordination of various activities. Zoning boards determine the future shape of common life by making decisions about street lights, buildings, and signs. Tax laws cultivate future practices of family, justice, and generosity. In short, many political acts imply an answer to the question, "How can we become more human together?" These are important ways to justice, and they cannot be reduced to judgment as O'Donovan describes it.

O'Donovan claims that the classical conception of politics as architectonic is dangerous, for it means that every aspect of human life is within the reach of statesmen; he warns us not to adopt Plato and Aristotle's account because it cultivates a way of life. The question is whether politics inexorably does this or not. In fact, the power of government to limit itself in these matters seems to demonstrate that its authority *de facto* extends to them. If so, the limitations O'Donovan urges will chafe politicians who want to pursue more ambitious policies for the sake of a genuine common good. It will strike them as unfair dominance of politics by ecclesiastical institutions. It is arguable that a similar limitation of political activity helped pave the way for a secular conception of political life—early modern theorists argued persuasively that politics should be a God-free zone because this seemed to liberate politics, allowing it to function

apart from the Church's jealous eyes. Does the argument that the primary political teaching of the Church is a strictly limited conception of politics paradoxically lead to a more aggressively secular politics?

Christian life is lived in a tension between eschatology and Incarnation, between the Kingdom as "already" here, and "not yet" fully here. We are called to build up the Kingdom by bringing Christ's life into every aspect of our life, including politics. Yet we are also warned against worshipping the work of our hands because the Kingdom is only fully present eschatologically. My question is whether O'Donovan's emphasis on the "not yet" limits his vision of what politics can do "already" to build up the Kingdom of God. Moreover, could a more Catholic, sacramental conception of politics describe our political life in a richer way? Could a more incarnational emphasis provide a more expansive account of what decent politicians can aspire to do? O'Donovan points out that many dangers attend such questions. But that is all the more reason to engage them thoughtfully. However, even when one disagrees with O'Donovan, the power of his argument leads us to raise the most important questions and motivates us to think through them with the utmost care.

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The Enlightenment and the Intellectual Foundations of Modern Culture. By LOUIS DUPRE. New Haven: Yale University Press, 2004. Pp. xiv+ 397. \$45.00 (cloth). ISBN 0-300-10032-9.

This book calls to mind the fine book that was its predecessor, *Passage to Modernity* (1993), and it shows the same excellences we find in the previous volume. It is a book of admirable erudition which nevertheless is carried very lightly. It is full of insightful detail, and there are fine discussions of a whole host of significant individual thinkers. It continues the work of the first volume in addressing the nature of modernity, though the focus has shifted from early modernity and deals with what Dupre calls the second wave of modernity, namely, that relating to the eighteenth-century Enlightenment, in its diverse expressions. He does not mean the book to be an intellectual history but rather an attempt to draw an intellectual portrait of a crucial epoch in European history, with special emphasis on those concerns that have contributed to the shaping of our own world. Dupre is also attentive to the crisis of the Enlightenment which, to a degree, is almost contemporary with Enlightenment itself, especially as inseparable from the rise of Romanticism. While his focus is

first on the Enlightenment, and while he is not uncritical, he is not as critical as some more recent radical attacks on the Enlightenment.

The book begins with an outline of a different cosmos that emerges with modern science and materialism, and with a new sense of selfhood emerging in modernity. Dupre sees the age of Enlightenment less as the age of reason than as the age of self-consciousness. People become more reflective about all spheres of life, including the most intimate region of feeling. We see this reflected in the efforts to articulate a new conception of art, in which a more expressive theory gradually took the place of a more mimetic conception. We see it in the conception of the moral life and its associated questions, particularly with respect to freedom, and not least in Kant's critique of his predecessors and his efforts at forging a new synthesis. Dupre dedicates a chapter to each of these considerations: a different cosmos, a new sense of self, the new conception of art, and the moral crisis.

The chapter on "Moral Crisis" covers a lot of ground and includes interesting discussions of Spinoza and modern rationalism, the empiricist "deconstruction" of moral rationalism, the stress on moral feeling and moral sense with thinkers such as Rousseau and Shaftesbury, the move towards utilitarianism with thinkers like Hutcheson, Mandeville, and Hume. The chapter culminates with a discussion of Kant's critical theory of morality, though there is an interesting appendix on how some of these moral changes are evident in the drama of the period of the Enlightenment.

Dupre offers us also perceptive chapters on the origins of modern social theories and the development of the new science of history. The word "crisis," previously applied to the moral, now reappears with respect to the religious. "The Religious Crisis": in agreement with some other thinkers, Dupre postulates that "the most drastic transformation of the Enlightenment took place in the religious consciousness"(14). This is also a wide-ranging chapter taking into account the emergence of biblical criticism, Deism as "the substitute Religion," and finally atheism. It is a very informative chapter in which the balance between the sense of loss and liberation is handled with thoughtfulness.

This chapter is followed by one on "The Faith of the Philosophers." It deals with, among others, Leibniz and the rationalists, Samuel Clark and Bishop Butler, Kant, Malebranche, Berkeley, and Jacobi. There is also a chapter on "Spiritual Continuity and Renewal," dealing with Hamann, Quietism, Fenelon, German Pietism, Jonathan Edwards, and Swedenborg. The book ends with a brief conclusion in which some of the contemporary points of criticism of the Enlightenment are canvassed. Dupre is not entirely at home with the hypercritical attitude to Enlightenment expressed, for instance, in some of the attitudes of postmodern thought-which make use of instruments themselves forged in the Enlightenment.

The book as a whole is not a linear historical narrative, though one is not always sure how to take the work as a whole, given the way in which thinker after thinker is presented. The book, one might say, is more in the nature of a kind of a hermeneutical mosaic-the many portraits are gathered together and

bit by bit they come to assemble a kind of picture which reflects something of the spiritual physiognomy of the period. In that respect, the diverse vignettes can be read as stories, each with a kind of integrity, contributing to a bigger picture which it is impossible to summarize in terms of one or a few univocal and essential features.

There are times when the reader can have an experience a little analogous to Hume's looking into himself for himself and not finding himself: a variety of impressions that succeed each other with striking rapidity. Or is it that, unlike Hume who found no self, in these impressions we find too much of ourselves, nothing but ourselves? Here and there Dupre mentions that the whole period showed deficient attention to the other, but this is only mentioned, not philosophically developed. So many portraits, deftly, marvelously done, and yet this galley is not an aesthetic gallery in which all might be true, if only because no one makes any overriding truth claim. One is left unsatisfied with this surplus, even surfeit of different possibilities, when one comes to ask the question: What of truth in all of this? All these possibilities cannot be true, be they perfectly symptomatic of different possibilities pursued over an extended period of time.

There is no Hegelian overview, for there is no principle of *Geist* to self-organize this gallery of pictures. Not that one would want such an overview. Dupre does not subscribe to the deconstructed totality of the postmoderns. But yet we ask for more. For this reader, in any case, there is not enough of this "more." One would not say that Dupre is himself overwhelmed by the wealth of the material, since he shows masterful erudition in bringing it all together, but there are times when he comes across as the medium of diverse communications but remains himself perhaps too reserved. Perhaps this is to ask too much from an otherwise excellent book. We have passed over complex terrain, and Dupre has mapped some of its most significant features in an admirable way; nevertheless, one wishes that where we now stand, where he stands, were thrown into bolder relief.

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By Knowledge and by Love: Charity and Knowledge in the Moral Theology of St. Thomas Aquinas. By MICHAELS.SHERWIN, O.P. Washington, D.C.: The Catholic University of America Press, 2005. Pp. xxiii + 270. \$54.95 (cloth). ISBN 0-8128-1393-2.

Michael Sherwin in this book offers an exquisite example of fruitful historical scholarship in the context of speculative argument. At the beginning

of the book, he clearly lays out his criticism of Josef Fuchs and James Keenan, describing them as "theologians of moral motivation." This description highlights their position that motivation, or the will alone, is ultimately determinative for the moral life, as opposed to a view that integrates charity and knowledge, or the will and the intellect. Nonetheless, Sherwin avoids letting the structure and agenda of the book be determined by the specific disputation and instead carries out an historically and philosophically informed, theological exegesis of Aquinas's treatment of the intellect and will, of the virtues, of faith and of charity. The book collects a prodigious amount of scholarly consensus on Aquinas's understanding of the moral life and anthropology, especially in terms of the role of charity, organizing the material and making important clarifications and corrections.

Ever since Immanuel Kant attempted to separate the theoretical intellect from the practical intellect, the complex interrelationship of the intellect and the will has remained dismantled for many conversations within theology and philosophy. Theoretical knowledge of the world, of human beings, and of God has been rendered fragile; support for the moral life has been sought in the will and its sphere of absolute freedom, a sphere seen to be a necessary condition for action in the world. Although the arena of transcendental freedom allegedly opened up what is most truly free in human beings, it remained separate from the human experience of categorical agency within the world. Theologians such as Karl Rahner saw in this transcendental human experience God's self-communication. Moral theologians such as Fuchs developed Rahner's systematic insights for the world of moral theology by separating the transcendental realm of supernatural motivation from the categorical realm of autonomous reason. Keenan furthers this position by distinguishing transcendental goodness and evil from categorical rightness and wrongness. He claims that charity falls within the realm of transcendental goodness, arguing that charity lies completely within motivation, or the will, undetermined by the intellect. Rahner, Fuchs, and Keenan agree that the transcendental freedom of human beings cannot be determined by particular categorical actions. The transcendental realm is decisive; yet the transcendental realm, by definition, must be prethematic, nonconceptual, that is, situated within the will apart from the intellect. Within this anthropological schema, charity falls on the noncognitive, transcendental side of human freedom apart from categorical knowledge.

Sherwin thoroughly demonstrates that such an account of transcendental, cognitively-challenged charity is inconsistent with Aquinas as well as with rational reflection on the moral life. This review will consider three central themes from the book that are characteristic of its overall contribution.

The theme of historical development within Aquinas's writings provides an helpful basis for interpreting his somewhat diverse statements on the relationship between the intellect and the will, as well as on the account of charity as the form of the virtues. This historical thesis serves to bring coherence to these statements. The theologians of moral motivation allege that in Aquinas's later writing he advances a view of charity that is precognitive. Sherwin shows that

Aquinas does indeed develop his views on the relationship of intellect and the will. It is not, however, a development that separates the intellect and the will; instead Aquinas deepens the interrelationship of the intellect and the will. In his earlier writings, specifically question 22 of *De Veritate*, Aquinas presents the will as possessing both formal and efficient causality in terms of human action. In his later writings, specifically question 6 of *De Malo* and the *Summa Theologiae*, he shifts formal causality to the intellect and leaves to the will efficient causality. Sherwin puts it succinctly, "in human acts the form in the intellect specifies the act, and the will of the agent causes (*exercet*) the act to occur" (51). By eschewing his earlier view of the will as having formal causality, Aquinas presents the will with an even greater dependence upon the intellect for its agency. The form of any human action must be grasped by the intellect in order for it to be a truly human act; and likewise the will must move the intellect to consider the good in question.

The development in the understanding of the will affects a development in Aquinas's theory of love. In the *Commentary on the Sentences*, Aquinas considered love under the aspect of form, as a "transformation of the affection into the loved object (*transformatio affectus in rem amatam*)" (65). Sherwin observes that the language of "*transformatio*" is absent from the later treatment of love in the *Summa Theologiae*. There Aquinas describes love in terms of "a pleasant affective affinity (*complacentia*)" (70). With this clarification, love more clearly rests in the good known by the intellect. Yet Aquinas avoids an intellectual determinism since love itself functions as "the freely chosen principle of the agent's actions" (73). We will see later how he avoids a perilous circularity.

Aquinas's explication of charity as the form of the virtues evidences a parallel development. Charity is no longer presented as the exemplary form—that is, the formal cause—of the virtues, but as their efficient cause. Since the intellect functions as the formal cause, or the specification, of human actions and virtues, it must provide the virtues with their exemplary form. Were charity itself to provide the virtues with their exemplary form, there would be no conceptual knowledge determining the acts of the virtues. The infused virtue of prudence provides this intellectual grasp. This development in the latter work does not separate charity from knowledge but rather deepens the role of knowledge within charity. To cite the very quotation from Aquinas with which Sherwin commences his book, "The saints are united to God by knowledge and by love" (xvii, quoting *STh* II, q. 2, a. 10).

The deepening of the interrelationship of the will and the intellect provides the context for another central theme and contribution of Sherwin's book: the natural principles of the intellect and the will. To speak of natural principles gently brings an understanding of human nature back into the discussion. The will and the intellect are to be conceived not as *sui generis*, but instead as powers having certain kinds of acts rooted in certain kinds of natural principles. Sherwin thus shows the significance of an understanding of created nature in assessing Aquinas's success in illuminating the moral life. As shown above, the

interrelationship of the intellect and the will is such that the will depends upon the intellect knowing the good to be desired; the intellect depends upon will moving the intellect to consider such an object of cognition. The way out of the circularity of the intellect's specification and the will's exercise in human acts, Sherwin shows, depends upon the natural inclinations of the will to love what is good and of the intellect to know what is true. These primary acts of the will and the intellect are initiated by nature and by God.

By knowledge and by love, the human being moves in the world. The role of natural principles is elevated without being destroyed in the case of supernatural charity. On the natural level the natural principles initiate cognition and volition and require the completion and particularization achieved through the moral virtues. At the supernatural level, one that permeates and takes up the human being's natural powers and activities, the theological virtues of faith, hope, and charity initiate cognition and volition toward God as our supernatural end and require the completion and particularization achieved through the infused moral virtues. Living within the spatiotemporal world requires agency in the here and now. By means of his conception of human nature as well as of human nature elevated by grace, Aquinas avoids separating concrete human agency from a transcendental plane in which its meaning is determined. Instead of divorcing concrete agency from transcendental meaning, the interrelation of the natural principles and the virtues, as well as of the theological virtues and the infused moral virtues, makes possible the integration of human actions within our highest natural and supernatural principles. In other words, the freedom and intelligence of the human creature achieve expression through concrete realities. Freedom is not merely the cognitively empty ability to choose anything, but the achievement of choosing this known, particular good in this particular way.

A final theme for a proper understanding of charity and knowledge concerns the distinction between interior and exterior acts. Just as it will not do to elevate charity by emptying it of cognition, so we cannot limit charity to what is attainable through human cognition. By distinguishing between the interior and exterior acts of charity, Sherwin presents a view of Aquinas's understanding of charity that maintains its mysteriousness without lapsing into irrationality. Charity both is measured and is not measured by cognitive dimensions of the mind. With respect to the inner love of God, the only measure is God himself who is without measure. On the other hand, the exterior acts of charity (e.g., almsgiving, instructing the uninstructed) must be measured by cognitive elements or they would be accidental, irrational, and ultimately not truly human acts. As indicated above, the virtue of infused prudence becomes the way in which the cognitive dimension influences the act of charity by taking into account the lived experience of the human being acting in specific circumstances.

Finally, despite the many contributions the book makes to the scholarly understanding of Aquinas and the moral life, its definitive rebuttal of a foundational thesis of the theologians of moral motivation or fundamental option should not be overlooked. Sherwin examines the division between intellect and will and the corresponding division between prudence and charity,

and he finds them severely wanting. Charity cannot function in a meaningful manner if it is to be purely formal and devoid of cognitive elements. Charity acts in the world through infused prudence. Because of the concrete, or categorical, expression of charity in the world, certain acts are recognizable as acts of charity whereas other acts are recognizable as acts against charity. Sherwin maintains the necessary distinction between persons and act. Although we can recognize acts of charity, from the observation of exterior acts we cannot make firm judgments about the state of charity in the person: hypocrisy is always possible, as are psychological illnesses that rob the person of the freedom necessary to engage in moral acts.

Sherwin persuades the reader that Aquinas maintains a more coherent view of the freedom appropriate to human nature than do Fuchs, Keenan, and their followers. According to the latter, moral action at the categorical level is determined by elements outside the control of the agent. Only at the transcendental level can the individual possess true freedom. Human beings are both completely free and completely determined. Sherwin, in his presentation of Aquinas, defends a nuanced account of freedom in which practical reasoning is not determined since the future is unknown. The intellect's grasp of other possibilities safeguards free human action. Nevertheless, it is true that this freedom is only partially realized and may be significantly hampered by an individual's historical situation, upbringing, psychochemical makeup, and so forth. Neither completely free nor completely determined, human beings can participate in freedom as finitely free creatures of an infinitely free God.

Although the book makes some initial indications of a broader metaphysical framework-and it could do no more without taking its thesis off track-further scholarship in these areas would benefit from an examination of the issues surrounding the intellect and the will in terms of a metaphysical account of creation's participation in the Creator. For instance, the relationship between freedom and the particular good could be developed by seeing how each particular good is not isolated from God but rather participates in the fullness of goodness that is God himself.

Scholars of Aquinas, moral theologians, and theologians and philosophers interested in the will and the intellect will find this book necessary reading. [Full disclosure requires one last note: After I had agreed to do this review, the Aquinas Center for Theological Renewal, of which I am co-director, honored Fr. Sherwin's book with the Charles Cardinal Journet Prize.]

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