

THE SPECIFICATION OF ACTION IN ST. THOMAS:
NONMOTIVATING CONDITIONS IN THE OBJECT OF
INTENTION

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IN A LECTURE delivered in 1982, Elizabeth Anscombe voiced some reservations about the principle of double effect.¹ She said that she had come to realize that it was not really a single principle, but rather a “package deal,” combining a number of principles or criteria that are not intrinsically connected.² She suggested splitting it up and keeping only a part, which she called the “principle of side-effects.” This principle is rather modest. For one thing, it concerns only one kind of side effect, namely death. Other harms or evils are not mentioned. What it says is that the exceptionless moral prohibition on murder “does not cover *all* bringing about of deaths which are not intended.”³ Of course it does not say that the prohibition covers no such cases. Nonintended killings can be murder too. But neither does the principle of side effects determine which of them are murder and which are not. That requires other principles. Here Anscombe proposed only one, which she took to be obvious and to cover a good many cases: namely, that the

¹ G. E. M. Anscombe, “Medalist’s Address: Action, Intention, and ‘Double Effect,’” *Proceedings of the American Catholic Philosophical Association* 56 (1982): 12-25.

² *Ibid.*, 22-24.

³ *Ibid.*, 21. She does think that the prohibition covers intentional killing, with only “the relevant ‘public’ exceptions” (*ibid.*).

“intrinsic certainty of the death of the victim, or its great likelihood from the nature of the case,” would render the act murderous.⁴

Anscombe went on to protest against the ascription of the principle of double effect to St. Thomas Aquinas. Often, in fact, the principle is said to be present, at least implicitly, in Thomas’s treatment of killing in self-defense.⁵ In part, this is because of his requirement of “proportionate means” in defending oneself. But Anscombe insisted—quite rightly, I think—that this requirement has nothing to do with the double-effect “doctrine of a proportion of good over evil in the upshot.”⁶ She also declared that, if we want Thomas’s view on responsibility for evil consequences generally (and not just death), the place to look is not his discussion of self-defense, but rather a passage earlier in the *Summa theologiae*—question 20, article 5 of the *Prima secundae*—in which he explains the relation of a consequence (*eventus sequens*) to an action’s goodness or badness.⁷ She closed the lecture by quoting that passage, without comment.

A good way to begin my own discussion will be to summarize that very passage. Then, still in the first section, I shall summarize a related passage, also from the *Summa theologiae*, on whether sins are graver, the more harm they cause. In light of these two passages, I shall argue that Thomas’s treatment of nonintended effects that follow *per se* on intentional action—I call them head-on effects—does not accord well with the usual understanding of the distinction between intended effects and side effects. This is because he presents these effects as directly voluntary. In section 2, I try to correct two common readings, which I think mistaken,

⁴ *Ibid.*, 24. By “the nature of the case” she seems to mean the nature of the action performed. Thus, immediately following this remark, she exemplifies it with a case of surgery aimed at getting an organ, in which the patient’s death is “pretty certain from the nature of the operation.”

⁵ *STh* II-II, q. 64, a. 7.

⁶ Anscombe, “Medalist’s Address,” 24-25.

⁷ Translations of Thomas in this paper are mine. For references to some of his works I shall be citing the Leonine edition: *Sancti Thomae Aquinatis doctoris angelici Opera omnia iussu Leonis XIII. P. M. edita*, cura et studio Fratrum Praedicatorum (Rome and Paris: Leonine Commission, 1882-).

of Thomas's discussion of killing in self-defense. As it happens, they are readings to which at least one of the authors of the New Natural Law theory subscribes. Then, in section 3, I shall start to home in on the central thesis of this paper, which is that, for Thomas, features of an action that do not motivate the agent, or do not provide reasons for acting, can fall within the agent's intention, and can sometimes even specify the action. As a way of both arguing for this thesis and showing why it matters, I undertake to contrast Thomas and the New Natural Law theory on the question of the scope of the object of intention. Section 4 therefore presents some passages from writings by the theory's proponents that illustrate their view of the object of intention. Section 5 lays out my reading of Thomas on the matter. Here I argue, among other things, that for him something can be intended merely *per accidens* and nevertheless not be *praeter intentionem*, and that it can therefore be a factor in the specification of action. In section 6, I try to characterize the issue in general theoretical terms.⁸

I. HEAD-ON EFFECTS

The passage to which Anscombe refers is about whether a consequence can add to an act's goodness or badness. The answer that Thomas defends is no. Generally speaking, an act's consequences do not affect its own quality. But Thomas acknowledges important exceptions. If the agent of a bad act foresees bad consequences, yet goes ahead with it, that shows him to have an even more disordered will. Moreover, any consequence—even unforeseen—that “follows on such an act *per se* and for the most part,” shows the act itself to be better or worse “in its kind” (*ex suo genere*).⁹ This last point, that *per se* consequences reflect an act's kind, is what most interests me. The other passage that I

⁸ I wish to thank two anonymous reviewers of this article for their helpful comments and suggestions.

⁹ Perhaps his general answer is negative because he thinks most consequences are neither *per se* nor foreseen.

wish to summarize—question 73, article 8 of the *Prima secundae*—will help bring out the interest of it.

In the latter passage, Thomas is discussing whether a sin is graver, the more harm it causes.¹⁰ This time his overall answer is yes. But he distinguishes four ways in which harm can aggravate sin. First, there is harm that is foreseen and intended, as by a murderer or a robber. Such harm is itself an object of sin, and so of course it aggravates the sin, quite directly. The second sort is harm that is foreseen but not intended. This also aggravates sin, but only indirectly, by showing a will so bent on the sin as to accept a harm that the agent would otherwise avoid. Here Thomas gives the example of someone who crosses a field in order to fornicate and thereby knowingly harms the crops. In the third place are harms that are neither foreseen nor intended and that follow on the sinful act merely *per accidens*. These do not directly aggravate the act itself. However, they are imputed to the sinner, as owing to his negligence: he fails to avoid them when he could and should do so (inasmuch as he could and should avoid the sin itself).¹¹ Finally, some harms are neither foreseen nor intended, but follow on the sinful act *per se*. An example is the scandal caused by fornicating publicly.¹² This sort of harm aggravates directly. “For whatever follows on a sin *per se*,” Thomas explains, “pertains somehow to its kind.”

It is important to understand what Thomas means by saying that something follows *per se*. He does not mean simply that it is foreseeable. Even results that can be foreseen with certainty—necessary results—may not be *per se*. Their certainty may be owing to extrinsic, merely accidental factors, rather than to anything intrinsic to the act itself, anything in the act’s own kind. That is to say, to use Anscombe’s phrase, the certainty may not be “from the nature of the case.” For example, given a person’s character, it may be quite certain that she will be scandalized by another’s action, and yet the action itself not be intrinsically

¹⁰ *STh* I-II, q. 73, a. 8. I am summing up the first two thirds or so of the corpus.

¹¹ Cf. *STh* II-II, q. 64, a. 8.

¹² Cf. *STh* II-II, q. 43, a. 1, ad 4.

scandalous.¹³ Most Catholic moralists hold that the nonintended death of a fetus resulting from a hysterectomy performed on a pregnant woman is like this. The hysterectomy itself does not constitute a lethal action upon the fetus. Indeed, it is not trained upon the fetus at all. It only, as it were, removes an obstacle to the fetus's death. The death of the fetus is certain and necessary, but nevertheless it is only a *per accidens* result, not *per se*.¹⁴

But let us consider more closely what Thomas is saying about unforeseen, nonintended harms. As we have just seen, those that follow *per se* on a sin aggravate the sin directly, while those that follow *per accidens* do not directly aggravate the sin, but they do so indirectly, being ascribed to culpable negligence. This difference is, I think, an application of a distinction drawn early in the *Prima secundae*, between two ways in which things may be voluntary.¹⁵ Let me explain this distinction and why I think it applies here.

To be voluntary is to be caused by the will. But something may be caused by the will either directly or indirectly.¹⁶ Directly voluntary effects proceed from the will inasmuch as it is active, as heating proceeds from heat.¹⁷ Indirectly voluntary effects proceed from the will inasmuch as it does not act, as the sinking of a ship is attributed to the ship's pilot insofar as he leaves off

¹³ See *STh* II-II, q. 43, a. 3. For other examples, see the *sed contra* of *STh* I-II, q. 20, a. 5.

¹⁴ On Thomas on necessary *per accidens* effects, see Stephen L. Brock, *Action and Conduct: Thomas Aquinas and the Theory of Action* (Edinburgh: T&T Clark, 1998), 129-32.

¹⁵ Thus in *STh* II-II, q. 64, a. 8, using language very similar to the relevant lines of *STh* I-II, q. 73, a. 8 ("*dare operam rei illicitae*," etc.), Thomas explicitly characterizes effects brought about through culpable negligence as indirectly voluntary.

¹⁶ *STh* I-II, q. 6, a. 3.

¹⁷ When he distinguishes between scandal that follows on an act *per se* and scandal that follows only *per accidens*, Thomas calls the former "active" scandal: *STh* II-II, q. 43, a. 1, ad 4. Of course, the example of an act of heating that proceeds from heat hardly serves to illustrate the idea of a *per se* effect that the agent does not intend. Thomas is not concerned with that idea in *STh* I-II, q. 6, a. 3.

steering the ship.¹⁸ However, things are not attributed to the will in this indirect way, by its not acting, unless the circumstances are such that it could and should act in such a way as to prevent them. By contrast, things that result directly from the will's act are always attributed to the will as their cause. No special circumstances are needed.

Now as we saw, in question 73, article 8, harm that is ascribed to the sinner's negligence is said to aggravate his sin in an indirect way, by the fact that he fails to avoid it when he could and should. This is the language of the indirectly voluntary.¹⁹ Contrasted with this is harm that follows *per se* on a sin. It directly aggravates the sin, even if it is unforeseen and not intended. The very contrast already suggests that this sort of harm is to be regarded as directly voluntary. Elsewhere, in fact, Thomas is quite clear that something can be said to result directly from the will's act even when the will does not directly bear upon or directly tend toward that result. This is the case when the will does directly bear upon or tend toward the result's cause—the so-called voluntary in cause.²⁰ (Presumably the cause itself must be direct or *per se*, tending of itself to produce such a result.)²¹ Moreover, both in the article about consequences and in the one about harms, Thomas tells us that *per se* results somehow reflect or pertain to the act's own kind. He is obviously talking about the act's moral kind, which is to say, its kind as a human, voluntary act. Since the act itself is directly voluntary, surely anything that pertains to its moral kind

¹⁸ I do not think the example in *STh* I-II, q. 73, a. 8 of crossing a field to fornicate and harming the crops is a case of indirectly voluntary harm. The harm to the crops seems to follow *per se* on the act of crossing the field. What is indirect is not the harm's voluntariness, but only its aggravation of the sin of fornication. It is not a function of this sin's own object or kind. By contrast, the scandal given by public fornication is a function of the act's being fornication.

¹⁹ See *STh* I-II, q. 6, a. 3.

²⁰ See *STh* II-II, q. 77, a. 7. Here the voluntary in cause is explicitly distinguished from the indirectly voluntary. It is directly voluntary—a direct effect of the will, one attributed to the will's act—because the will's act does bear upon or tend toward it (*fertur in ipsum*), albeit not directly or in itself but in its cause.

²¹ In *ibid.*, an example of the voluntary in cause is the behavior that results from intentionally getting drunk.

is as well. It seems clear, then, that in the passage on harms Thomas is saying that a harm that is not intended or even foreseen can be directly voluntary,²² namely, if it follows *per se* on a voluntary act.

This is striking. As it is usually formulated, the principle of double effect supposes that all nonintended harms are either not voluntary at all or only indirectly voluntary (in the above sense), depending upon whether or not the agent could and should have acted in such a way as to avoid them. The principle gives criteria for deciding. But such criteria are irrelevant to directly voluntary harms, and what I am arguing is that, for Thomas, a nonintended and even unforeseen harm may be directly voluntary.

A good example of this is offered in a passage from the disputed questions *De malo*:

A necessity that is on the supposition of something subject to the will does not take away the quality of mortal sin. Thus, if a sword is thrust into someone's vital organs, the person necessarily dies; but the blade-thrust is voluntary. Hence the death of the person who is smitten by the blade is imputed to the one who smites as a mortal fault.²³

Clearly Thomas means that the death's being intended or not is incidental. It is imputed to the agent in any case, and this means that it is voluntary of him in any case. This makes sense if indeed it is directly voluntary in any case.

I do not mean to suggest that Thomas's treatment of non-intended *per se* effects implies that there are kinds of actions which the principle of double effect would allow but which he would prohibit. His text, after all, is about harms following *per se* on sinful kinds of actions. There is no risk that the principle of double effect allow such actions, because it rules out all actions that are sinful in kind. But what especially interests me is the

²² I take it that Thomas is assuming that the agent does know (or at least could and should know?), in a general way, that such a result follows on that kind of act. What is not actually foreseen is this instance of the result, as following on this instance of the kind. The agent's not having bothered to consider the consequences of what he is doing does not exclude their being voluntary of him—even directly voluntary.

²³ *De Malo*, q. 3, a. 10.

connection that Thomas posits, quite generally, between an act's *per se* results and its kind. Such results "somehow pertain" to the kind. Not everything that is outside an action's kind, then, is merely extraneous or incidental to it. The action is not, so to speak, hermetically sealed within its kind, such that nothing else can directly qualify it. Even though the public fornicator does not intend to scandalize, and his action's kind is not plain scandal, it is still an intrinsically scandalous act.²⁴ Anscombe provides another example: "Surgery would be thought *murderous*, even though it was not done in order to kill, but, say, to get an organ for someone else, if the death of the subject were expected as a near consequence, pretty certain from the nature of the operation."²⁵

Thomas even indicates that a nonintended result can aggravate "infinitely," that is, make an act be mortally sinful which without that result would not be so. He grants that remote and unforeseen results cannot do this, but a result that is conjoined (*coniunctus*) and foreseen can. "Thus, shooting an arrow is not a mortal sin, but shooting an arrow in conjunction with killing a man is a mortal sin; and likewise, not to repel a passion that inclines toward mortal sin is not without mortal sin."²⁶ I assume that "shooting an arrow in conjunction with killing a man" means shooting at what one knows to be a man—but not necessarily because it is a man or because he can thereby be killed. It does not matter whether one intends to kill the man with the arrow, or to commit the sin toward which the passion inclines. These results still aggravate the acts and make them mortal sins. Now, Thomas cannot be saying that the result is constitutive of the act's kind. He insists repeatedly that an action's kind is constituted by its object, and that this is something intended.²⁷ But a *per se* result

²⁴ Cf. *STh* II-II, q. 43, a. 3, obj. 3 and ad 3.

²⁵ Anscombe, "Medalist's Address," 24 (emphasis added).

²⁶ *De Malo*, q. 3, a. 10, ad 5.

²⁷ For example, in *STh* I-II, q. 1, a. 3; q. 72, aa. 1, 5, 8; II-II, q. 39, a. 1; q. 43, a. 3; q. 59, a. 2; q. 64, a. 7. Especially instructive, again, is the example of scandal in *STh* II-II, q. 43, a. 3. If one is not intending to lead another into sin, but this result follows *per se* on one's action, then one is guilty of active scandal (*ibid.*, ad 4); yet one's action does not have the species of scandal. See also IV

is *per se* precisely because the act's order to it pertains somehow to the act's kind, and hence to the act's object. Acts with different *per se* results must differ correspondingly in their objects, and this difference may in turn make for different kinds, even kinds that differ infinitely in gravity.

It would be helpful to have terms that reflect the difference between *per se* and *per accidens* results of actions. I would suggest restricting the expression "side effect" to *per accidens* results. Would anyone call a death resulting from a sword-thrust to the vitals a side effect, even if the agent did not intend it? For such *per se* results, I propose the term "head-on."²⁸

II. SELF-DEFENSE AGAIN

An objection to the very notion of nonintended results that follow *per se* can be drawn from Thomas's discussion of self-defense (*STh* II-II, q. 64, a. 7). Moral acts, he says, take their kinds from what is intended and not from what is outside intention, since this is *per accidens*.²⁹ If it is *per accidens*, how can

Sent., d. 38, q. 2, a. 2, qcla. 2, ad 3. A description may be true of an action, even true of it *per se*, yet not express its essential species. (Here it is crucial to distinguish different senses of "*per se*"; see below, the first paragraph of section 2.) As Thomas explains in *STh* II-II, q. 43, a. 3, obj. 3 and ad 3, a sin's being performed in the presence of others is only a circumstance and does not give a species. Contrast this with cases in which there is a nonmotivating condition of the action's very object; see the examples of sacrilege cited below at nn. 70, 84, and 85, and in n. 92. That sort of condition does give a species.

²⁸ I would gladly call them "direct." But this term is used in magisterial documents of disputed interpretation, and among Catholic moralists it is contentious. The New Natural Law proponents restrict it to intended effects.

²⁹ See also the other texts cited in n. 27, as well as *V Ethic.*, lect. 13; and *VII Sent.*, lect. 9 (Leonine ed., 47/2:309-10, ll. 1-38; and 47/2:417, ll. 50-57). I find it odd that, on this point, editions and discussions of *STh* II-II, q. 64, a. 7 usually point only to *STh* II-II, q. 43, a. 3 (the text on scandal), or *STh* I-II, q. 72, a. 1 as well. Surely, if we want to stay within the *Secunda secundae*, more pertinent than q. 43, a. 3 is q. 59, a. 2, which is nearer to q. 64, a. 7 and regards the same virtue, justice. And if we look back to the *Prima secundae*, we find what is surely the most important text on this point, standing almost at the beginning of the entire *Secunda pars* and therefore indicating just how fundamental the idea is in Thomas's moral thought: q. 1, a. 3. It is true that the term "intention" and its

it ever be *per se*? The answer, I believe, is simply that the terms *per se* and *per accidens* are equivocal. In one sense, only what is in a thing's essence or definition belongs to it *per se*, and everything else is *per accidens*. But in another sense, not only what is in a thing's essence, but also what follows on its essence either necessarily or for the most part belongs to it *per se*, and only what derives from an extrinsic source, as though by mere coincidence, is *per accidens*.³⁰ In this sense, what belongs to a thing *per se* is sometimes not a species of it, but rather some sort of property. To cite an old Scholastic example, this is how risibility—capacity for laughter—belongs to humans. Socrates' species is man, not risibility, but risibility follows upon the essence of man, and in this sense Socrates is risible *per se*. In the sphere of action, then, anything in an action's essence must be within the agent's intention. But something outside intention can follow on the essence necessarily or for the most part. It is not merely coincidental. It follows on the action in virtue of the action itself, and in that sense it belongs to the action *per se*. If it can fail in rare cases, this is because occasionally some extrinsic impediment can appear. Likewise, other results might follow on

cognates are not given great prominence there (although there are two instances). But the article's very thesis is that "human acts properly take their species from an end," and to function as an act's end is nothing other than to be intended.

³⁰ See *STh* I-II, q. 7, a. 2, ad 2: some accidents are "altogether *per accidens*," while others are "*per se*." Here Thomas is discussing the so-called circumstances of actions, which are treated by the arts and sciences that deal with actions, as accidents of actions (cf. the previous article). He says that they are of the *per se* type, this being the type that can be considered by an art or a science. On circumstances, see also *STh* I-II, q. 18, a. 3, ad 2. Earlier references, in the *Summa theologiae*, to the general distinction between *per se* accidents and those that are *per accidens* include I, q. 3, a. 6; and I, q. 77, a. 6. On the fact that no science treats of what is entirely *per accidens* and in no way *per se*, see VI *Metaphys.*, lect. 2 (Thomas Aquinas, *Commentaria in Metaphysicam Aristotelis*, ed. M.-R. Cathala, O.P., and R. M. Spiazzi, O.P. [Turin and Rome: Marietti, 1950], 358-59, nos. 1172-79); also I *Post. Anal.*, lect. 14 (Leonine ed., 1*/2, 53-54, ll. 1-92). On the fact that the same science treats a subject and its *per se* accidents, see II *Phys.*, lect. 3 (Leonine ed., 2:62 [no. 2]); III *Metaphys.*, lect. 6 (Marietti ed., 133 [no. 395]); and IV *Metaphys.*, lect. 1 (Marietti ed., 180-81 [no. 529]).

the action on account of the coincidental presence of some other cause.

Similarly equivocal, I think, is the notion of *praeter intentionem*, “outside intention.” Thomas distinguishes between those things outside an agent’s intention that are not intended at all, and those to which the intention does somehow extend. *Per se* consequences are among the latter.

Just as a *per se* effect of a natural cause is what follows according to the demand of its form, so the effect of a cause acting deliberately is what occurs by the agent’s intention; hence whatever comes about in the effect outside the intention is *per accidens*. And I say this if what is outside the intention follows rarely; for what is always or frequently adjoined to the effect falls under the same intention. For it is foolish to say that someone intends something, and does not will that which is often or always adjoined to it.³¹

That last sentence further corroborates the view that such effects are directly voluntary. Again,

sometimes an accident of some effect is joined to it in few cases and rarely; and then the agent need not in any way intend the *per accidens* effect while he intends the effect *per se*. But sometimes an accident of this type is attached either always or for the most part to the effect principally intended; and then the accident cannot be separated from the intention of the agent. If, therefore, something evil is joined only infrequently to the good that the will intends, it is possible to be excused from sin; for example, if someone cutting down a tree in a forest where people rarely pass kills a person by cutting down the tree. But if the evil is joined either always or for the most part to the good that is intended *per se*, one is not excused from sin although he does not intend this evil *per se*.³²

Following Joseph Boyle, I think we can say that such effects are intended *per accidens*.³³

Surprisingly, however, in the face of the very passage just quoted, Boyle asserts categorically that question 64, article 7 allows a private person to defend himself in such a way that the aggressor’s death follows “naturally”—that is, *per se*. Boyle grants

³¹ II *Phys.*, lect. 8 (Leonine ed., 2:79-80, no. 8).

³² *De Malo*, q. 1, a. 3, ad 15.

³³ Joseph Boyle, “*Praeter intentionem* in Thomas Aquinas,” *The Thomist* 42 (1978): 660.

that the “use [in ad 4] of ‘*quandoque*’ [sometimes] to describe the frequency of the deadly consequence’s following from an act of self-defense suggests that the aggressor’s death is not a natural and totally predictable consequence of the defensive act as such.”³⁴ But as Boyle sees it, since Thomas seems to be permitting, in private self-defense, any killing that is outside intention and that involves no greater use of force than is needed to stop the attack, and since sometimes a use of force that is naturally (or *per se*) lethal is needed, Thomas must also be allowing that.

On this question, I find Steven Jensen’s arguments to the contrary persuasive.³⁵ His strongest argument, I think, is that a use of force upon which the aggressor’s death follows naturally must be one in which at least some serious harm to the aggressor is intended,³⁶ and that, for Thomas, it is illicit for private agents ever to harm (let alone kill) anyone intentionally.³⁷ This means that the defender’s action itself is a sin, and that therefore, as we gathered from question 73, article 8, the *per se* result of the aggressor’s death directly aggravates it and is directly voluntary of the defender.

³⁴ Ibid., 658. *Quandoque* connects well with the way accidental nonintended harms, as opposed to *per se* ones, are described in q. 73, a. 8: “*quae consequi possent*”—“which might follow.”

³⁵ Steven J. Jensen, *Good and Evil Action: A Journey through Saint Thomas Aquinas* (Washington, D.C.: The Catholic University of America Press, 2010), 62-64.

³⁶ It is crucial, though, not to confuse being lethal *per se* with being in circumstances such that death results certainly or inevitably (see above, at n. 14). For instance, if the aggressor is on a cliff-edge, pushing him away may inevitably result in his death, but it is not lethal *per se*, and it need not involve any intention even to injure. Boyle, in “*Praeter intentionem* in Aquinas,” does not seem to see much difference between the notions of a *per se* result and a certain result. Moreover, although he does refer to q. 73, a. 8 (ibid., 653, 662), he is silent about its treatment of nonintended *per se* results.

³⁷ Thomas says this just four articles prior to q. 64, a. 7 (*STh* II-II, q. 64, a. 3, ad 3). He had also said it earlier, in his discussion of *rixa*, strife (*STh* II-II, q. 41, a. 1). Finnis agrees that it is never licit to intend to injure someone (John Finnis, *Aquinas: Moral, Political, and Legal Theory* [Oxford: Oxford University Press, 1998], 276, 278; also idem, *Moral Absolutes: Tradition, Revision, and Truth* (Washington, D.C.: The Catholic University of America Press, 1991), 54-55.

In question 64, article 7, in fact, Thomas says flatly that “to kill a man is not licit except by public authority for the common good.” This is to say that no voluntary killing at all is licit for private persons, no matter whether the voluntariness be direct or indirect.³⁸ Thomas does indeed allow that a “moderate” defensive action, in which the force used is no more than is needed, can be licit. The defender is not bound to set such action aside so as to avoid killing the aggressor. In other words, in such a case, the aggressor’s being killed is not indirectly voluntary of the defender. It is not something that he causes by failing to avoid it when he could and should.³⁹ But this is only to say that it may be licit for the private agent to do something upon which the aggressor’s death follows *per accidens*.⁴⁰ If it follows *per se*, it cannot be licit. In fact we find a clear indication that this is what Thomas means at the beginning of the article’s corpus, where he says that an effect of action that is outside intention is *per accidens* (and so does not specify the action). This is what he goes on to allow, in some cases, to private agents: *per accidens* killings. As we have just seen, the effects of action that are *per accidens*

³⁸ If it is not voluntary in any way, then properly speaking it is neither licit nor illicit. See *STh* II-II, q. 64, a. 8. To say that it is not voluntary in any way is to say that the defender’s will is in no way its cause. Evidently it would be important to distinguish between the range of the causality of the defender’s will and the range of its mere power and consent. That is, the fact that the defender could avoid the aggressor’s death by willing not to defend himself as he does, and that he therefore in some way consents to the aggressor’s death or to letting the aggressor die, does not make him a cause of the death. For a comparable case, see together the following texts: *STh* I, q. 19, a. 9, ad 3; q. 49, a. 2, ad 3; *STh* I-II, q. 79, a. 1.

³⁹ I explain this point at greater length in *Action and Conduct*, 222-23.

⁴⁰ Here I am correcting something I say in *ibid.*, 206 n. 18. There, having in view the fact that Thomas treats killing by chance in *STh* II-II, q. 64, a. 8, and taking “by chance” to mean the same as *per accidens*, I concluded that any result that is not by chance must be *per se*, and that q. 64, a. 7 was allowing killings that result *per se*. But clearly what Thomas means by a chance killing is one that is not only *per accidens* but also unforeseen. *Per accidens* killings may be foreseen, and q. 64, a. 7 allows some of those. This error led me, in those pages of the book, to adopt an unnecessarily complicated explanation of the impermissibility of craniotomy; on this see the first paragraph of section 3 below.

are those that are *wholly* outside the agent's intention, being intended neither *per se* nor even *per accidens*. By contrast, *per se* effects are intended at least *per accidens*, and they are directly voluntary. Directly voluntary killing in self-defense can be licit only for a public agent.⁴¹ And even this is only if the aggressor is a malefactor—a criminal or an unjust belligerent.

It is sometimes suggested that, for Thomas, the objective justice or injustice of the aggression is incidental to the morality of killing in self-defense.⁴² This, however, is not altogether true. Not long after question 64, article 7, Thomas asks whether someone condemned to death may licitly fight the executioner. He says that, if the condemnation is unjust, the answer is yes; but if the condemnation is just, then since clearly in that case the executioner may licitly fight the condemned man, the condemned man's fighting the executioner amounts to "unjust war."⁴³ Thomas is not saying that one is bound to accept a death to which he has been justly sentenced. Even a justly condemned man may licitly flee execution, if he can, because he is not bound "to do that whence death would follow."⁴⁴ But Thomas is saying that it is not licit forcibly to resist an agent acting justly. An objection argues that it is always licit to follow natural inclination, and that there is a natural inclination in all things to resist what can destroy them. He replies: "Man is given reason so as to follow natural inclination, not indiscriminately, but according to the order of reason. And so not just any self-defense is licit, but that which is done with due moderation."⁴⁵ So the "moderation" that Thomas requires in self-defense is not, after all, only a matter of using force sufficient to stop the attack and

⁴¹ Not even a public agent may licitly kill someone in an indirectly voluntary way, since indirect voluntariness by its nature implies culpability, being failure to avoid or prevent the thing in question when one could and should.

⁴² "Aquinas's analysis of the intention in self-defence does not depend upon there being an unjust aggression" (John Finnis, Germain Grisez, and Joseph Boyle, "'Direct' and 'Indirect': A Reply to Critics of our Action Theory," *The Thomist* 65 [2001]: 28 n. 46). See also n. 47 below.

⁴³ *STh* II-II, q. 69, a. 4.

⁴⁴ *Ibid.*, ad 2. By the same token, someone sentenced to starvation may eat food brought to him secretly, since "not to eat would be to kill himself" (*ibid.*).

⁴⁵ *STh* II-II, q. 69, a. 4, ad 1.

no more. Any use of force at all is immoderate, if it is upon an undue object—in this case, upon an executioner or other public authority acting justly.

If this holds where there is a just assault, it surely holds where there is no assault at all—and all the more so if the force is used in a way that is naturally or *per se* lethal.⁴⁶ I say this because the topic that I shall take up next is craniotomy.⁴⁷ The issue is both vexed and tired, and so I beg the reader's indulgence. I also beg indulgence for dredging up something I wrote about it more than two decades ago. It offers a good case study for the topic that is my central interest here.

III. CRANIOTOMY AGAIN

In that old discussion, although I did not mention the New Natural Law theory, I said things having an obvious bearing on

⁴⁶ Thomas condemns killing the innocent in absolutely any way: “nullo modo licet occidere innocentem” (*STh* II-II, q. 64, a. 6).

⁴⁷ Immediately prior to the sentence quoted in n. 42, the authors assure us that “we in no way suggest that the baby in the craniotomy is an unjust aggressor or any other kind of aggressor. (Indeed, we deny that the unborn baby is ever an aggressor.)” In an earlier piece, Boyle had said this: “St. Thomas, unlike many other scholastic moralists, does not introduce the question of the injustice of the attack into his analysis [of killing in self-defense]. What’s more those who do make use of this feature of the self-defense case, use it to justify direct killing—that is, the killing is a means to saving one’s life. What is at stake here, of course, is whether the craniotomy is indirect killing and so the argument about whether the fetus is a ‘materially unjust aggressor’ is not to the point; that argument assumed that if the fetus were shown to be a materially unjust aggressor it could be directly killed” (Joseph Boyle, “Double-Effect and a Certain Type of Embryotomy,” *Irish Theological Quarterly* 44 [1977]: 312). I agree that Thomas is not saying that directly killing an unjust aggressor can be licit for a private agent. But I am talking about what Thomas does allow to a private agent in q. 64, a. 7, namely, the direct use of violence upon the aggressor. This cannot be licit if the aggression is just (though the point is made explicit only in q. 69, a. 4). Even less can it be licit if the person undergoing the violence is no kind of aggressor at all—especially if the violence is such as can sometimes result in death, and very especially if it does so naturally or *per se*.

its proponents' position on craniotomy.⁴⁸ I agreed with them in part, saying that the surgeon performing craniotomy need not be intending the fetus's death. I also disagreed with them in part, seconding Kevin Flannery's view that a craniotomy cannot be seen as essentially nothing but a cranium-narrowing, with the cranium's being crushed regarded as a mere side effect and not part of the act's essence or kind. I further held (citing q. 73, a. 8) that acting with the aim of producing the crushed skull of an innocent person is unjust, and that the injustice of it has the gravity of murder, because the person's death follows on it *per se*.⁴⁹

In an article published not long afterwards, John Finnis, Germain Grisez, and Joseph Boyle took notice of my remarks.⁵⁰ Addressing what they said will help me to define the issue better than I originally did.

Their first remark was that I failed to show that craniotomy is better described as "producing the crushed skull of an innocent person" than as "cranium-narrowing for the purposes of removal from the birth-canal." I shall return to this point after addressing their other remarks.

Then they said that I seem "to be perhaps conceding, *sub silentio*, that the craniotomy need not be excluded by the exceptionless moral norm against killing the innocent, and therefore letting the assessment of its moral character rest on an assessment of its fairness, its justice." Initially I could not make sense of this. For (as was surely obvious) my remarks reflected what I took to be

⁴⁸ Brock, *Action and Conduct*, 204-5 n. 17. For their view, see Boyle, "Double-Effect and a Certain Type"; also Germain Grisez, *The Way of the Lord Jesus*, v. 2, *Living a Christian Life* (Quincy, Ill.: Franciscan Press, 1993), 502-3.

⁴⁹ The reading of Thomas on "head-on" effects that I am proposing in this paper makes that account of the impermissibility of craniotomy unnecessarily complicated (see above, n. 40). It is sufficient to see that the fetus's death is directly voluntary. Moreover, since the fetus is the very object of the action of craniotomy, it seems that the death can be said to specify the action (making it to be murder) and not merely to add a nonspecifying qualification, as in the case of nonintended active scandal. It is more like the case of theft from a sacred place, which is specified as sacrilege, evidently because the very thing stolen somehow shares in the place's sacredness (see below, n. 92).

⁵⁰ Finnis, Grisez, and Boyle, "'Direct' and 'Indirect,'" 26 n. 38.

Thomas's view, and (as is surely no less obvious), for him the exceptionless norm against killing the innocent *is* an assessment of such action's justice. His best-known treatment of it falls squarely within the *Summa*'s treatise on justice.⁵¹ Eventually I realized that they were speaking in the terms of their own theory, in which the morality of (intentional) killing is framed, not primarily as a matter of justice or injustice toward the person killed, but as a matter of how one's will is related to the basic good of human life.⁵² In any case, I certainly was not making that concession. What I was driving at was simply that there can be "murder where death foreseeably results from one's action, without the actual intention of killing,"⁵³ and that this would be such a case. And I took it that there is indeed an exceptionless moral norm against murder, which of course they too hold.

The authors went on to repudiate my use of question 73, article 8. They said that this text was not to the point, "since it deals only with the way in which consequences, even though unintended, can aggravate the gravity of what is already judged to be wrongful." But that is exactly the point I was urging. Having (as I thought) established that what is intended in craniotomy is unjust, because the fetus has a right to its intact skull, I observed that the fetus's life depends on its intact skull—which is to say, its death follows *per se* on the craniotomy—and I appealed to question 73, article 8 to argue that this aggravated the injustice, making it tantamount to murder.

Their last comment was this: "Note that whether and to what extent the life of the unborn child 'depends on' not being subjected to the craniotomy is far from clear in the obstetric emergency we are considering—a situation in which the child is expected to die no matter what is done." This I find astonishing. Taken at face value, it means the child's being certain to die soon anyway casts doubt on whether the craniotomy kills it.

⁵¹ *STh* II-II, q. 64, a. 6. He also says that all of the precepts of the Decalogue—including the fifth, of course—regard justice: *STh* II-II, q. 100, a. 3, obj. 3 and ad 3.

⁵² See John Finnis, *Moral Absolutes: Tradition, Revision, and Truth* (Washington: The Catholic University of America Press, 1991), 81.

⁵³ Anscombe, "Medalist's Address," 20.

In sum, I think that all but the first of their responses missed the target. The first, however, was a hit, and it was also the most important: that I failed to show my description of craniotomy to be better than theirs. This is so. I merely asserted it. More precisely, I merely asserted the more general thesis from which I derived it. The thesis is that while a human action's object—the object constituting its kind—always has (or seems to have) the form of some good (either as end or as means) for the agent, the object is not that form all by itself. It is rather that which has (or seems to have) the form. In other words, although the object must have some feature that moves the agent to apply himself to it as he does, the object is not this feature alone. It is that to which the agent thinks the feature belongs, the feature's subject. It is relatively concrete. Nor is it only the feature's subject taken "as such," that is, as described or named according to that feature. It also includes whatever other features the agent ascribes to it. It can be truly described or named according to any of them.

In the case of craniotomy, this would mean that the act's object is indeed, as they would say, a cranium able to be removed from the birth-canal.⁵⁴ They would also call it a narrowed cranium. These descriptions rest on features that move the surgeon's will, reasons why he acts as he does. But I am saying that the object can also be called a damaged, even a lethally damaged cranium. For the surgeon knows that this description is true, intrinsically, of the narrowed cranium. He knows that the cranium's being narrowed (in the way he intends) is one with its being lethally damaged. That he is not interested in its being lethally damaged is incidental. His action's object is a lethally damaged cranium, and he intends to bring this about—even though he does not intend it because of its being that, but only because of its being something that he can go on to remove from the birth-canal.

In assuming, however, that the specifying object of a human act, and what an agent intends, includes more than what motivates him to act or constitutes a reason for his acting, I

⁵⁴ But on the term *cranium*, see below, at n. 56.

assumed just what the New Natural Law proponents deny.⁵⁵ The cranium-narrowing's being a damaging is, on their view, *per accidens*. It belongs to the procedure considered as a mere piece of external behavior and as subject to natural conditions, but not considered as an intentional, human action. Indeed, on their view, the very fact that the cranium is a *true* cranium—a living, properly functioning part of a living human fetus⁵⁶—is *per accidens*. What is *per se* is only that it is a hard, cranium-sized and cranium-shaped object that must be crushed and narrowed if it is to be removed from the birth-canal. This alone constitutes a reason why the surgeon acts on it as he does. And since, on their view, not only the fetus's death, but also the harm to it, is outside the surgeon's intention, the death cannot be deemed a *per se* effect of his action or regarded as pertaining to its kind. In general, the crushing and narrowing of hard objects does not usually or naturally result in death. So the fetus's death only follows *per accidens* on what the surgeon intends, and it cannot be imputed to the surgeon as something directly voluntary of him. At most, there may be a question of its being imputed to him as something indirectly voluntary (in Thomas's sense), something that he fails to prevent when he could and should do so—for example, when the procedure is not really necessary to save the

⁵⁵ They could even grant that the craniotomy's object is a *crushed* cranium. For they can still deny that it is a damaged cranium. In fact, Boyle seems to have no objection to calling it a crushed cranium: Joseph Boyle, "Who Is Entitled to Double Effect?," *The Journal of Medicine and Philosophy* 16 (1991): 480. However, he must be taking the term *cranium* itself somewhat loosely. He can hardly mean that the object is or includes precisely a true, living cranium (on which see the next note and the text associated with it). This is because its being a true, living cranium does not (or need not) enter into what motivates the procedure.

⁵⁶ I am alluding to Aristotle's view that it is false to predicate *man* of a dead man (*De interpretatione* 11.21a22-23), except in an equivocal sense (*Meteorology* 4.12.389b31-32; *Parts of Animals* 1.1.640b34-36), and that, likewise, if a part of a man, for instance an eye or a finger, dies or loses the capacity for its proper function, what results is no longer the same kind of thing and bears the name of that part only in an equivocal sense (*Meteorology* 4.12.390a10-13; *Parts of Animals* 1.1.641a4-6; *De anima* 2.1.412b19-22; *Metaphysics* 7.10.1035b23-25).

mother's life. Circumstances will decide this question. This, I take it, is the New Natural Law view of the case.

What is required, then, is a comparison of that general view of the scope of intention with Thomas's view.

IV. THE NEW NATURAL LAW THEORY ON THE OBJECT OF INTENTION

Sometimes the proponents of the New Natural Law theory characterize the object of intention simply as a determinate state of affairs that the agent's practical reason has proposed as an end or a means.⁵⁷ In their more rigorous discussions of the matter, however, they qualify this characterization or offer a more restricted one. The following is a representative passage, by Joseph Boyle.

Whatever does not function as an end of action or a means to the end can be *praeter intentionem*, even if it is a natural consequence or a property of what is within the intention, if it can be separated from the goodness of the end intended or the resolve to achieve that good. . . . It is possible to distinguish what is within the intention from what is foreseen but is not within the intention and this distinction can be drawn at the point where ends and means are separated from concomitants and non-essential properties of ends and means.⁵⁸

By "non-essential," I take it, Boyle means not essential to the goodness of the end or to the resolve to achieve that good. He is ascribing this view to Thomas. Other representative passages are as follows.

Foreseen effects of what one does are intended only if they actually are among one's reasons for acting. If they are not, they are part of neither the proposal one adopts in choosing nor the purpose(s) for the sake of which one chooses: they are part of neither the means nor the end(s). . . . Intentions are constituted

⁵⁷ See, for example, Joseph Boyle, "Toward Understanding the Principle of Double Effect," *Ethics* 90 (1980): 534-36.

⁵⁸ Boyle, "*Praeter intentionem* in Aquinas," 665.

by acting persons' reasons for making their choices and by precisely what they choose to do.⁵⁹

The means are included in the proposal under the description that makes them intelligibly attractive as a means.⁶⁰

The description under which what is done is intended is . . . settled by one's practical reasoning as an agent, by the intelligible benefit one seeks and the means one chooses under the description which promises to yield that benefit.⁶¹

What is *being done* is not settled simply by looking at behaviour, to see what movements are being made, with what awareness and what results. Rather, that is settled by what one chose, under the description which made it attractive to choice (not: the description which makes it acceptable to onlookers, or to 'conscience').⁶²

Now, in choosing, one adopts a proposal to bring about certain states of affairs. And the states of affairs which one commits oneself to bringing about—one's instrumental and basic purposes—are precisely those identified under the intelligible description which made them seem rationally appealing and choosable.⁶³

The following are two case types other than craniotomy in which this account clearly plays a role.

⁵⁹ Finnis, Grisez, and Boyle, "'Direct' and 'Indirect,'" 8. Similarly, "If short-term financial gain was not part of the director's reasons for their decision, they do not intend it" (*ibid.*, 6).

⁶⁰ Finnis, *Moral Absolutes*, 68.

⁶¹ John Finnis, "Intention and Side Effects," in John Finnis, *Intention and Identity*, vol. 2 of *Collected Essays* (Oxford: Oxford University Press, 2011), 190. This chapter is a reprint, with some additions, of John Finnis, "Intention and Side-Effects," in R. G. Frey and Christopher W. Morris, eds., *Liability and Responsibility: Essays in Law and Morals* (New York: Cambridge University Press, 1991), 32-64.

⁶² Finnis, "Intention and Side Effects," 191.

⁶³ *Ibid.*, 194. I find it hard to tell from this passage whether states of affairs that are identified under different descriptions can be the same states of affairs. But I take it that, if they can, they are intended only as identified under the description(s) making them seem choosable, and not according to all the descriptions that are true of them, nor even all those that the agent ascribes to them. See Boyle, "Toward Understanding," 534-35.

By my reformulation of the principle of double effect, some additional operations involving the removal of a nonviable fetus could be justified. An example would be when the pregnancy itself was dangerously overloading an ill mother's heart and kidneys. In such a case, I think the fetus may be removed, because although it will certainly die, the very same act (through a humanly indivisible process) lessens the strain on the mother and contributes to the mother's safety, which alone need be intended by an upright agent.⁶⁴

If a baby, by falling asleep, will fall onto a button which will bring about the incineration of a school full of children, and the only way to stop the baby from falling is to shoot it so that it topples the other way, that can be done without intent to kill or injure even though the effect on the baby is mutilating or lethal and 'deliberate', that is, caused with full knowledge and control.⁶⁵

Sometimes I do wonder whether the New Natural Law authors are applying their own account consistently. For instance, Finnis takes up the example of an eccentric surgeon who, while operating on an appendix, removes the patient's heart for the purpose of a later experiment. Finnis says that, although the surgeon does not intend to kill the patient, this is still murder. He explains:

The surgeon intends to and does deal with the body, that is, the very person of the patient, as his own to dispose of. Though his choice is not, precisely, to kill or even, perhaps, to impair the functioning of the patient/victim—that is, though death and impairment of functioning are side-effects—the surgeon's choice *is* precisely to treat the bodily substance and reality of that other human person as if that person were a mere subhuman object. The moral wrong, on a precise analysis of the surgeon's intent, is a form of *knowingly death-dealing enslavement*; one who inflicts death, even as a side-effect, in order to effect such an instrumentalisation of another has, in the fullest sense, 'no excuse' for thus knowingly causing death.⁶⁶

⁶⁴ Germain Grisez, "Toward a Consistent Natural-Law Ethics of Killing," *The American Journal of Jurisprudence*, 15 (1970): 94. For a similar, more recent discussion, see Grisez, *Living a Christian Life*, 502-3.

⁶⁵ This passage is from a long endnote added in the reprint of Finnis, Grisez, and Boyle, "'Direct' and 'Indirect,'" in Finnis, *Intention and Identity*, 266-7n†. The passage is on p. 267. It is not entirely clear whether the passage should be ascribed to Finnis alone or to all three authors.

⁶⁶ Finnis, "Intention and Side Effects," 194.

I do not see why the surgeon's intention or choice is any more to enslave or instrumentalize the patient than it is to harm or kill the patient. What makes the surgeon's action favor the end of experimentation is not the action's enslaving the patient. It is simply the action's obtaining something fit to experiment upon. Moreover, would it constitute enslavement if it did not harm the patient? If not, then if the harm is not intentional, how can the enslavement be so?

In a note added to the reprint of this essay, Finnis says that, in the original article, he failed to consider sufficiently whether the surgeon's intent, which does not include death, does nevertheless include mutilation—violation of bodily integrity—as a means. Evidently he judges that it does. He also mentions other cases of intentional mutilation: as a means (to facilitate begging), or as an end (when done out of a grudge), and he refers to the issue of the separation of conjoined twins. He then offers a general reflection:

What is decisive for the intention- and act-analysis in such cases is whether the bodily position or activity of person V is itself a threat to another's well-being and the cutting into or dismemberment of V is a means of mitigating that threat. That is why war-like acts in legitimate defence of self, others, or common good can be brought under Thomas's analysis of defensive intent, in respect not only of the good of life . . . but also of the good of bodily integrity.⁶⁷

I do not see why the mere fact that the end is to mitigate the sort of threat described entails that intending V's dismemberment does not constitute intending the violation of V's bodily integrity. As is well known, Thomas certainly recognizes the possibility of intending to kill or to harm as a means (a legitimate one) to defense of the common good, and also as a means to self-defense (this being illegitimate for private agents).⁶⁸ Nor do I see why the end's *not* being to mitigate that sort of threat entails that, *ceteris paribus*, the violation of V's bodily integrity necessarily *is* being intended as a means. Perhaps, with any other end, the action

⁶⁷ Finnis, "Intention and Side Effects," 197. See also Finnis, *Intention and Identity*, 267.

⁶⁸ See *STh* II-II, q. 64, a. 7 itself; also *STh* II-II, q. 64, a. 2; q. 65, a. 1.

cannot fail to be “unfair” to V. But if we are given only what the end is not, and not what it is, how can we possibly judge, from a mere description of behavior, what is or is not being intended as a means to it?

In any case, the main point I wish to make here is simply that, from Thomas’s viewpoint, the proponents of the New Natural Law theory unduly narrow the scope of intention.

V. THOMAS ON THE OBJECT OF INTENTION

These authors do seem to recognize that their view differs from Thomas’s somehow. Grisez says:

Thomas often includes in its object anything which makes an act definitely wrong, for this settles its moral species (cf. *De Malo*, q. 2, a. 6, ad 2). On my account, the object only includes what one chooses even if the wrongness of the act arises elsewhere. For example, the object of an act of driving somewhere in an automobile is determined by the choice to travel to that place, and this remains so even if the auto belongs to another, is used without permission, and in using it one accepts the side effect of grave partiality toward oneself against the other.⁶⁹

If I understand rightly, Grisez is claiming that such an act, although wrong, is not properly of the kind called theft. It would only be “thievish” or something like that. Its proper kind would be theft only if the automobile’s belonging to another and the agent’s lacking permission to use it somehow furnished him with a reason for taking it. Grisez is quite correct, I believe, to suggest that Thomas would include those factors in the act’s object and would specify the act as theft. But I do not think Thomas would grant that he is thereby including in the act’s object or kind anything not included in what the agent chooses. Rather, Thomas differs from Grisez on what is included in what an agent chooses (and intends).⁷⁰

⁶⁹ Germain Grisez, *The Way of the Lord Jesus*, v. 1, *Christian Moral Principles* (Chicago: Franciscan Herald Press, 1983), 247 n. 3.

⁷⁰ With regard to the passage that Grisez cites, however, I suspect that he was looking at a version of it that contains a highly pertinent textual error. In *De Malo*, q. 2, a. 6, ad 2, the Marietti edition (p. 481) has this: “Fit species furti

Boyle says that the state of affairs that he calls the object of intention is what the Scholastics call the “formal object” of the act, which gives the act its essential character.⁷¹ The alternative to this view, he says, presents intentional actions as the initiation of concrete causal sequences with indefinitely many descriptions and effects.⁷² But it seems to me that Thomas’s position lies between these alternatives, and that for him the object of intention is indeed something definite, but nevertheless not as abstract as the New Natural Law authors make it.

Thomas’s use of the expression “formal object”—or, more usually, “formal proportioning (*ratio*) of the object”⁷³—is somewhat variable. Sometimes, for instance, he says the formal *ratio* of sight is color.⁷⁴ At other times he says it is light. In either case the idea is clear. Light makes color visible, and illuminated color makes what has it visible.⁷⁵ But Thomas does not mean that only light, or only luminous color, is properly seen or an object of sight. In fact he says that, properly speaking, what is seen is not (luminous) color, but rather, the concrete “a colored.”⁷⁶ The

quae est sacrilegium, ex circumstantia loci, et non ex conditione obiecti” (“the species of theft that is sacrilege comes about from the circumstance of place and not from a condition of the object”). This would actually be saying that the species of the act is taken from something outside the object. But in the more recent critical edition (Leonine ed., 23:48, l. 273), the *non* has been replaced with *tamen*, “yet,” so that the passage runs: “The species of theft that is sacrilege comes about from the circumstance of place and yet from a condition of the object.” This version also fits far better with the rest of the passage.

⁷¹ Boyle, “Double-Effect and a Certain Type,” 317 n. 22.

⁷² Boyle, “Double-Effect and a Certain Type,” 307; “Toward Understanding,” 535; “*Praeter intentionem* in Aquinas,” 664.

⁷³ *Ratio formalis obiecti*. The thought is that what an action or a power bears upon always has some feature that proportions it to the action or the power and that functions as the reason why the action or power bears on it.

⁷⁴ For example, *STh* I, q. 1, a. 3; q. 59, a. 4.

⁷⁵ For example, *STh* II-II, q. 1, a. 3.

⁷⁶ *STh* I, q. 45, a. 4, ad 1. A helpful text on this matter is I *Sent.*, d. 17, q. 1, a. 5. There Thomas distinguishes quite sharply between the notion of the object of an act and the notion of the *ratio* in virtue of which the act bears on the object. At the same time, he is clear that one and the same thing can function now as object, now as *ratio*; and sometimes an object is its own *ratio*, sometimes not. But it is quite clear that the object sometimes includes a good deal more than the *ratio*. Here, for example, he says that the object of an act of love may

difference is not just grammatical. He holds that there can be other features of a thing, besides its luminosity and its color, that fall within the scope of the act of seeing it: size, shape, distance, and so on. These features can enter into a thing's look. Not all of its features can; for instance, its flavor cannot (though we may associate a flavor with a look). Of course, a thing's size and shape get their visibility from its color, and not vice-versa. And the size or the shape are not seen by themselves, in abstraction from the colored thing. Yet not even the color, taken separately or abstractly, is properly seen either. What is properly seen is the colored, sized, shaped (etc.) thing.

The case with intention and its scope is similar. One can intend only what one has judged somehow good (or "attractive" or "beneficial" or "appealing" or "choosable"), either on its own account or on account of its order to something else judged good; and one judges a thing good according to some (real or apparent) feature of it. Being judged good according to some feature, together with being judged attainable through one's action, is what makes a thing apt to be intended, by furnishing a sufficient reason or motive for intending it. But other features of the thing can also fall within the scope of the act of intending it. In fact all the features that the agent ascribes to it do so.⁷⁷ The only features that do not do so are those of which the agent is ignorant. To be sure, those features that the agent ascribes to the thing, but that furnish no reason for intending it, fall under his intention only by virtue of their connection with the feature(s) that motivate the intention. They are not intended by themselves. But that which is intended includes them. They do not fall outside intention, any more than size and shape fall outside sight.

be a *person*, while the *ratio* may be God's dwelling in the person, or the person's charity, or some other feature. In other words, the motivating feature does not exhaust the object.

⁷⁷ If, however, the thing is an action, it is important not to slip from a feature of that action to a mere effect of it, or even to a distinct action that is merely circumstantial to it. The two actions cannot simply be identified, even if one somehow qualifies the other.

To use an example from Thomas, suppose a sawmaker intends to make a saw out of iron.⁷⁸ His reason for making it out of iron is that iron is hard. The hardness is the feature that motivates his intention. But the sawmaker also ascribes other features to iron, for instance, aptitude to rust and to wear out. These are not reasons why he intends to make the saw out of iron—quite the contrary. Yet they fall within the scope of his intention. His intention is not merely to make the saw out of something hard. The object of his intention is more concrete. What Thomas says is that his intention is to make the saw out of *iron*. So at least the hard thing's *being iron* falls within the intention. But, as the sawmaker understands it, to be made out of iron *is* to be made out of something apt to rust and wear out. Of course these features do not fall within his intention apart from their connection with the iron's hardness, just as size and shape are not seen apart from their connection with color. But size and shape are included in what the sighted person sees, and the iron's aptitude to rust and wear out are included in what the sawmaker intends.

This is a delicate point.⁷⁹ All the features that an agent ascribes to the effect that he intends fall within the scope of his intention, but this does not mean that all the further results to which he thinks his intended effect leads must fall within the scope of his intention as well. The sawmaker intends to make an iron saw, and hence he intends to make a saw that is apt to rust, but he need not intend the further result, the saw's actually rusting. Still, as we saw earlier, *per se* effects do somehow "pertain" to an action's species, which again is a function of the agent's intention. If they are foreseen, then at least the action's order toward them cannot be wholly outside the scope of the agent's intention. The saw's aptitude to rust must somehow fall within the sawmaker's intention.

⁷⁸ See *STh* I, q. 76, a. 5, ad 1; *Q. D. De Anima*, a. 8.

⁷⁹ For a more complete treatment, see my discussion of Roderick Chisholm's principles of the "diffusiveness and non-divisiveness of intention" in *Action and Conduct*, 208-16.

Similarly, not all of the circumstances that an agent associates with what he intends need fall within the scope of his intention. But the thing's being so circumstanced must do so. For instance, Thomas says that in the case of washing someone by pouring water on him, the cooling that results is a circumstance of the washing.⁸⁰ That act of washing is not simply identical with the act of cooling, any more than being clean is identical with being cool. But the washing can be qualified, as it were adjectivally, by the cooling: it is a refreshing washing, or something like that. Or, to use the now familiar example, giving scandal by fornicating publicly does not mean that the act of fornicating is itself an act of giving scandal. But it is a scandalous act of fornicating. And even if the agent does not fornicate publicly in order to give scandal, he intends to fornicate publicly, and so scandalously.⁸¹

In other words—and this may be my most controversial claim—although, taken by themselves, nonmotivating features are intended only *per accidens*, they are not always *praeter intentionem*. Boyle says, “Aquinas identifies what is related *per accidens* to the agent’s intention and what is *praeter intentionem*.”⁸² I do not think this is quite accurate. Granted, what is *praeter intentionem*, if intended at all, must be so only *per accidens*. But the converse, I believe, does not always hold. That is, not everything intended *per accidens* is *praeter intentionem*. “*Praeter intentionem*” means *outside* what the agent directly intends. But it is possible for something to be *inside* what an agent intends, and yet not be something that he intends directly, but only *per accidens*.

We can compare what is intended to what is moved. Anything outside of what a mover directly moves will be moved by it, at most, only *per accidens*. But there may also be things moved by it only *per accidens* that are inside what it directly moves. When

⁸⁰ *STh* I-II, q. 7, a. 3, ad 3.

⁸¹ By contrast, if the scandal is only a *per accidens* result, as in pharisaical scandal, then even if it is foreseeable, an action from which it results is neither an act of giving scandal nor even a scandalous act. It is simply an act that foreseeably results in scandal. An act is qualified by its effect according to the nature of its order to the effect.

⁸² Boyle, “*Praeter intentionem* in Aquinas,” 660.

the wind moves a ship, it also moves a nail inside the ship, though only *per accidens*.⁸³ Likewise, things that are intended only *per accidens* may still, for Thomas, be within the intention.

In line with this point, places abound in which Thomas ascribes something to the object of a voluntary action, and to the action's resulting species or kind, that does not furnish the agent with a motive or reason for the action. The following text is quite explicit about it. It is on whether a circumstance can give a sin its kind.

[Objection] Every sin is voluntary. . . . But the will does not bear on a circumstance; as when someone steals a golden consecrated vessel, he does not care about its being consecrated. So this circumstance does not give the sin its kind; and likewise with others.

[Reply] Although the thief's will does not bear chiefly on the sacred object but on the gold, it bears on the sacred object as a result; for he wills rather to take the sacred object than to do without the gold.⁸⁴

In this article from *De malo*, and also in the parallel *Summa* passage, where the example is an object stolen from a sacred place, Thomas explains that a circumstance can constitute a kind of action insofar as it can be considered as something more than a circumstance, namely, as a "principal condition of the object."⁸⁵ A condition's being "principal," however, does not consist in its giving the agent a motive.⁸⁶ It consists in the fact that the condition "regards a special order of reason, whether for or against."⁸⁷

⁸³ The example of the nail in the ship is taken from Aristotle, *Physics* 4.4.211a17-23.

⁸⁴ *De Malo*, q. 2, a. 6, obj. 6 and ad 6. See also *IV Sent.*, d. 16, q. 3, a. 2, qcla. 3.

⁸⁵ *De Malo*, q. 2, a. 6, ad 2 and ad 9; *STh* I-II, q. 18, a. 10.

⁸⁶ In *STh* I-II, q. 72, a. 9, ad 2, he says that a circumstance never transfers an act to some other species unless it is connected with some other motive. There he is evidently talking about circumstances that are nothing but circumstances and that do not constitute principal conditions of the object. We might say that a circumstance qua circumstance does not specify except by connection with a motive. But a condition of the object can specify on its own.

⁸⁷ *STh* I-II, q. 18, a. 10.

I do not think that Thomas is hereby rejecting the idea that moral actions always get their kinds from ends and things intended. He is not saying that the condition in question *is* the object or that it is intended *per se*. It is only a condition of the object. The object is indeed an end.⁸⁸ But this end, this object, must be taken concretely, as having all the features that the agent ascribes to it, and not just as having those that make it attractive to him or constitute a reason for acting. And any feature, whether or not it constitutes a reason, can determine a moral kind, simply by making the end especially due, or especially undue, according to reason.

Another good example is drunkenness.

The sin of drunkenness . . . consists in the immoderate use and desire of wine. Now this may happen to a man in three ways. First, such that he does not know the drink to be immoderate and intoxicating: and then drunkenness may be without sin. . . . Secondly, such that he perceives the drink to be immoderate, but without knowing it to be intoxicating, and then drunkenness may involve venial sin. Thirdly, it may happen that a man is well aware that the drink is immoderate and intoxicating, and yet he would rather fall into drunkenness than abstain from the drink. Such a man is a drunkard properly speaking, because morals take their species not from things that occur accidentally and beside the intention, but from that which is directly intended. In this way drunkenness is a mortal sin, because then a man willingly and knowingly deprives himself of the use of reason, whereby he performs virtuous deeds and avoids sin, and thus he sins mortally by running the risk of falling into sin.⁸⁹

Thomas says that there is drunkenness, not just when the drinker's direct aim is to be drunk, but whenever the drinker's aim is to drink what he knows to be an immoderate and intoxicating amount of drink. The formulation is like that of the passage from *De malo* on sacrilegious theft: it is enough that the drinker's will bear on being drunk in such a way that he would rather "fall into" (*incurrere*) drunkenness than abstain from the drink.⁹⁰ He gets drunk willingly, but neither being drunk nor

⁸⁸ Even the exterior act's object specifies the act only insofar as it is an end, that is, intended: *STh* I-II, q. 72, a. 3, ad 2.

⁸⁹ *STh* II-II, q. 150, a. 2.

⁹⁰ Also pertinent is *STh* I-II, q. 76, a. 4, corp. and ad 2: a man who wants only to drink an immoderate amount, but who thereby gets drunk, loses

even the amount's being intoxicating need be something that he intends *per se*.⁹¹

A great many of the kinds of acts that Thomas discusses fit the same analysis. One example is that of the man condemned to starvation who is secretly provided with food. As we saw, Thomas says flatly that not to eat it would be suicide. He does not make it depend on the man's having an interest in dying. He never says that in order properly to be guilty of theft, one must be taking what is another's because it is another's; or that there is true adultery only if conjugal condition is a motive of the act; or that it is not really murder if the victim's innocence (or whatever factor makes his being killed undue) is not a reason for killing him; and so on.

It can also happen that a nonmotivating condition of the object affects the morality of an act without putting it into a distinct kind. This is what happens in the example in question 73, article 8 of fornicating publicly. The condition of being public does not specify the act. The act's kind remains simply fornication, and this condition only aggravates it, by making it tend *per se* toward scandal.⁹² Still, such a condition aggravates,

discretion, and consequently kills a man, is guilty of *two* sins, killing *and* drunkenness.

⁹¹ Preferring one thing to another and so choosing to bring it about when the only alternative is the other thing does not entail that the thing chosen is intended *per se*; see *STh* I-II, q. 78, a. 1, ad 2. The thing chosen is "willed" or done "willingly" in the sense used in the passage from the *Physics* commentary above at n. 31.

⁹² See *STh* II-II, q. 43, a. 3, ad 3. The act's being scandalous depends on this circumstance and yet belongs to the act *per se*. As we saw earlier, Thomas says that *per se*, nonintended effects pertain somehow to the act's kind. The scandal example suggests that he does not mean that such effects follow on the kind universally; rather, they may follow on the kind only under certain conditions. Obviously the act's being fornication is quite pertinent to its being scandalous, even though its being scandalous also requires the further condition of being public. But why does this further condition not specify the act as scandal, in the way that the condition of being in a sacred place does specify an act of theft as sacrilege (*STh* I-II, q. 18, a. 10)? Is it because only the latter condition relates the act's own object to a "special order of reason" (*STh* I-II, q. 18, a. 10)? That is, a thing's being in a sacred place makes the thing itself somehow sacred, and so makes the act of stealing the thing be in itself a violation of a sacred thing

and is voluntary, directly, proceeding from the agent inasmuch as he acts.

But it should not be too surprising that things indirectly intended sometimes specify actions, if indeed it is true that even nonintended *per se* effects—head-on effects—somehow “pertain” to an action’s species. If the indirectly intended item is included within the very object that is directly intended, then it can be a specifying factor, even if it is not a motivating one (in which case, at least usually, it would be directly intended); that is, even if it does not fall *per se* under the inclination of the agent’s will. For it may still “regard a special order of reason, whether for or against,” and it may do so *per se*.

VI. THEORETICAL ISSUES

Have I now proved that I have a better description of craniotomy, and a better theoretical basis for it, than do the New Natural Law authors? No. I have only tried to show that they do not have Aquinas on their side. Nor, I believe, do they have the man on the street. I think most people would say that taking what is another’s property can be genuine theft even if the thing’s being another’s furnishes the taker with no reason for taking it; and likewise for the other cases. Of course the authors have no duty to agree either with the man on the street or with Thomas.

I wish, however, to formulate a little more precisely how I understand the general theoretical issue. Regarding my own position, I would insist that I am not adopting (or foisting on Thomas) what the New Natural Law authors sometimes call physicalism. I am not simply identifying the object of intention with an externally observable piece of behavior or result. This is because I hold that the object of intention is essentially something conceived or understood by the intention’s subject. Thus, for

(that is, a sacrilege); the sacrilege is not a mere further result of the act. But being in public does not make an act of fornication be a scandalizing of the very person with whom one fornicates (that person being the object of one’s act of fornicating); the scandal is a result that affects only some other person or persons. In order to specify the act, this result would have to be intended, or at least associated with a distinct motive (see above, n. 86).

instance, an externally observable result of which the agent is invincibly ignorant is not within his intention. Nor is every result that he can or does foresee. Moreover, I am certainly not saying that a human action's kind is constituted only partly ("formally") by what is within the agent's intention, and partly ("materially") by other, purely physical or natural determinations ("teleologies").⁹³ It is constituted entirely by what is within the agent's intention. My claim is that I am looking at intention and its object, and at human action and its specification, from the properly moral perspective, that of the acting person.

Regarding the New Natural Law authors, I would stress that I am not charging them, as some have, with exaggerating the role of intention in the specification of action. I think Thomas gives it no less of a role. Only, I think he has a different view of its scope.

How might we characterize the disagreement? If we want a label, I would propose that, from Thomas's point of view, the New Natural Law theory is rather too intellectualist. By this I mean that it makes the proper object of an act of will as abstract as even an object of intellect can be. Thomas says, "the object of intellect is simpler and more absolute than the object of will; for the very concept [*ratio*] of appetible good is an object of intellect; but the object of will is the appetible good whose concept is in intellect."⁹⁴ Thomas is explaining why the intellect's object is nobler and higher than the will's. It is simpler and more abstract. This is why, and how, intellect moves will. It works to form the will's very object. It does so by applying the *ratio* of will's object—the *ratio* of good—to the judgment of something. This is what properly moves the will: not the *ratio* of good by itself, but

⁹³ For one thing, not every natural tendency is really teleology at all, that is, order toward a *telos*, an end. An end is a perfection, a good, and it *explains* the tendency, as its final *cause*. There is such a thing as tendency (in the sense of noncasual order) toward results that are accidental to the agent's end; see above, n. 14. And even when the result in question is a true end, Thomas is very clear that natural ends, merely as natural, do not specify moral acts. Only moral ends, which are ends of the will, do so. "For a movement does not take its kind from that which is a terminus *per accidens*, but only from that which is a terminus *per se*. But moral ends are accidental to a natural thing; and conversely, being a natural end is accidental to a moral end" (*STh* I-II, q. 1, a. 3, ad 3).

⁹⁴ *STh* I, q. 82, a. 3.

something judged to possess this *ratio*. The *ratio* of good is indeed the formal *ratio* of the object of the will. But it is not the whole object. The object is more concrete, including not only the *ratio* itself but also that to which it is understood to apply.

Intellect can bear on the very reason for desiring something, all by itself, in abstraction from the thing's other conditions, according to the sort of existence that things can have in an intellectual soul. But the will bears only on the real thing that is understood to be desirable for that reason, and it bears on this thing according to and together with all the conditions that are understood to pertain to the thing in its real being. Not all of these conditions are reasons for willing, but they are all included in what is willed, and they even condition the one who wills it. "For the action of intellect consists in this, that the *ratio* of the thing understood is in the one who understands; but the act of will is completed in this, that will is inclined to the very thing, as it is in itself."⁹⁵ Here Thomas speaks generally of the will's inclination, not specifically of the act of will called intention. But among the acts of the will that regard something taken as an end, intention seems to be the most practical, since it bears on an end as something to be attained by some means.⁹⁶ And so it also seems to have the most concrete object, since human actions regard concrete particulars.⁹⁷

In this respect, the will's intention is rather like a nature's. "A [human] nature does not intend to produce a [human] nature except in a concrete subject, and hence it does not intend to generate humanity, but a man."⁹⁸ Of course the two sorts of intention are not simply identical. The object of the will's intention is, if anything, even more concrete—more determined by particular conditions—than that of nature's. In fact, the will's object is always potentially open to determination by further conditions. This is precisely because the will's object is presented by reason—practical reason, which is not confined to universal

⁹⁵ *STh* I, q. 82, a. 3; see *STh* I-II, q. 13, a. 5, ad 1.

⁹⁶ *STh* I-II, q. 12, a. 1, ad 4.

⁹⁷ *STh* I, q. 29, a. 1; I-II, q. 9, a. 2, ad 2.

⁹⁸ III *Sent.*, d. 8, q. 1, a. 2, ad 2. On the notion of intention in (irrational) nature, see *STh* I, q. 2, a. 3 (*Quinta via*); I-II, q. 12, a. 5.

considerations, as speculative reason tends to be, but which can and must extend to singulars.⁹⁹ Reason's capacity for very abstract objects goes together with its being open to absolutely all forms, and this in turn means that there is no limit to its power to combine forms into more and more concrete composites.¹⁰⁰ Even though the will's act is always motivated by a universal reason, the fact that it is inclined toward things as they are in themselves means that it is inclined toward them as concrete singulars.¹⁰¹ So instead of saying merely that it is too intellectualist, perhaps it would be more accurate to say that, from Thomas's point of view, the New Natural Law theory's account of intention and its object is too speculative, not sufficiently practical.

As for the principle of double effect, it is concerned, not with what motivates the will, but with the will's effects. The principle's main job is to distinguish between those bad results of action that are in no way effects of the agent's will and those that are its indirect effects by his failing to avoid them when he could and should. What I have argued is that, for Thomas, a result, the thought of which does not motivate the will, can still be the will's direct effect and can even specify its action. In order to judge such cases, a principle of *side* effects is not needed.

⁹⁹ *STh* I-II, q. 9, a. 1, ad 2; II-II, q. 47, a. 3. Universal considerations can be principles of action, but only as applied to particular considerations; see III *De Anima*, lect. 10 (Leonine ed., 45/1:251, ll. 123-45).

¹⁰⁰ *STh* I-II, q. 18, a. 10.

¹⁰¹ *STh* I, q. 80, a. 2, ad 2.

THE SPIRATION OF LOVE IN GOD ACCORDING TO AQUINAS AND HIS INTERPRETERS

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“Pondus meum amor meus; eo feror quocumque feror.”¹

Augustine

“Contemplatio spiritualis pulchritudinis vel bonitatis est principium amoris spiritualis.”²

Thomas Aquinas

THE HOLY SPIRIT, according to Thomas Aquinas’s teaching in the *Summa theologiae*, proceeds from the Father and the Son in the mode of will (*per modum voluntatis*), as proceeding love (*amor procedens*), as the beloved in the lover (*amatum in amante*), as an inclination to and impression of the beloved (*inclinatio, impressio*).³ Both the Scholastic commentary tradition and more recent scholarship attest to a problem of interpretation regarding these assertions. Interpreters do not agree about (1) whether the will emanates an *operatum*, parallel in some way to the procession of the inner word within the intellect; (2) what is meant by the beloved in the lover; (3) what, exactly, Aquinas’s analogue for the procession of the Spirit is; and (4) how Aquinas uses the one name, “love,” to

¹ Augustine, *Confessions* 13.9.10: “My weight is my love; by it I am borne whithersoever I am borne.” All translations are my own, unless otherwise indicated.

² *STh* I-II, q. 27, a. 2: “Spiritual contemplation of beauty or goodness is the principle of spiritual love.” See below, n. 71.

³ *STh* I, q. 27, a. 3; q. 27, a. 4; q. 37, a. 1.

denote (a) an essential attribute of God, (b) a personal property of the Spirit, and (c) a notional act of the Father and the Son.

The chief question regards the *operatum* in, or from, the will. One line of interpretation, classically represented by John of St. Thomas (Poincot) and lately promoted by Gilles Emery, takes the beloved in the lover to be a product or term in the will emanating from the act of love, as the inner word is a reality in the intellect emanating from the act of understanding. On this interpretation, there are two acts called love, one emanated from the other: a basic act of love, and a derivative act described as love's fruit, impress, or impulse, but also called love. It is this derivation of one act of love from another, according to the majority of interpreters, that provides Aquinas's analogue for spiration in God. A minority report, however, urged most explicitly by Bernard Lonergan and others under his influence, but possibly found also in Cajetan, takes the beloved in the lover to be the act of love itself, emanating into the will from the inner word in the intellect. This reading denies that the impress or impulse of love is anything other than the act of love itself; affective momentum is not something love produces, but is just what love is (as Augustine suggests in the remark quoted in epigraph).

The problem has psychological, theological, and exegetical aspects. Fundamentally, the question lies in the field of rational psychology. Either the psychological facts can be determined clearly and exactly, or they cannot. But insofar as the matter at hand is an interpretation of Aquinas, our concern shall be to determine as best we can how he understood the psychological facts, leaving to the side an evaluation of his views.

To this question of psychological fact is annexed a theological issue. We develop an imperfect but fruitful understanding of the mysteries by analogy with realities more familiar to us. But if the more familiar realities are themselves shrouded in mystery, we are moving *per ignotum ad ignotius*. The more familiar reality Aquinas takes for his Trinitarian analogue purports to be a structure of acts within our rational consciousness, but he has

been accused of rigging the system.⁴ In the measure that accusation is sustained, his achievement is not theoretical illumination but at best a coherent restatement of the truths of faith. Verbal coherence is not nothing, of course, but neither is it the imperfect but fruitful understanding that is the aim of systematic theology. If, then, we ourselves wish analogically to conceive how (and not merely coherently to assert that) divine understanding utters an inner word spirating love, we must first grasp as clearly as possible how our own understanding utters an inner word spirating love. In the measure that these psychological facts are obscure to us, the illuminating substance of theory is exchanged for a merely verbal coherence; we are left with a model that is unverified, opaque, or contrived, and a set of syntactical rules for applying it to the Trinity.

Finally, there is the direct locus of contention, which is exegetical. How are the various statements of Aquinas to be understood? Remotely and fundamentally, perhaps, the source of the confusion is unfamiliarity with the relevant psychological realities, or the obscurity of the realities themselves. But proximately, the source of exegetical confusion stems from ambiguities in certain of his statements about the procession of love in God.

Any evaluation of Aquinas's contribution to the theoretical problems of Trinitarian systematics depends on an exact interpretation of his views. That is my present aim. The

⁴ This objection is ventured in Karl Rahner, "Der dreifaltige Gott als transzendenter Urgrund der Heilsgeschichte," in *Mysterium Salutis: Grundriß heilsgeschichtlicher Dogmatik*, ed. Johannes Feiner and Magnus Löhrer, *Mysterium Salutis 2*, Die Heilsgeschichte vor Christus (Einsiedeln: Benziger, 1967), 395; in English, Karl Rahner, *The Trinity*, trans. Joseph Donceel (New York: Crossroad Publishing, 1997), 117-18; similarly, John O'Callaghan, "Verbum Mentis: Philosophical or Theological Doctrine in Aquinas?," *Proceedings of the American Catholic Philosophical Association* 74 (2001): 103-19; idem, "More Words on the Verbum: A Response to James Doig," *American Catholic Philosophical Quarterly* 77 (2003): 257-68; fuller discussion in Jeremy D. Wilkins, *Before Truth: Lonergan, Aquinas, and the Problem of Wisdom* (Washington, D.C.: The Catholic University of America Press, 2018), 278-315.

procedure, however, will be somewhat dialectical. The conflict of interpretations presents a range of options for how Aquinas's statements might be read. They could all be wrong, but they cannot all be right if the differences are real. Whether Aquinas himself has the psychological facts correct or not is a question for another day, though I tend to find him impressively accurate as far as he goes. Here, then, I will assemble, classify, and evaluate the conflicting interpretations of Aquinas's mature position, that is, the position in the *Summa theologiae*. My present interest in his earlier writings is restricted to their relevance to a determination of the mature position. I begin with a fuller statement of the problem, followed by a classification of the principal texts. Then I offer a brief review of opinions. The fourth, fifth, and sixth parts indicate what I regard as the more probable readings and the positions that might result from developing them.

Let me tip my positive argument. I take it that Aquinas's analogy for the Trinity is divine *theoria*, contemplation of the divine goodness, as suggested by my second epigraph.⁵ Contemplation (or, more precisely, speculation, that is, the consideration of God as reflected in our own spiritual acts) is both the theological activity by which we ascend to the mystery, and the *speculum* (mirror) in which we consider it.⁶ The minority report, I find, is favored by the balance of psychological, theological, and exegetical considerations. It succeeds better than the alternative in ascertaining the spiritual structure of contemplation and the spiration of contemplative love, which is Aquinas's analogue for the spiration of love in God. The rather technical issues treated here have implications far beyond the relatively narrow scope of my investigation, but sufficient to the day its own labors.⁷

⁵ See too *STh* I, q. 27, a. 5, ad 2: "Only the processions of word and love are acknowledged in God, inasmuch as God understands and loves his essence, truth, and goodness."

⁶ In an early writing, Aquinas distinguished contemplation and speculation as two manners in which we consider God, either directly (contemplation) or in creatures as in a mirror (*speculum*, whence speculation); see *III Sent.*, d. 35, q. 1, a. 2, qcl. 3.

⁷ These implications bear on Trinitarian theory, obviously, but also on questions of rational psychology and its entailments, such as the difference between knowing and loving, the meaning of intelligible emanation, the role of the inner word in human

I. THE PROBLEM

There are three criteria for an analogical conception of a procession in God. First, the procession must be of one act from another, rather than a movement from potency to act. Second, the preceding act must be internal to the agent and not an external effect. Third, the kind of procession meeting these first two criteria and appropriate to our conception of God must be wholly spiritual, an intelligible emanation.

First, then, a movement from potency to act, a perfection in the agent, is excluded from God who is pure act.⁸ A movement from potency to act does not give rise to a distinct object (*res*) or (considered in itself) originate one act from another, because one and the same reality is perfectible in potency and perfected in act. In the disputed questions *De veritate*, accordingly, the procession of an operation or action (*processio operationis*) is distinguished from the procession of an *operatum* (*processio operati*).⁹ In the *Summa contra gentiles*, what seems to be the same distinction is asserted by asking for one act from another.¹⁰

For instance, the movement from not understanding to actually understanding would be a *processio operationis*, a movement from potency to act, a perfection received in the possible intellect. The movement from actually understanding to the formation of the inner word would be a *processio operati*: the inner word is an immanent object emanated from the act of

cognition, the rationality of the will, the scope of human self-determination, and so forth; on the use of analogy in systematic theology; and on how we might understand such matters as the presence of God in the minds and hearts of the just.

⁸ *STh* I, q. 27, a. 2, ad 1.

⁹ *De Verit.*, q. 4, a. 7, ad 2: "An operation proceeds as a received perfection; but an *operatum* proceeds as a distinct object [*res*]."

¹⁰ See *ScG* IV, c. 14, where it is explained that the kind of procession relevant to Trinitarian theory is not act from potency, but "sicut oritur actus ex actu."

understanding.¹¹ The *operatum* is an act, object, or term wrought by, and really distinct from, the principle from which it emanates. For terminological convenience, I will refer to the first type of act, the *processio operationis*, as an elicited act (i.e., an act elicited in a potency). I will refer to the second type, the *processio operati*, as an emanated act (i.e., one act emanated from another). I shall take it that act-from-act and *processio operati* are functionally equivalent criteria.¹²

Second, the emanated act must be internal and not an external effect. Such an act is illustrated by the procession of the concept or inner word from the act of understanding; Aquinas calls this an “intelligible emanation” which is the more perfectly one with its principle the more perfectly it proceeds.¹³ I take “intelligible” in this context to mean intelligent, that is, actively rather than passively intelligible, autonomous rather than imposed from outside, and open of itself rather than specifically determined.¹⁴ The analogy of intelligible emanation, because it is wholly spiritual, befits the divine reality.¹⁵ These points suggest the importance of verifying the relevant realities within the field of our rational and moral consciousness.

Both kinds of procession—elicited and emanated—are relevant to a psychology, but only the second kind is relevant to Trinitarian theory. God is pure actuality, so there is in God no movement, even analogically, from potency to act: no *processio*

¹¹ The inner word is the concept, definition, or formulated *ratio* as distinct, though not necessarily separate, from the linguistic formulation that carries it. Although it seems the inner word is usually carried linguistically, it is distinguishable in principle from language, else translation would be impossible. That, however, is a question for another day.

¹² Possibly it is significant that an *operatum* suggests an immanent term or object, whereas act from act does not; further investigation of that question would be valuable to a complete understanding of Aquinas’s progress. For the moment, however, I shall take the statements of the *De veritate* and the *Contra gentiles* as functionally equivalent; but if *De veritate* were superseded in this respect, it would only strengthen my case that the significant development was not the discovery of a volitional *operatum*.

¹³ *STh* I, q. 27, a. 1, ad 2.

¹⁴ See the valuable discussion of this point in Bernard J. F. Lonergan, *Verbum: Word and Idea in Aquinas*, ed. Frederick E. Crowe and Robert M. Doran, *Collected Works 2* (Toronto: University of Toronto Press, 1997), 46–48. I will say more about this below.

¹⁵ *STh* I, q. 27, a. 1.

operationis. There is, however, a real order of origination in God, which Aquinas conceives on the analogy of one act arising from another.¹⁶ Only a procession of love that fulfills the *ratio* of an emanated, internal, and intelligible act can provide an analogue for spiration in God. Thus we may further refine our question: is there an act of love fulfilling the *ratio* of an emanated, internal, and intelligible act, and in what sense?

Hypothetically, there are at least two ways this *ratio* might be satisfied. It might be satisfied by positing the emanation of an immanent object (*operatum*) in the will from the act of love, as the majority reading holds. Such an act, proceeding from the act of love, would itself be called “love” (as the majority hold) only in an equivocal or analogical sense and out of a paucity of language; more properly it might be called the impress, impulse, or fruit of love. This position, in effect, opposes a basic to a derived act in the will, both of which are named “love.” A second way the *ratio* of an emanated act might be satisfied in the will is by the conscious, rational emanation of love from the judgment of the intellect, as the minority reading holds. This position holds that the act of rational love, though an elicited perfection in the will, is also an intelligible emanation from the intellect; and it is the latter dimension that provides an analogue for divine spiration.

The question might also be posed in a different manner. Aquinas asserts that the beloved is in the lover (*amatum in amante*) through love.¹⁷ Everyone affirms an impression of the beloved on the affect of the lover; the question is whether this impression is constituted by the act of love, or is something the act of love produces. Does Aquinas mean to say that the beloved is present through an object or term produced by love, that is, by some stamp or impulse emanated from basic love (as the majority

¹⁶ These acts are “notional” in the sense that we affirm only one real act in God though we have to conceive the Trinity in terms of distinct acts.

¹⁷ For instance, *STh* I, q. 27, a. 3.

holds)? Or does he mean that the beloved is present just in virtue of love itself (as the minority claims)? Does love produce a further impulse toward the beloved, or is love itself already such an impulse?

Before we examine the texts, I will provide clarification by briefly schematizing the main alternatives as they appear in the field of Trinitarian theory. The schemas are only models. It would be too involved here to verify the actual positions taken by different interpreters, which exhibit important variations. Henceforth I shall refer to these alternative readings as the “parallel *operati*” model and the “intelligible inclination” model, respectively. (Note that in both lines of interpretation, the act of understanding is the analogue for the Father not as taken absolutely, but as taken relationally, that is, as speaking the word: Father as Speaker.¹⁸)

The majority interpretation affirms an *operatum* emanating within the will from the act of love. The procession of this *operatum* is the analogue for the second procession in God, thus:

Act of Understanding (*dicere*) → Word
 Act of Love → Inclination, Fruit, Impress of Love = Beloved in the Lover

In this schema, there are two parallel processes, one in the mode of intellect, one in the mode of will. The procession in the mode of intellect is the inner word from the act of understanding. The procession in the mode of will is the fruit or impress of love which, it is claimed, proceeds from the act of love. Thus, there are two parallel objects: the intellect in act (actually understanding) speaks the inner word as its immanent object or term, and the will in act (actually loving) spirates a fruit or impression or impulse as its immanent object or term.

An obvious difficulty for this model is that the Spirit is said to proceed in God, not from the divine will, but from the Word. This difficulty is resolved not in the analogue but in its theological

¹⁸ *STh* I, q. 28, a. 4, corp. and ad 1; cf. q. 40, a. 4. For Aquinas, each statement is valid, in its own conceptual order: The Father is Father because he generates, and he generates because he is Father. In other words, we have to think of the acts through which the divine relations are constituted, and conversely of the persons whose acts they are.

application. Because divine love is really identical to divine being, we conceive the Speaker and the Word to be the principle of the fruit of love (the Spirit) inasmuch as they are (in God) really identical to divine love.¹⁹ In us, however, speaker and word are not really identical to the act of love; so the analogy illuminates the mystery only because in God everything is one except where real opposed relations meet.

The minority interpretation denies an *operatum* emanating within the will as from a prior and more basic act in the will; at the same stroke it denies an equivocal use of the name “love.” It refers descriptions of love’s impress or impulse, or the beloved in the lover, to properties of the act of love itself, not to some further act, impulse, object or term proceeding from the act of love. It affirms that the act of love itself, the basic act of the will, is an intelligible emanation from the inner word expressing a judgment of worth, nobility, or value (the “verbum spirans amorem”).²⁰ There are, of course, other emanated acts in the will, such as the election of means; but only the basic act of love, emanated from the judgment of the intellect, provides a suitable analogue for the Spirit’s procession:

Act of Understanding (*dicere*) → Word (breathing love) → Love

In this interpretation, the basic act of the will has a twofold *ratio*. With respect to the will as a potency, it is an elicited act and an immanent perfection (a *processio operationis*). But with respect to the judgment of the intellect, it is an emanated act; and this is the aspect relevant to Trinitarian theory. Again, on this reading, the will does not emanate the “beloved in the lover” as an object

¹⁹ At least for Emery, this basic love that the Father and Son are, in relation to the Spirit as a derived fruit of love, is the meaning of love as a notional act. I will say more about this below.

²⁰ Henceforth I shall speak of a judgment of value, where by value I understand the good as the possible object of rational love.”

distinct from the act of love itself. Rather, the beloved is in the heart of the lover by love itself, as a term is in an inclination.

As these schemas suggest, different accounts of rational psychology portend rather different analogies for the second procession in God. For the minority, the analogue for the Spirit is an intelligible, voluntary inclination whose principle is the utterance of the inner word. But for the majority, the analogue for the Spirit is a derived volitional impulse whose principle is the act of love itself. Similarly, for the minority the beloved in the lover is constituted by the act of love; for the majority, the beloved in the lover denotes an immanent object, term, or impulse produced by the act of love. Again, for the minority, rational love names the basic act elicited in the will; for the majority, “love” is used equivocally to name both the basic act and a subsequent act produced from it. The minority regards the volitional object or act stipulated by the majority as an occult entity that Aquinas, at least, never affirmed. Finally, the alternatives present different ways of understanding the sense in which the Spirit proceeds from the Word. For the minority, the Spirit proceeds from the Word as rational love proceeds from the judgment of value, that is, from the Word as word; for the majority, the Spirit proceeds from the Word because the Word is really identical to basic love on account of divine simplicity, and (mediately, it would seem, through basic love) inasmuch as the intellect specifies the object of the will. Probably the lines also diverge on the question whether the dependence of rational love on intellectual judgment satisfies the *ratio* of an emanated act; but whether this is a real divergence, or only a possibility the majority has not considered, is difficult to determine.

II. THE EXEGETICAL DILEMMA

Obviously it is one matter to understand Aquinas’s meaning, another to understand the realities of consciousness, and a third to judge the adequacy of Aquinas’s meaning to those realities. Since our immediate concern is the first, we may turn to some data in the writings of Aquinas.

The exegetical case for an *operatum* from the will is favored by certain statements in the *Pars prima* (ca. 1268)²¹ that strongly imply a parallel between the procession of the word in the intellect and the procession of love in the will. On the other side of the ledger is the fact that Aquinas explicitly denies such a parallel elsewhere. The most explicit denial is, perhaps, a statement from the earlier *De veritate* (ca. 1256), where an *operatum* in the will is denied on the ground that the operation of the will terminates in things, while the operation of the intellect terminates in the true and the false, which are in the mind. This basic difference between intellect and will is iterated in later writings; a determination of its meaning and relevance might hold the key to our problem, but more on that in due course. A presentation of the texts themselves will expeditiously illustrate the exegetical difficulty.

In the first part of the *Summa theologiae*, Aquinas explains the sense in which “love” is a proper name for the Spirit by noting a similarity between intellect and will:

Both processions should be considered in a similar way. Just as, from the fact that someone understands something, there comes forth a kind of intellectual conception of the object understood in the one who understands, which is called the word; so too, from the fact that someone loves something, there comes forth a kind of impression, so to speak, of the object loved in the affection of the lover, according to which the beloved is said to be in the lover, just as what is understood is in the one who understands.²²

²¹ I follow throughout the dating proposed by Jean-Pierre Torrell, *Saint Thomas Aquinas: The Person and His Work*, trans. Robert Royal (Washington, D.C.: The Catholic University of America Press, 1996). The chronology is probably more important here than the exact dates of composition.

²² “Et tamen similiter utramque processio considerari oportet. Sicut enim ex hoc quod aliquis rem aliquam intelligit, provenit quaedam intellectualis conceptio rei intellectae in intelligente, quae dicitur verbum; ita ex hoc quod aliquis rem aliquam amat, provenit quaedam impressio, ut ita loquar, rei amatae in affectu amantis, secundum quam amatum dicitur esse in amante, sicut et intellectum in intelligente” (*STh* I, q. 37, a. 1).

This “coming forth” (*provenire*) is what I have called “emanation.” Aquinas’s formulation here implies, or at least seems to imply, that there is an emanation within the will. This emanation is an impression of the beloved. It comes forth from the fact that the beloved is loved, which rather strongly implies a prior act aptly called “love.” It is to loving what the inner word is to understanding. A similar statement occurs at an earlier point in the same treatise:

But according to the operation of the will, there is found in us another procession, namely, the procession of love, by which the beloved is in the lover, just as, by the conception of the word, the thing said or understood is in the one who understands.²³

This text, like the other, affirms an emanation of love. Again this emanation is said to parallel the emanation of the word in the intellect, although it is also clearly stated that the emanation is the procession of love itself (does the same name denote two different acts?). The beloved is in the lover by the procession of love, that is, the operation of the will. Both texts state that, in some sense, the procession of love in the will is comparable to the procession of the word in the intellect.

We may pose three questions, not to answer them immediately but to keep the problem in focus. What is the principle of this volitional emanation? What is its term? What kind of emanation are we talking about? By the minority report, the principle is the judgment of the intellect, the term is the act of love itself, and the emanation, at least in its relevant aspect, is an intelligible procession. To the majority, however, these texts seem to assert so clear a parallel between intellect and will, as to signify that an immanent term (*operatum*) is produced in each and by each.²⁴ The majority, then, takes it that the principle is the

²³ “Secundum autem operationem voluntatis invenitur in nobis quaedam alia processio, scilicet processio amoris, secundum quam amatum est in amante, sicut per conceptionem verbi res dicta vel intellecta, est in intelligente” (*STh* I, q. 27, a. 3).

²⁴ Several examples to follow in the exposition of opinions below. Albert Patfoort, O.P., in an otherwise warm review of Bernard Lonergan, *Divinarum personarum conceptio analogica* (Rome: Gregorian University Press, 1959), faults Lonergan for neglecting the significance of this “parallelism.” “To give a small but precise example, we wonder if,

act of love, the term is an *operatum* emanated by love (but equally called love), and the emanation is a self-movement of the will proportioning itself to the beloved.²⁵ As the word is to the act of understanding, so this term, love's fruit, is to the basic act of love. The former provides an analogue for the procession of the Word, and the latter for the procession of the Spirit.

At first blush, the majority would seem to have the better case. If the majority interpretation requires some equivocal use of "love," so, it might seem, does the minority line. The minority has to explain how the spiration of love from intellectual

in his analysis of the procession of love, Lonergan takes sufficient account of St. Thomas's development, and if he gives sufficient accord to the vigorous parallel the Angelic Doctor posits between, on the one hand, 'the relation to its principle, of the impression or affection for the object loved, which *comes forth* in the lover from the fact that he loves' (q. 37, a. 1), and, on the other hand, 'whoever understands, *from* the very fact that he understands, there proceeds something within him, which is the conception of the object understood' (q. 27, a. 1). It seems to us that the text and, more generally, the bearing of the Trinitarian analogy, that St. Thomas attaches to proceeding love in the *Prima pars* resist Lonergan's interpretation, and that a whole series of the texts he invokes could, on the contrary, be lined up quite normally along the lines of our preferred solution" ("Pour donner un exemple mineur, mais précis, nous nous demandons si dans l'analyse de la procession d'amour [Lonergan] tient suffisamment compte de l'évolution de S. Thomas et s'il fait assez droit au parallélisme énergique que le Docteur angélique établit entre «habitudo ipsius impressionis vel affectionis rei amatae quae *provenit* in amante *ex hoc quod amat ad suum principium*» d'une part (q. 37 a. 1), et d'autre part : «quicumque intelligit, *ex hoc ipso quod intelligit procedit* aliquid intra ipsum quod est conceptio rei intellectae» [q. 27 a. 1]; il nous semble que ce texte et, de façon plus générale, la portée de l'analogie trinitaire que S. Thomas dans la I^a Pars attache à l'*amour procedens* résistent à la interprétation de l'auteur et que toute une série parmi les textes invoqués peuvent au contraire s'aligner très normalement sur le rapprochement que nous venons de faire" [*Bulletin thomiste* 10, no. 2 (1959): 531-34, at 533-34]).

²⁵ So John Poinso: "The will differs from the intellect in this, that the intellect is determined by a *pati*, whereas the will is not determined or driven by a *pati*, but rather by a voluntary determination and inclination from within; it loves when it spirates and impels itself. Nor would the will impel or determine itself, and be rendered heavy (*ponderosa*) unless in a vital way, as we said above, and spontaneous" (*Cursus Theologicus*, t. 4, disp. 12, a. 7, §11 [(Paris: Vivès, 1884), 148a]). See also Gilles Emery, *The Trinitarian Theology of St. Thomas Aquinas*, trans. Francesca Murphy (New York: Oxford University Press, 2007), 228-29.

judgment matches what Aquinas says here about the impression of love arising from the fact that we love something (*ex hoc quod aliquis rem aliquam amat*). Their answer can only be that moral judgment loves by spirating love. We shall have to examine this in the pages to come.

Nevertheless, there are reasons to wonder at the majority's case. In *De veritate*, about a dozen years prior to writing his *Pars prima*, Aquinas expressly denies—also in a Trinitarian context—that the will brings forth any *operatum* comparable to the word in the intellect. The question from our first *Summa* passage above is whether “love” in God is a proper name of the Spirit; here, the question is whether “word” is a proper name of the Son. The arguments are similar, for the objection in *De veritate* is that “just as ‘love’ conveys an emanation of affection, so ‘word’ [conveys] an emanation of intellect. But ‘love’, in God, is said essentially, and therefore, too, ‘word’.”²⁶ Here, however, Aquinas replies unequivocally that the cases of intellect and will are different. The inner word is a distinct term arising from the act of understanding, but the will originates no comparable term; and the reason is that true and false are in the mind, while good and evil are in things.

This is the difference between the intellect and the will: that the operation of the will terminates at things, in which there is good and evil; but the operation of the intellect terminates in the mind, in which is true and false. . . . And therefore the will does not have anything coming forth from it and remaining in it, except by way of a [perfecting] operation; but the intellect has in itself something coming forth from it, not only by way of an operation, but also by way of an object wrought [*rei operatae*]. And for this reason, “word” is meant as a proceeding object [*res*] [i.e., an emanated term], but “love” as proceeding operation [i.e., an elicited perfection]. Therefore “love” is not said personally in the way “word” is.²⁷

²⁶ “Praeterea, sicut amor importat emanationem affectus, ita verbum emanationem intellectus. Sed amor in divinis essentialiter dicitur. Ergo et verbum” (*De Verit.*, q. 4 a. 2, arg. 7).

²⁷ “Haec autem est differentia inter intellectum et voluntatem: quod operatio voluntatis terminatur ad res, in quibus est bonum et malum; sed operatio intellectus terminatur in mente, in qua est verum et falsum, ut dicitur in VI Metaphysic. Et ideo voluntas non habet aliquid progrediens a seipsa, quod in ea sit nisi per modum operationis; sed intellectus habet in seipso aliquid progrediens ab eo, non solum per

What the later statements seem to imply by parallelism, this earlier text denies in the most explicit manner: an immanent object in the will comparable to the word in the intellect.

In doing so, however, the earlier statement also denies that love can be a proper name in God. On this point Aquinas definitely changed his mind, so perhaps (as some suggest) he changed his mind about the *operatum* in the will, too. Perhaps, one might think, it was the discovery (or stipulation) of a volitional *operatum* that made it possible for Aquinas later to affirm that love can be both an essential and a personal name in God.

On the other hand, Aquinas certainly did not change his mind about the underlying principle: true and false are in the mind, but good and evil are in things. The same principle is iterated in the *Pars prima* to deny, it would seem, an immanent object in the will. For instance:

The action of the intellect consists in this, that the *ratio* of the object understood is in the one who understands; but the act of the will is perfected in this, that the will is inclined toward the thing itself as it is in itself. Hence Aristotle says that good and evil, which are the objects of the will, are in things; true and false, which are the objects of the intellect, are in the mind.²⁸

The *ratio* of the object understood is expressed in the inner word. The mind does not judge about the truth of things, but about the truth of its conception of things, whether it has understood

modum operationis, sed etiam per modum rei operatae. Et ideo verbum significatur ut res procedens, sed amor ut operatio procedens; unde amor non ita se habet ad hoc ut dicatur personaliter, sicut verbum” (*De Verit.*, q. 4, a. 2, ad 7). Two kinds of procession are distinguished: a received perfection, which is excluded from God, and the procession of an *operatum*, which constitutes an object (*res*) distinct from its principle, and is therefore relevant to conceiving the distinction of persons in God.

²⁸ “Actio intellectus consistit in hoc quod ratio rei intellectae est in intelligente; actus vero voluntatis perficitur in hoc quod voluntas inclinatur ad ipsam rem prout in se est. Et ideo philosophus dicit, in VI Metaphys., quod bonum et malum, quae sunt obiecta voluntatis, sunt in rebus; verum et falsum, quae sunt obiecta intellectus, sunt in mente” (*STh* I, q. 82, a. 3). We will return to this passage below. See the parallel statement at *STh* II-II, q. 23, a. 6, ad 1.

correctly. Understanding (*intelligere*) emanates its own immanent object, the inner word, as the expressed *species* in which it considers the real. This immanent object may be abstract and general, but real things are concrete and particular. Love, however, bears on the things conceived, not on the adequacy of the conception. It bears on them in their concreteness, not as abstract; what may be intelligently disregarded as irrelevant to understanding cannot be irrelevant to love. Hence there is no object in the will, parallel to the inner word in the intellect, because volition terminates not in the conception of a good but in the objective good itself.

A similar contrast occurs in a context generally dated between the first and second parts of the *Summa theologiae*: question 6 of the disputed questions *De malo*.²⁹ Love seeks the objective good; judgment regards the adequacy of conception: “love is said to transform the beloved into the lover, inasmuch as the lover is moved by love toward the beloved object. But knowledge assimilates, inasmuch as the likeness of the known comes to be in the knower.” Further, “assent names not a movement of the intellect [with respect] to the thing, but rather [with respect] to the conception of the thing had in the mind, to which the intellect assents when it judges it true.”³⁰ In other words, it is not for us to judge whether reality is true or false, but only to judge whether we have understood it correctly. These statements do not give the impression that Aquinas revised his views on the difference between knowing and loving; they seem quite consistent with the view enunciated in *De veritate*. Intelligence conceives in order to judge its conception; its term, in this sense, is immanent. But the

²⁹ See Torrell, *Saint Thomas Aquinas*, 1:205, 336.

³⁰ “Ad decimumtertium dicendum, quod amor dicitur transformare amantem in amatum, in quantum per amorem movetur amans ad ipsam rem amatam; cognitio vero assimilatur, in quantum similitudo cogniti fit in cognoscente; quorum primum pertinet ad imitationem quae est ab agente, quod quaerit finem; secundum vero pertinet ad imitationem, quae est secundum formam. Ad decimumquartum dicendum, quod assentire non nominat motum intellectus ad rem, sed magis ad conceptionem rei, quae habetur in mente; cui intellectus assentit dum iudicat eam esse veram” (*De Malo*, q. 6, a. 1, ad 13 and ad 14).

very meaning of love is displacement into the beloved; it is ecstatic.

We have, then, an interpretive dilemma. On the one side, two texts suggest an apparent parallelism regarding the Spirit as proceeding love. On the other side, the parallel is expressly negated on the constant and fundamental principle that good and evil are in things, but true and false are in the mind.

III. OPINIONS

Interpreters tend to divide into two main camps.³¹ The majority opinion holds that the will produces within itself an immanent object or term (John [of St Thomas] Poinso, I. Dockx, M. T.-L. Penido, H.-F. Dondaine, A. Patfoort, G. Emery; probably Sylvester of Ferrara).³² This term proceeds from the act of love as its impulse or impression, by which the will in act proportions itself to its beloved. It is what is meant by the beloved in the lover. The procession of this immanent term within the will is Aquinas's analogue for the procession of the Spirit. This opinion seems to have commanded the assent or at least the acquiescence of the majority in the Thomistic school after Poinso (1589-1644),³³ and today is perhaps widely taken for granted due

³¹ I hesitate to call these different lines "schools" because the dependence of one author upon another within the same line is not always easy to determine, although in some cases it is.

³² John [of St Thomas] Poinso, *Cursus Theologicus*, vol. 4 (Vivès ed., 141-69); I. [Stanislaus Isnard] Dockx, O.P., "Note sur la procession de terme dans la volonté," *Angelicum* 15 (1938): 419-28; Maurilio T.-L. Penido, "Gloses sur la procession d'amour dans la Trinité," *Ephemerides theologicae lovaniensis* 14, no. 1 (1937): 33-68; H.-F. Dondaine, *Somme théologique: La Trinité* (traduction et commentaire), 2ème éd., 2 vols., Éditions de la revue des jeunes (Paris: Desclée, 1950); Patfoort, review of *Divinarum personarum conceptio analogica*, 531-34; Emery, *Trinitarian Theology of Saint Thomas Aquinas*; Sylvester of Ferrara, *Commentaria in Summam contra gentiles s. Thomae Aquinatis* IV, c. 19 ([Rome: Leonina, 1930], 76-79). On Patfoort, see n. 24, above.

³³ In characterizing this as the majority opinion, I am relying upon Penido, "Gloses," 37, but also my impression.

to the prestige of Gilles Emery, who presents it definitively as Aquinas's mature and innovative solution without even adverting (as far as I have read), to any difficulties of interpretation.

Interpreters of this persuasion subdivide into those who attempt to harmonize the earlier and later texts, and those who adopt a theory of development. For his part, Poinsoot simply harmonized the texts: the volitional *operatum* denied in *De veritate* is an immanent terminus; the volitional *operatum* affirmed in the *Pars prima* is not a terminus.³⁴ A similar position is detectible in Sylvester of Ferrara's commentary on the *Summa contra gentiles*: (1) the Spirit does not proceed as the act of love itself, but as an affection produced from the act of love;³⁵ (2) the negation of an *operatum* in *De veritate* means only the negation of a similitude in the will, or rather that the will does not produce

³⁴ Poinsoot, *Cursus Theologicus*, 4: *In Sum. Theol.* q. 27, disp. 12, a. 7 (Vivès ed., 141-69. For Poinsoot, because the will is not externally determined to one good or another, it must determine itself. For this, the good presented by the intelligence is insufficient since it remains within the order of finality (final causality). An efficient cause is also required, namely, that the will adapt or proportion itself to the good in moving itself toward the good. This self-determination depends on the apprehended form, but is itself an impulse internally produced by the will, a vital act which however is an impulse, not a terminus. What Aquinas denies in *De veritate*, on this reading, is an *operatum* that is a terminus, not an *operatum* that is a self-movement toward the beloved. See *ibid.*, §5 (Vivès ed., 144). More on this doctrine in the pages to follow.

³⁵ "By the name love he understands, not the act itself of love, but that which is produced through such an act of love. Because the things of love lack the kind of proper names that the things of intellect have, one and the same word is used, sometimes to designate the object produced by love, and sometimes the act of love itself. For this reason St. Thomas sometimes says that the Holy Spirit is himself the act of love (as in I Sent.), meaning that he is something produced by the act of love, but designated by the name of the very act" ("Nomine enim amoris intelligit, non ipsum actum amoris, sed id quod per talem actum amoris producitur. Quia enim ea quae ad voluntatem pertinent, non ita habent propria nomina sicut ea quae pertinent ad intellectum, ideo quandoque uno nomine utimur ad significandum tam id quod per actum amandi producitur, quam ipsum amandi actum. Propter quod quandoque dicit Sanctus Thomas quod Spiritus Sanctus est ipse actus amoris, ut patet I Sent., intendens quod est aliquid actu amoris productum, sed nomine ipsius actus significatum" [Sylvester of Ferrara, *In IV*, c. 19, §11.2 (Leonine ed., 78)]). Again, "The beloved is in the lover inasmuch as he is loved: that is, through an affection produced by the act of love, by which the lover is inclined to the beloved and, in a way, impelled" ("Amatum est in amante secundum quod amatur: idest, per affectionem actu amandi productam qua amans in amatum inclinatur et, quodammodo impellitur" [*ibid.*, §11.3 (Leonine ed., 78)]).

its *volitum* in the way the intellect produces the *intellectum*;³⁶ (3) because of the poverty of our terminology for love, we name the term produced by the act of the will from the operation.³⁷ The

³⁶ “But against this determination of the question, there are the words [of *De Verit.*, q. 4, a. 2, ad 7]. . . . He posits there a difference between intellect and will. . . . To this I reply, first, that St. Thomas did not wish there to exclude all manner of *operatum* or product from the act of the will, but only such as would be a similitude of the object [*res*] willed. The intellect and the will differ because the intellect, by its act, produces within itself a similitude of the object understood, for the intellect’s conception is an expressed similitude of the object understood. The will, however, does not produce within itself, by the act of loving, a likeness of the beloved object, though it does a certain form by which it is inclined to the beloved object, just as a heavy thing is inclined to a lower place” (“Sed huic determinationi videntur obstare verba [in *De ver.* 4.2 ad 7]. . . . Ponit enim ibi differentiam inter intellectum et voluntatem. . . . Ad hoc, respondetur primo, quod non vult excludere Sanctus Thomas ibidem omne operatum aut productum ab actu, voluntatis, sed tantum productum quod sit similitudo rei volitae. Differunt enim intellectus et voluntas, quia intellectus per suum actum producit in seipso rei intellectae similitudinem, conceptio enim intellectus est similitudo expressa rei intellectae: voluntas autem non producit in se per actum amandi similitudinem rei amatae, licet producat quandam formam per quam in rem amatam inclinatur, sicut grave per gravitatem ad locum deorsum inclinatur” [ibid., §10.1-2 (Leonine ed., 78)]). Again, “When, then, St. Thomas says that the will does not have anything proceeding within it in the way of an *operatum*, he is talking about how the thing is designated and named. He means that there is nothing in the will, that bears a proper and distinct name, designating it in the way of an *operatum*. Rather, that which truly is an *operatum*, bears a name designating it in the way of an operation, the name, that is, of Love” (“Cum ergo inquit Sanctus Thomas voluntatem non, habere aliquid in se procedens per modum operati, intelligitur quoad modum significandi et quoad nominis proprietatem. Sensus enim est quod in voluntate non est aliquid quod habeat proprium et distinctum nomen significans per modum operati: sed id quod vere est operatum, habet nomen significans ipsum per modum operationis, scilicet nomen Amoris” (ibid., §10.3 [Leonine ed., 79]) He adds that the first response is better, because in *De veritate* the reason assigned is “verum et falsum sunt in mente, bonum et malum sunt in rebus,” while nothing is said of the propriety of names (ibid., §10.4 [Leonine ed., 79]).

³⁷ “From this [paucity of names for love], it follows that the term produced by the act of the will is not designated in the way of a term, but in the way of an operation: since love designates an operation before it designates the term of an operation” (“Ex quo sequitur quod terminus per actum voluntatis productus non significatur per modum termini, sed per modum operationis: cum amor per prius significet operationem quam terminum operationis” [ibid., §10.3 (Leonine ed., 78)]). Note that this explanation seems

upshot is that we cannot use love as a personal name in the same way we can use *verbum* as a personal name. This, in substance, is also the position taken by Dockx.³⁸

If, however, these authors are correct to say that the *operatum* denied in *De veritate* is not the *operatum* affirmed in the *Summa*, it becomes all the more perplexing that Aquinas should ever have denied that love could be a personal name of the Spirit. Why not simply distinguish different kinds of immanent term? Enter theories of development. In a celebrated study, H.-D. Simonin documents a general shift in Aquinas's semantic patterns from love as "information" to love as "impulsion."³⁹ In the earlier writings, the beloved is in the lover as informing the will; in the latter, as a term is present in a tendency to the term. This finding influenced both Penido and Emery, who invoke Simonin as a kind of character witness though he did not, as far as I know, pronounce on our precise question. Penido, who regards the majority reading as inevitable but also unsatisfactory, hypothesizes a development as the only way to avoid violence to the texts; he thinks it probably occurred around the time of *De potentia* (1265-66), that is, just before the *Pars prima*.⁴⁰ For his part, Emery stipulates a development on our question as part of a turn, curiously, from an excessively narrow parallel between intellect

to be the opposite of Aquinas's, as we will see in section 5 below; notional love is an action denominated from its formal effect.

³⁸ Dockx, "Note sur la procession." Dockx argues that there is no development in Aquinas's thought concerning an *operatum* in the will, because from the *Scriptum* onwards Aquinas distinguishes the act of love ("*aimer*") from its term ("*amour*," *res quae procedit* from the act of love) (there is, as we shall see, something to this, though not quite as Dockx takes it). Love in the latter sense is what in the *Summa theologiae* is called the "impression" of love. When it comes to *De veritate*, what is negated is not the procession of an *operatum* in the will, but the procession of an *operatum* that is the immanent term of willing. The amorous impression produced by the will in second act is a *terminus quo*, but it differs from the procession of the inner word in that it is not directly what is loved. The term of the intellect is both *quo* and *quod*, while the term of love is only *quo*. Here, Dockx is calling for a more precise distinction than that given by Cajetan and Ferrara, who understood *De veritate* to reject both a similitude and a point of rest. See *ibid.*, 427.

³⁹ Henri-Dominique Simonin, O.P., "Autour de la solution thomiste du problème de l'amour," *Archives d'histoire doctrinale et littéraire du moyen âge* 6 (1931): 174-276.

⁴⁰ Penido, "Gloses," 40 n. 29. On the dating of *De potentia*, see Torrell, *Saint Thomas Aquinas*, 1:161-62.

and will, that is, an unduly intellectual conception of love.⁴¹ “Using this [new] model of an imprint of love,” Emery writes, “Thomas no longer just discerns an action in the loving will, but sees in it a ‘fruit’ which proceeds from volition and remains in the will . . . the emanation of a reality which proceeds from the will and remains immanent within it.”⁴² It was only when Aquinas recognized this procession within the will itself that he had an adequate analogue for the procession of the Spirit. The new position, according to Emery, was articulated as early as the *Summa contra gentiles* (1259-65).⁴³ Finally, we may mention H.-F. Dondaine who, in his French translation and commentary on the *Summa theologiae*, reads Aquinas as affirming an emanated “impression” from love, “at least in the *Summa*.”⁴⁴

⁴¹ Emery, *Trinitarian Theology*, 67-69. This is frankly the opposite of what one might expect, since the parallelism of intellect and will is most explicitly denied in the earlier *De veritate*, but perhaps implied (and on Emery’s interpretation affirmed) in the later *Summa theologiae*. Emery, however, has a different point in mind. For him, the earlier doctrine of love as a kind of *information* was excessively intellectual. This excess was remedied in the later doctrine of love as an *impulsus* and *inclination*.

⁴² *Ibid.*, 68.

⁴³ *Ibid.* In his footnote, Emery quotes ScG IV, c. 26, “when the mind loves itself, it produces its own self in the will as beloved” (“Quae dum ulterius [mens] seipsam amat, seipsam producit in voluntate ut amatum”). This is, at best, an inconclusive statement, since the meaning of the mind loving itself remains to be explained; is it by spirating love, or by spirating a product from love? See section 5 below. On the dating of the *Summa contra gentiles*, see Torrell, *Saint Thomas Aquinas*, 1:101-4.

⁴⁴ “Are there three loves in God? No. The thought of St. Thomas seems clear, at least in the *Summa*. There is, in the proper meaning of the act, to love, only one love in God, common to the Three: essential love (I). Next, spirated from the heart of this love, there is a mysterious *impressio*: the Holy Spirit, called ‘Love’ (III) by accommodation. Finally, there is the active production of this *impressio* by the Father and the Son: the notional act of active spiration, which is likewise called ‘to love’ (II), again by accommodation” (“Cela ferait-il trois amours en Dieu?—Non. La pensée de saint Thomas paraît claire, au moins dans la Somme. Il y a en Dieu un seul amour, au sense propre d’acte d’aimer, commun aux Trois: l’amour essentiel (I). Il y a en outre, spirée au couer de cet acte d’aimer, une mystérieuse *impressio*: le Sainte-Esprit, nommé «Amour» (III) par accommodation. Enfin il y a la production active de cette *impressio* par le Père et le Fils: c’est l’acte notionnel de spiration active, qu’on nomme aussi un «aimer» (II), par accommodation encore”

For the authors in the minority, Aquinas never affirmed an immanent term or object emanating from the act of love (B. Lonergan, F. Bourassa, F. Crowe; possibly Cajetan).⁴⁵ Lonergan treats the question directly in *Verbum* and, in the systematic volume of his *De Deo Trino*, mounts an explicit, pointed, but schematic critique of Poinso's interpretation; it would be valuable to see an interpreter of Emery's calibre address his argument. According to Lonergan, the alternative readings represent two opposed theoretical systems: one (attributed to Poinso and "the Thomists generally") which finds a procession within the intellect and another within the will; and another (attributed to Aquinas) which finds a procession within the intellect and another from the intellect into the will.⁴⁶ "It seems a plain matter of fact," Lonergan writes,

that for Aquinas the second procession grounding real relations [in God] is not the procession of the act of love from the will, nor the procession of something else from the act of love in the will, but the procession in the will of the act of love from the inner word in the intellect.⁴⁷

[Dondaine, *Somme théologique: La Trinité*, 2:332]). If this is what Aquinas meant, however, one wonders why he called the third sense *amor* rather than, say, *impressio amoris*. Dondaine takes no position on a development, but leaves the door open: "at least in the *Summa*."

⁴⁵ Lonergan, *Verbum*, 108-10, 209-13; Bernard J. F. Lonergan, *The Triune God: Systematics*, ed. Robert M. Doran and H. Daniel Monsour, trans. Michael G. Shields, Collected Works 12 (Toronto: University of Toronto Press, 2007), 218-29, 614-25; Frederick E. Crowe, "Complacency and Concern in the Thought of St. Thomas," in *Three Thomist Studies* (Chestnut Hill, Mass.: Lonergan Institute at Boston College, 2000), 71-203; François Bourassa, "Sur la propriété de l'Esprit Saint, questions disputées," *Science et esprit* 28 (1976): 243-64; idem, "Sur la propriété de l'Esprit Saint, questions disputées II," *Science et esprit* 29 (1977): 23-43; Thomas de Vio Cajetan, *Commentaria in Summam Theologiae Aquinatis* (Rome: Leonina, 1888), in I, q. 27 a. 3, §§9-13 (Leonine ed., 4:312-13). Lonergan, for his part, is persuaded that the negation of an *operatum* in the will would become clearer if we understood better the necessity of an *operatum*, an inner word, in the intellect; that premise informed his *Verbum* inquiry. His student Frederick Crowe adds that love, for Aquinas, is the term of one process (as *complacentia boni*) and the principle of another (as moving toward a course of action).

⁴⁶ Lonergan, *Triune God: Systematics*, 220.

⁴⁷ Lonergan, *Verbum*, 109. The accompanying note (n. 20) supplies ten quotations (and points to several others), from all stages of Aquinas's career, affirming the procession

On Lonergan's interpretation, the beloved is in the lover by love itself; this love proceeds from the apprehended good as its specifying cause, and is therefore an intelligible emanation from the intellect into the will and in that (and no other) sense an *operatum*.⁴⁸

Perhaps we may add Cajetan to this side of the ledger, because he seems to exclude the equivocal use of "love" required by Poincot's interpretation. Cajetan grants an *operatum* in the will, which is love itself, an affection, inclination, impulse toward the beloved, not an emanated fruit from the act of love.⁴⁹ This inclination constitutes the presence of the beloved in the lover. The analogy for the procession of the Spirit is not an impression arising from love; it is not one act of the will arising from another

of love from the word as the analogue for divine spiration. Compare Lonergan, *Triune God: Systematics*, 614-17.

⁴⁸ Lonergan, *Triune God: Systematics*, 222-26; 622-25. Penido's hypothesis that Aquinas later affirmed the *operatum* he denied in *De veritate* is brusquely dismissed: "Our response is that a hypothesis concerning development is superfluous when one attends to St. Thomas's explicit doctrine. St. Thomas taught explicitly (1) that the second procession is the procession *of love from the word*; (2) that the Holy Spirit is both 'the beloved in the lover' and proceeding Love; (3) that the only procession in the will is the procession after the manner of an operation [i.e., an elicited perfecting act]; and (4) that the beloved is in the lover inasmuch as the beloved is being loved" (ibid., 229 [original Latin on p. 228]).

⁴⁹ For Cajetan, the distinction of divine love into essential and personal is a distinction not of realities but of the meaning of words (it would seem to be otherwise for those who distinguish basic love from its derived impulse). For the whole force of the distinction is an accommodation of the word to another meaning, just as if the name of knowledge (*notitia*) were accommodated to the Word. There are, then, not two loves in God, one essential, another personal. Rather, because of a poverty of names, the name "love" is used sometimes to mean divine, i.e., essential love, and sometimes to mean the third person, who proceeds by way of will and of love. "Adverte hic quod illa distinctio amoris in essentialem et personalem ut clare ex hoc articulo habetur, non est distinctio rei, sed vocis in suas significationes. Tota enim ratio distinctionis est accommodatio vocabuli ad aliam significationem; sicut si notitiae nomen accommodaretur Verbo. Unde non sunt duo amores in divinis, unus essentialis, et alter personalis. Sed ly amor, propter penuriam vocabulorum, quandoque significat divinum amorem, qui procul dubio essentiae quoddam est: quandoque vero tertiam Personam procedentem per modum voluntatis et amoris" (Cajetan, *In I*, q. 37 a. 1, §§2 [Leonine ed., 4:388]).

act of the will; it is the act of love itself, arising from the word in the intellect, or from the knowledge of the beloved as from an efficient cause.⁵⁰

Interpreters in each group tend to find the alternative unconvincing. The majority view is beset by exegetical, psychological, and theological difficulties. To begin with the exegetical, in *De veritate* Aquinas explicitly denies an immanent object in the will on grounds he never renounces and that he continues to repeat. Further, if, as Poincot maintains, he did not change his mind about the *operatum*, it is difficult to explain why he ever negated love as a personal name; but if he did change his mind, it is difficult to explain other late texts in which he denies that the will emanates an immanent object, and on the same principle as was invoked in *De veritate*. Moreover, hypotheses of a development on this precise point are, at best, inconclusive. There is no doubt Aquinas's vocabulary around love developed, and there is no doubt he earlier denied and later affirmed that love could be a personal name in God; but outside the very (few) texts whose meaning is in doubt, I find no explicit evidence that he ever affirmed a volitional *operatum*. Furthermore, the hypothesis of an equivocation seems almost untestable; for if it is true, the evidence will be concealed; but, for the same reason, it cannot be falsified. Nor is it easy to see why, if Aquinas meant what the majority take him to mean, any equivocation should have been required; he might very easily have distinguished "love" from "impress," a neat and rather obvious verbal solution put to good use by Emery. If indeed the same word names two different but scarcely distinguishable acts, by day's end the result will be that Aquinas can express no precise teaching on the psychology of love, and perhaps cannot even have had one, for want of a technical vocabulary; for in every place we will have to wonder which act is at stake, and in only a handful will we have any grounds for discriminating.

Furthermore, the majority postulate a volitional act for which the psychological evidence is, at best, inconclusive. As far as I can tell, the derivative act that basic love is supposed to spirate plays

⁵⁰ Cajetan, *In* I, q. 27, a. 3, §§9-11 (Leonine ed., 4:312).

no role and satisfies no exigence in Aquinas's rational psychology. Nor is it easy to verify in consciousness any difference between a supposedly basic act of love and a supposedly derived act of attraction or affection. In these respects the matter of love is quite different to the inner word, whose significance we have already briefly mentioned. We shall return to this question in section 6.

Finally, this interpretation seems to yield an inconvenient Trinitarian theory, as we have already intimated above. It claims that the Spirit proceeds as love from the will or from some prior act of love. But what Aquinas explicitly affirms, and what the mystery itself requires, is that the Spirit proceeds from the Word. Further, love, for Aquinas, is an analogical concept. It is the basic act of any appetite, and it is verified in the lower appetites no less than in the rational. But Aquinas restricts the Trinitarian image in us to the rational part. He conceives the processions in God by analogy with intelligible emanation within the rational part. The procession of one act from another is not enough to satisfy Aquinas's criteria for an analogy to the divine processions; the procession has to be an emanation within rational consciousness as rational. This criterion would seem to be met only, or at least best, by a love that is rational because it is spirated from the word of rational judgment, the "word spirating love."⁵¹

On the other hand, the minority opinion is not without its difficulties. In the first place, it has to contend with the rather strong parallelism apparent in Aquinas's statement of the two processions in the *Pars prima*; this seems to be the strongest argument for the majority. Besides, one might well ask why Aquinas made anything of love's impress, fruit, or impulse, if he meant no more by them than love itself. Furthermore, the *De veritate* text is by no means peremptory, for by denying an *operatum* from the will it also denies that love can be used as a personal name in God. The minority, then, has to explain why

⁵¹ "verbum, non qualemque, sed spirans amorem" (*STh* I, q. 43, a. 5, ad 2).

Aquinas later permitted “love” as a personal name for the Spirit though he did not, according to them, change his mind about a volitional *operatum*. What new light permitted Aquinas later to affirm love as a personal name, or to affirm that the act of love itself, elicited in but not emanated from the will, provides an analogue for divine spiration? On this score, the minority’s view is that the act of love is a personal name precisely as emanated from the judgment of the intellect. But it still has to explain how this solution would permit Aquinas to continue to use love as both an essential and a personal name in God. Perhaps most vexing for this interpretation is Aquinas’s statement that the beloved in the lover arises “from the fact that someone loves something,” a statement which seems to imply that love is a principle and the beloved in the lover is its term, whereas the opinion of Lonergan and those who follow him is that moral judgment is the relevant principle and love itself the relevant term. The minority therefore has to explain how moral judgment constitutes us as lovers, and again how the act of love itself, and not any immanent object, constitutes the beloved in the lover.

Despite the undeniable difficulties for their position, it is the minority who, by my lights, have the more persuasive and nuanced considerations on psychological, theological, and exegetical grounds. Psychologically, the minority reading gives a better account of the principle that good and evil are in things, not in the mind. Further, the majority’s emanated act is an occult entity for which there seems no corroboration and no exigence, except perhaps on the dubious supposition that the will somehow specifies its proportion to its own object (in some other way than by deciding what to do about it). A distinction between the act of love and some further spirated impulse toward the beloved strikes me as a contrivance. If affection, impulse, or the stamp of the beloved on the will of the lover are something other than love, then what is love?

Theologically, the minority reading gives a better account of the spiration of the Spirit from the Word. By appealing to the rational dependence of rational love on the judgment of the mind, it explains not only how love is an intelligibly emanated act, but also the sense in which the Word in God is not just any

kind of word but, as Aquinas says, a word breathing love. By distinguishing the relative aspect of rational love as arising from the rational judgment of true value, on the one hand, from its absolute aspect as a pure perfection, on the other, this interpretation explains as well as the other how Aquinas is able to use the same attribute in one sense as a personal name and in another as an essential name, just as the act of understanding is an absolute perfection and so an essential name, but in its ordination to the word, that is, as speaking, is also proper to the divine Speaker (i.e., the Father).

These observations, however, plunge us back into the exegetical matter, on which I would like to note some further considerations in favor of the minority. They are mostly complementary but occasionally overlap the passages adduced by Lonergan to show that (1) love proceeds from the word; (2) the relation of love to the word is alone germane to divine spiration; (3) the beloved in the lover is constituted by love, not its product; and (4) the procession of an *operatum* is excluded from the will, so love is not used equivocally.

IV. INTELLIGIBLE EMANATION

Everyone agrees that only an internally emanated act of love fulfills Aquinas's requirements for an analogue to divine spiration. It is disputed, however, whether this act is basic love itself or a subsequent act emanated in the will, and what is the principle whence it emanates. In other words, what act, in the will, fulfills the *ratio* of an emanated act in such a way as to meet Aquinas's requirements for conceiving the procession of love in God? Let us begin with a closer examination of those requirements.

In the *Pars prima*, Aquinas explains that procession in God has to be conceived on the analogy of "intelligible emanation." His example is the inner word uttered by understanding.⁵² Intelligible

⁵² *STh* I, q. 27, a. 1.

emanation is within the field of intellectual or rational consciousness, as he explains in the *Summa contra gentiles*. The intellect, reflecting or consciously pivoting on its insight into phantasm, forms an intention or conception, which we call an inner word. In the limit, which is divine intellectual consciousness, this formed intention is identical with the reality itself that is understood.⁵³

Is the spiration of love also, in any sense, an instance of intelligible emanation? Can it be, even if love is something one undergoes (*pati*) before it is something one chooses?

Spiration, one might object, is not intelligible (i.e., of the intellect) but volitional. Aquinas does not (as far as I know) expressly call the spiration of love an intelligible emanation. Indeed, he says that there are two kinds of immanent action in an intellectual nature: the “intelligible action” of the intellect, wherein we find the procession of the word, and the action of the will, wherein we find the procession of love by which the beloved is in the lover.⁵⁴

On the other hand, Aquinas uses intelligible not only to mean “of the intellect” but also to designate spiritual reality.⁵⁵ Plainly the relevant procession by way of intellect could only be rational in the fundamental sense of belonging to spiritual being that knows reasons and acts for reasons. It stands to reason that the relevant procession by way of will must likewise be some form of rational emanation; the will, after all, is not just appetite but rational appetite. Furthermore, in other contexts Aquinas explicitly restricts the Trinitarian image to the rational part of the soul.⁵⁶ He explains that the image is best realized by acts and,

⁵³ *ScG* IV, c. 11.

⁵⁴ “Considerandum est quod in divinis non est processio nisi secundum actionem quae non tendit in aliquid extrinsecum, sed manet in ipso agente. Huiusmodi autem actio in intellectuali natura est actio intellectus et actio voluntatis. Processio autem verbi attenditur secundum actionem intelligibilem. Secundum autem operationem voluntatis invenitur in nobis quaedam alia processio, scilicet processio amoris, secundum quam amatum est in amante, sicut per conceptionem verbi res dicta vel intellecta, est in intelligente. Unde et praeter processionem verbi, ponitur alia processio in divinis, quae est processio amoris” (*STh* I, q. 27, a. 3).

⁵⁵ *STh* I, q. 87, a. 1; compare *De Pot.*, q. 9, a. 10.

⁵⁶ *STh* I, q. 93, a. 6.

indeed, the acts by which, contemplating God, we burst forth into love.⁵⁷ Now, love for Aquinas is an analogical concept indicating the basic act of any appetite. But plainly the love relevant to this context can only be a rational love, a love arising from the contemplation of God.

What proceeds in the will is not a similitude but an inclination.⁵⁸ This inclination is love itself, not, it would seem, a further act consequent to love.⁵⁹ It is what is called the beloved in the lover.⁶⁰ Next, the inclination proper to a rational agent is an intelligible inclination following the intellectual apprehension of the good. It is rational or intelligible because it follows rational judgment: “The act of the will is nothing other than a certain inclination following an understood form,” an “intelligible inclination, intelligibly [*intelligibiliter*] in the understanding [or the

⁵⁷ “Et ideo primo et principaliter attenditur imago Trinitatis in mente secundum actus, prout scilicet ex notitia quam habemus, cogitando interius verbum formamus, et ex hoc in amorem prorumpimus” (*STh* I, q. 93, a. 7). “Attenditur igitur divina imago in homine secundum verbum conceptum de Dei notitia, et amorem exinde derivatum” (*STh* I, q. 93, a. 8).

⁵⁸ “The difference between the intellect and the will is this, that the intellect is put in act inasmuch as the object understood is in the intellect by its likeness; whereas the will is put in act, not because it has within it any likeness to its willed object, but because it has a certain inclination to its willed object” (“Haec est differentia inter intellectum et voluntatem, quod intellectus fit in actu per hoc quod res intellecta est in intellectu secundum suam similitudinem; voluntas autem fit in actu, non per hoc quod aliqua similitudo voliti sit in voluntate, sed ex hoc quod voluntas habet quandam inclinationem in rem volitam” [*STh* I, q. 27, a. 4]).

⁵⁹ Love is the first immutation of the appetite by the appetible (*STh* I-II, q. 26, a. 2); it is an inclination or aptitude for the beloved (*STh* I-II, q. 23, a. 4). “Est autem proprium amoris, quod moveat et impellat voluntatem amantis in amatum” (*STh* I, q. 36, a. 1). Note also that the movement of the free will in justification is said to be instantaneous, not successive, upon the infusion of grace (*STh* I-II, q. 113, a. 7, ad 4); this implies that the first movement of the will is original to love, not a self-determination consequent upon basic love.

⁶⁰ “What is called the beloved in the lover is nothing other than an affection and complacency, that is, love, for the beloved” (*ScG* IV, c. 19 [Leonine ed., 74-75]). Cf. *STh* I, q. 36, a. 2, ad 4.

one who understands] as in its principle and proper subject.”⁶¹ This inclination is formally rational because it tends to its object according to the order of reason.⁶² The principle of this act, then, is not a prior act in the will, but the intellectual contemplation of the good.⁶³ This does not mean that the affections are in the intellect by some likeness, or as if the intellect were their subject faculty. Rather, an intelligible inclination is in the intellect “as a consequent [*principiatum*] is in a principle with an awareness [*notio*] of the consequent.”⁶⁴ In this emanation of love from understanding, then, the order linking principle and term, ground and consequent is conscious (*notio*).

The meaning of *intelligibiliter* in these characterizations seems to involve a psychological content. Perhaps I may indicate that content by way of an observation regarding the difference between an elicited and an emanated act within consciousness. An elicited act, such as the movement from potentially to actually understanding, is not consciously self-determining, but rather spontaneous. One can inquire diligently, but one cannot simply decide to understand. But the emanated act, by which (for instance) we express our understanding in a relevant set of concepts (inner words), is consciously governed by the act of understanding it expresses. Now, every instance of movement is at least passively intelligible, that is, potentially understood, as long as there are minds around to do the understanding. But intelligible emanation in the relevant sense is not just passively

⁶¹ “Actus voluntas nihil aliud est quam inclinatio quaedam consequens formam intellectam . . . inclinatio intelligibilis, quae est actus voluntatis, est intelligibiliter in intelligente, sicut in principio et in proprio subiecto” (*STh* I, q. 87, a. 4).

⁶² *STh* I-II, q. 13, a. 1.

⁶³ For instance: “The act of the will is nothing but a certain inclination proceeding from a knowing interior principle, just as a natural appetite is a certain inclination from an interior principle without knowing” (“actus voluntatis nihil aliud quam inclinatio quaedam procedens ab interiori principio cognoscente, sicut appetitus naturalis est quaedam inclinatio ab interiori principio et sine cognitione” [*STh* I-II, q. 6, a. 4; see q. 13, a. 5, ad 1; *STh* I, q. 87, a. 4, ad 1; q. 19, a. 4; q. 59, a. 1; *ScG* IV, c. 19 (Leonine ed., 74-75)]).

⁶⁴ “affectus animae non sunt in intellectu neque per similitudinem tantum, sicut corpora; neque per praesentiam ut in subiecto, sicut artes; sed sicut principiatum in principio, in quo habetur notio principiatum” (*STh* I, q. 87, a. 4, ad 3).

intelligible but actively intelligent: it points to the intrinsic luminosity of the rational consciousness that conceives because it understands, judges because it grasps the sufficiency of the evidence, rationally spirates love because it affirms what is good, noble, worthy.⁶⁵

This psychological observation may be transposed into metaphysical terms. Metaphysically, intelligible emanation is an instance of one act arising from another. Act is prior to potency; the possible intellect in act with respect to an intelligible moves itself to the emanation of the inner word; the will in act with respect to an end moves itself to the willing of the means. But neither the possible intellect nor the will is able to give itself the first, principal act; each has first to be moved by another. The possible intellect is moved to its basic act, understanding (*intelligere*), by the phantasm instrumentally and the illuminating light of the agent intellect principally. The basic act of the will is the will of the end, which it seems can only be love, the basic act of all appetite. Once in act with respect to an end, the will moves itself to the willing of the means, but its first act is received from another: the intellect, *quoad specificationem*, and God, *quoad exercitium*.⁶⁶ This emanation into the will would seem to be the conscious dependence of rational desire on the judgment of the intellect, which specifies this or that good as rationally lovable, although the will subsequently determines itself by choosing how it will honor or pursue the objects of its love.⁶⁷ In this sense, as I suggested, the judgment of the mind is not only

⁶⁵ Fuller discussion in Lonergan, *Verbum*, 46-48.

⁶⁶ *STh* I-II, q. 9.

⁶⁷ *STh* I-II, q. 9, a. 1 (“quantum ad determinationem actus . . . secundum quod specificatur actus . . . isto modo intellectus movet voluntatem, sicut praesentans ei obiectum suum”). Hence, as we have seen, “there is no procession of love except in an order to the procession of the word, for nothing is loved by the will, unless it be conceived in the intellect” (“Non enim est processio amoris nisi in ordine ad processionem verbi, nihil enim potest voluntate amari, nisi sit in intellectu conceptum” [*STh* I, q. 27, a. 3, ad 3]).

the principle of rational love but gives such love its formally rational character by conscious and intelligible emanation.⁶⁸

Clearly enough, it seems, Aquinas conceived the procession of rational love as an intelligible emanation from the judgment of the intellect. Once this is grasped, it is difficult not to suspect that this intelligible emanation of love from the inner word is his analogy for divine spiration. It seems certainly to be his account of the Trinitarian image in us: “we take the image of the Trinity in the mind first and foremost from acts, namely: just as from the knowledge we have, we inwardly form a word by thought, and from this burst forth into love.”⁶⁹ This is most of all true of us when the object of our contemplation and love is the divine goodness, so that our inner word speaks of God and our love is derived therefrom.⁷⁰

In the treatise on love, we read that “spiritual contemplation of beauty or goodness is the principle of spiritual love; and in this way, knowledge is the cause of love.”⁷¹ Let us note this very carefully: the principle of spiritual love is the contemplation of spiritual beauty or goodness. But what is the contemplation of spiritual beauty in God, except the Father’s utterance of the love-breathing Word? Commenting on the fittingness of the Mosaic account of the six days, Aquinas tells us that the divine Three are

⁶⁸ *STh* I-II, q. 13, a. 1; cf. q. 12, a. 1, ad 3.

⁶⁹ “primo et principaliter attenditur imago Trinitatis in mente secundum actus, prout scilicet ex notitia quam habemus, cogitando interius verbum formamus, et ex hoc in amorem prorumpimus” (*STh* I, q. 93, a. 7).

⁷⁰ “Attenditur igitur divina imago in homine secundum verbum conceptum de Dei notitia, et amorem exinde derivatum” (*STh* I, q. 93, a. 8).

⁷¹ “Et similiter contemplatio spiritualis pulchritudinis vel bonitatis est principium amoris spiritualis. Sic igitur cognitio est causa amoris” (*STh* I-II, q. 27, a. 2). There is an ambiguity in the Latin; “spiritual” may be taken to qualify either the contemplation, or the object contemplated. In favor of the latter, it might seem more needful to qualify beauty than contemplation as spiritual. But the context seems to favor the former. The previous sentence pairs bodily sight (*visio corporalis*) with sensitive love; the structure of the present sentence runs parallel; so one expects a pairing of spiritual sight (*contemplatio spiritualis*) with spiritual love. The difference seems negligible; since acts and objects fall in the same proportion, both will be spiritual. See also, “Love has to proceed from the word, because we do not love anything except as we apprehend it by a conception of the mind” (“Necesse est autem quod amor a verbo procedat: non enim aliqua amamus, nisi secundum quod conceptione mentis apprehendimus” [*STh* I, q. 36, a. 2]).

insinuated in the work of formation thus: “the person of the Father in God that speaks; the person of the Son in the word in which he speaks; and the person of the Spirit, in the pleasure [*complacentia*] with which God saw that what he made was good.”⁷² Here we have the same process, except now God is contemplating his loveliness contingently expressed in the whole order of creation.

It is difficult not to read each of these passages as elegant recapitulations of Aquinas’s Trinitarian theory. In none of them (unless there is a hidden equivocation) is anything said of one act of love derived from another. In all of them, Aquinas says quite explicitly that love is spirated from the knowledge of God, from the inner word of our contemplation of God, from the contemplation of spiritual beauty. He was nodding if this was not also what he meant by divine spiration and the “*verbum spirans amorem.*”

V. NOTIONAL AND ESSENTIAL LOVE

We mentioned, however, that the minority has to explain the sense in which love breaks forth from one in love, “from the fact that we love,” so that the Father and the Son are said to love by spirating the Spirit. With this in mind, let us turn to Aquinas’s handling of the problem of notional love in the treatise on the Trinity in the *Summa theologiae*. Love, or to love, is said in three different ways of God: (1) essentially, (2) notionally, and (3) personally. Essentially, God is love, that is, the infinite divine act is an act of loving understanding and in this sense each person singly simply is, and all taken together simply are, infinite love.

⁷² “Et sic in utroque opere creationis et formationis, Trinitas personarum insinuatur. In creatione quidem, persona patris per Deum creantem; persona filii, per principium in quo creavit; spiritus sancti, qui superfertur aquis. In formatione vero, persona patris in Deo dicente; persona vero filii, in verbo quo dicitur; persona spiritus sancti, in complacentia qua vidit Deus esse bonum quod factum erat” (*STh* I, q. 74, a. 3, ad 3). Cf. *STh* I-II, q. 11, a. 1, ad 3.

Personally, the Spirit is proceeding love (i.e., spiration taken passively), while notionally, the Father and Son love by spirating (spiration taken actively).⁷³ We have been focused mainly on the second sense, but it is bound up with the third, for the Spirit's procession as love is the passive aspect of the (active) spiration of Speaker and Word.⁷⁴

Aquinas explains that sometimes we name an action from its effect, when the effect is itself included in the understanding of the action.⁷⁵ This, he asserts, is the sense in which we say that Speaker and Word (notionally) love: not that they are conceived as the act of love, but that they ground and bring forth the act of love. Thus, "to love, taken notionally," that is, as a personal act of the Speaker and Word, "is to produce love."⁷⁶ Just as a fire warms by radiating heat, or a tree flowers by putting forth flowers—not as though the flowers were the efficient or the formal cause of its flowering, but rather because the flowers are the result of its flowering, the formal effect entailed by "to flower"—so the Speaker and Word are said to love by spirating love. "To love is nothing other than to spirate love, just as to speak" (we might say, "to word") "is to put forth a word, and to flower is to put forth flowers."⁷⁷ The word is not the cause but the formal effect of the speaker's utterance; and (proceeding) love is not the cause but the formal effect of (active) spiration.

⁷³ *STh* I, q. 37, a. 1.

⁷⁴ An act is said to be "notional" when we conceive a divine person or persons through it, although we take from this notional action only the order it imports, affirming that in reality there is but one infinite simple act in God. The notional act of spiration, taken passively, Aquinas calls procession; taken actively, he calls it spiration. Later Scholastics speak of passive and active spiration. See *STh* I, q. 28, a. 4.

⁷⁵ "Contingit autem aliquid denominari per id quod ab ipso procedit, non solum sicut agens actione; sed etiam sicut ipso termino actionis, qui est effectus, quando ipse effectus in intellectu actionis includitur" (*STh* I, q. 37, a. 2). Hence we say the fire warms by heating, although heating is not heat, which is the form of fire, but its effect; and similarly we say the Father and the Son (notionally) love by loving, that is, by spirating love, i.e., the Holy Spirit.

⁷⁶ "diligere, prout notionaliter sumitur, est producere amorem" (ibid., ad 2).

⁷⁷ "diligere nihil est aliud quam spirare amorem; sicut dicere est producere verbum, et florere est producere flores" (*STh* I, q. 37, a. 2).

The meaning seems difficult to doubt. Aquinas does not say that there are two volitional acts, both called "love," of which one is the principle of the other; he says that contemplation is loving, because it bursts forth into love. Just as the tree is flowering when it puts forth flowers, so contemplation is loving when it spirates love. Aquinas's analogy, in sum, is not that the intellect in act brings forth a word and the will in act brings forth some internal impression of the beloved. His analogy is that God just is the loving contemplation of his own infinite loveliness, and this loving contemplation is the utterance of a true word spirating love. As uttering, God is the Father; as true word, the Son; and as spirated love, the Spirit. What is the principle of this spiration? It is, just as the mystery itself demands, not the divine will, not an act in the divine will, but the utterance of a true word: the Father and the Son.

Finally, it seems to me the qualifications Aquinas offers on this point differ from those he might offer if indeed he held the theory imputed to him by the majority. On the majority's interpretation of spiration, the impression or impulse of love is a derivative act of the will whose principle is a prior act of the will, also called love. In that case one would expect Aquinas to explain that the Father and the Son notionally love because intellect and will are really identical in God; though we conceive speaker and word by analogy with intellectual procession, we conceive love and its fruit by analogy with a volitional procession by which the basic act of love brings forth a derived act variously named the fruit, the impulse, or the stamp of love. Spiration, on this hypothesis, is not the fruition of contemplation in love, but the derivation of one volitional act from another. In that case, one should say that the notional act of love is not denominated from its effect only, but also from the action itself, since, on this reading, the Father and Son are principle of the Spirit just as basic love is the efficient cause of derived love. This interpretation would seem to be excluded, however, by Aquinas's explicit teaching that spiration

taken actively is denominated from its effect,⁷⁸ that there is in God no procession of love from love,⁷⁹ that processions internal to an intellectual nature terminate in the procession of love (not of love from love)⁸⁰ because love is the principle of doing or making, that is, of self-transcending ecstasis.⁸¹ It is also superfluous, of course, next to his explicit teaching that the principle of spiritual love is the contemplation of spiritual loveliness.

Either interpretation has to face Aquinas's observation that our vocabulary around love is rather impoverished. The readers in the majority take this to mean that Aquinas is using "love" equivocally: it means the basic act, and a derived act. But it is frankly difficult to see why this meaning should present any more terminological difficulty for Aquinas than it did for Emery; could it not be resolved simply by speaking of basic and derived love, or love and impression, love and fruition, love and impulsion? On the other hand, what really does seem difficult is to distinguish the act of love, as a pure perfection, from the same act in its relational aspect as intelligibly dependent on the judgment of the intellect.⁸² This seems to be the terminological problem Aquinas describes. In matters intellectual, he notes, we have language to designate the relativity of understanding both to the object understood (an intelligibility) and to the object expressed (an inner word). In the former relation, God's understanding is identical to his essence, the object understood; thus understanding is a pure perfection and names the divine essential act. In its latter relativity, understanding is utterance (*dicere*); it is really identical to God but really distinct from the word in

⁷⁸ Ibid.

⁷⁹ *STh* I, q. 27, a. 5, ad 3.

⁸⁰ *STh* I, q. 27, a. 3, ad 1.

⁸¹ *STh* I, q. 27, a. 4; a. 5, ad 1.

⁸² Emery's hypothesis leads him to misunderstand Aquinas's linguistic "accommodation." The difficulty is that because the noun, "love," connotes a relation to the beloved but not relation to a principle, we have to qualify it with terms that more properly denote the notional acts (spiration, procession) than relations if we wish to express the relativity to principle that alone makes "love" a proper name for the Spirit; and this is the accommodated use (*STh* I, q. 36, a. 1). Emery takes the "accommodation" to mean that "love" is being used equivocally, "the same word to signify something else" (*Trinitarian Theology*, 231).

which it expresses itself. (To conceive is to bring forth a concept, an inner word.) In matters volitional, however, our words for love designate the relativity of love to its real object; in God these are identical, for God is the infinite love wherewith he loves himself and which he loves in himself; love is a pure perfection and an essential name. But we lack a name clearly designating the relativity of love to its (active) principle, and vice versa. Since it is only that relativity which can offer a personal name for the Spirit, we are obliged to qualify our vocabulary around love. Hence we say *amor procedens* (proceeding love) to indicate love in relation to its principle; and by the verbs *diligere* or *amare* (to love, notionally), we mean to spirate love.⁸³ This explanation is perfectly coherent with what we have just established, namely, that the principle of love is the contemplation of spiritual loveliness, and that to spirate is nothing but to bring forth love, just as to flower is to bring forth flowers. I would surmise, finally, that it was an insight into just this relational dependence of love on moral judgment that permitted Aquinas to revise his earlier

⁸³ “Sed ex parte intellectus, sunt vocabula adinventata ad significandum respectum intelligentis ad rem intellectam, ut patet in hoc quod dico intelligere, et sunt etiam alia vocabula adinventata ad significandum processum intellectualis conceptionis, scilicet ipsum dicere, et verbum. Unde in divinis intelligere solum essentialiter dicitur, quia non importat habitudinem ad verbum procedens, sed verbum personaliter dicitur, quia significat id quod procedit, ipsum vero dicere dicitur notionaliter, quia importat habitudinem principii verbi ad verbum ipsum. Ex parte autem voluntatis, praeter diligere et amare, quae important habitudinem amantis ad rem amatam, non sunt aliqua vocabula imposita, quae important habitudinem ipsius impressionis vel affectionis rei amatae, quae provenit in amante ex hoc quod amat, ad suum principium, aut e converso. Et ideo, propter vocabulorum inopiam, huiusmodi habitudines significamus vocabulis amoris et dilectionis; sicut si verbum nominarem intelligentiam conceptam, vel sapientiam genitam. Sic igitur, in quantum in amore vel dilectione non importatur nisi habitudo amantis ad rem amatam, amor et diligere essentialiter dicuntur, sicut intelligentia et intelligere. In quantum vero his vocabulis utimur ad exprimendam habitudinem eius rei quae procedit per modum amoris, ad suum principium, et e converso; ita quod per amorem intelligatur amor procedens, et per diligere intelligatur spirare amorem procedentem, sic amor est nomen personae, et diligere vel amare est verbum notionale, sicut dicere vel generare” (*STh* I, q. 37, a. 1).

position on love as a personal name in God, without reversing his denial of an *operatum* in the will.⁸⁴

Further, Aquinas explicitly denies what the majority interpretation plainly implies: that there is, in God, any love derived from love.⁸⁵ Such a derivation would be superfluous in God in any case, for (1) God is his love, (2) he is present to himself in his love as the beloved in the lover, and (3) this love that God is and by which God is present to himself as beloved proceeds, not from a prior love, but from the Word.⁸⁶ God, moreover, is perfect; there is no real multiplicity of acts, though there is a real order in God; hence there is but one word, which is perfect, and one love, which is perfect.

Nevertheless, a reader who has internalized or is partial to the parallel *operati* interpretation may be wondering why Aquinas even brings up the fruit, or the impress, or the impulse of love, if these are but names for love itself. He presumably thought he was saying something; what was it? Several points may be made. First, it is not Aquinas but Emery who describes his derivative love as love's "fruit"; Aquinas comes no closer than to compare spiration to flowering, a comparison which, as we have seen, cuts against Emery's point. Next, the references to "impulse" and "impress" are neither ubiquitous nor mysterious. They occur in definite contexts to handle specific problems. Thus we are told that while intellectual action is by likeness, so that the Word is also Image, volitional action is by inclination, movement, or impulse, so that proceeding Love is also Spirit. But this inclination, movement, impulse is not love's product but its property,⁸⁷ and plainly the reason it is mentioned is to connect the names "love" and "spirit." Again, we read that the beloved is in the lover, not by way of likeness, but by way of "a stamp [*impressio*], so to speak, of the beloved on the affection of the lover." This stamp of the beloved

⁸⁴ He may also have been helped by shifting attention from the question of an *operatum* to the question of act from act; but I have not investigated that possibility with care.

⁸⁵ "non potest esse processio verbi ex verbo, neque amoris ex amore: sed est in ei solum unum verbum perfectum, et unus amor perfectus" (*STh* I, q. 27, a. 5, ad 3).

⁸⁶ *ScG* IV, c. 19.

⁸⁷ *STh* I, q. 27, a. 4; q. 36, a. 1.

is affection for the beloved, and it arises from the fact that the lover loves the beloved.⁸⁸ But, as we have just seen, this cannot mean that the lover's love spirates affection (which would be redundant, or rather, senseless); it must mean (as Aquinas will explain in the very next article) that the lover spirates love. The lover loves by spirating love, because he beholds the loveliness of the beloved; this spiration constitutes the lover as a lover, just as the proceeding love constitutes the affection of the lover for the beloved. Further, just as this affection is not something different in reality from the stamp of the beloved on the lover's heart, so it is not different in reality from the movement of the lover into the beloved.⁸⁹ And this movement, impulse, stamp, or affection is itself nothing other than the presence of the beloved in the lover. Why did he speak of the stamp at all? Because he wanted to explain how the beloved is in the affection of the lover.

VI. THOUGHT AND ECSTASY

Because love, the basic act of the will, is an act elicited in the will (i.e., a perfecting act received in the will), the majority interpretation has not considered it to be the emanated act required by Trinitarian theory. If love is in the will as an elicited act and not an emanated term, it does not provide a valid analogue for the procession of the Spirit. These interpreters therefore posit a further act, emanating within the will from the act of love, which is the fruition or inclination of love, the beloved in the lover, and the analogue for the Spirit. This act would seem to constitute a kind of immanent objectification of the beloved in the lover.

⁸⁸ "ex hoc quod aliquis rem aliquam amat, provenit quaedam impressio, ut ita loquar, rei amatae in affectu amantis, secundum quam amatum dicitur esse in amante"; "habitudinem ipsius impressionis vel affectionis rei amatae, quae provenit in amante ex hoc quod amat" (*STh* I, q. 37, a. 1).

⁸⁹ "Est autem proprium amoris, quod moveat et impellat voluntatem amantis in amatum" (*STh* I, q. 36, a. 1; see *STh* II-II, q. 27, a. 2).

As far as I can make it out, the act in view here cannot be one of the other acts of the will, such as desire, delight, or hatred. Nor is it one of the acts by which the will moves itself toward its end, such as command or election. Such acts may be said to emanate from love and are in some way autonomous, because the will in act with respect to the end moves itself to the willing of the means. But they are only relevant to an agent that proceeds incrementally and by deliberation toward a goal, and God is not such an agent.⁹⁰ Furthermore, these subsequent acts are those by which a lover moves toward its beloved; they are not affection or impulse but presuppose it; and they do not constitute the beloved immanently.

I take it, therefore, that the majority interpreters mean something other than the series of voluntary acts enumerated in Aquinas's analysis of human action. Somehow they discover another act, equivocally (or analogously) called love, by which the will in act with respect to some beloved emanates or produces its own immanent term or object, impulse or affection, its own proportion or adherence to the beloved. This immanent term, Emery explains, is what Aquinas means by the *impressio amoris*, love's stamp.⁹¹ Aquinas, however, says that love is the impression (*affici*) of the beloved on the lover; to be so affected is to love.⁹² This affection arises from the apprehension of an object as lovable or worthy. It is the one principle and common root of every other voluntary act.⁹³ It seems to me that we can square these statements with Emery's position only if we grant that love names two different acts; but we cannot very well concede that without evidence, and the very possibility of an equivocation renders all the evidence intractable.

⁹⁰ "By one simple act God understands all things, and likewise wills all things. Hence in God there cannot be a procession of word from word nor love from love, but only one perfect word and one perfect love" ("Deus uno simplici actu omnia intelligit, et similiter omnia vult. Unde in eo non potest esse processio verbi ex verbo, neque amoris ex amore, sed est in eo solum unum verbum perfectum, et unus amor perfectus" [*STh* I, q. 27, a. 5, ad 3]).

⁹¹ Emery, *Trinitarian Theology*, 66-67.

⁹² "Affici autem ad aliquid, in quantum huiusmodi, est amare ipsum" (*ScG* IV, c. 19).

⁹³ *Ibid.*

For Poincot, the spirated act is a vital act by which the will determines or proportions itself with respect to a particular good.⁹⁴ But this does not seem to be the doctrine of Aquinas, who explains that object proportionate to the will is the understood good.⁹⁵ Insofar as the will determines itself to particular goods, it does so by choice (election).⁹⁶ Directly, election bears on means. We decide about ends only indirectly, insofar as we decide what to do about them or insofar as we subordinate some ends to other, more comprehensive ends.⁹⁷ Regarding the complete good, which is beatitude, there is no question of self-determination.⁹⁸ Were we to behold God, we would love him with the same necessity with which he loves himself.⁹⁹ In brief, I take Aquinas to teach that the will determines itself not by producing its own affections and desires but by choosing about them; ends are specified by the intellectually apprehended good, and only once in motion does the will move itself and the other powers to execution.¹⁰⁰ Thus, there are emanated acts within the will, but they regard means, not ends; accordingly, they are relevant only to beings that realize their good incrementally, and not to God.

Aquinas's solution to the problem of spiration is not the discovery of an *operatum* wrought by love in the will. It is the discovery that the act of love itself is an intelligible emanation from the contemplation of spiritual loveliness. Love is elicited in the will, but emanated from the intellect. This solution certainly squares with the requirement of a procession of act from act, as formulated in the *Summa contra gentiles*. The distinction in *De veritate* is between a perfection elicited in or from a potency, and

⁹⁴ Poincot, *Cursus Theologicus*, 4, §§11-12 (Vivès ed., 148ab).

⁹⁵ *STh* I-II, q. 19, a. 3.

⁹⁶ *STh* I-II, q. 13, a. 2.

⁹⁷ *STh* I-II, q. 13, a. 3.

⁹⁸ *STh* I-II, q. 13, a. 6; see q. 13, a. 3; I, q. 83, a. 1, ad 5.

⁹⁹ *STh* I, q. 19, a. 3; see q. 82, a. 1.

¹⁰⁰ See *De Malo*, q. 6, a. 1; *STh* I-II, q. 9, a. 3.

a perfection from a perfection; the latter is a *processio operati* and seems to be verified in the relation of love to the word, but not in the relation of love to the will. If, on the other hand, we take it that by excluding an *operatum* in the will *De veritate* excludes an immanent object comparable to the word, our interpretation is still compatible, for we have likewise negated an immanent object in the will.

This solution, however, is not without its difficulties. In the *Summa contra gentiles*, for instance, Aquinas explains that every voluntary inclination arises from the apprehension of some object as worthy or attractive through an intelligible form.¹⁰¹ Q.E.D., it might seem. But he immediately adds that to be attracted in this way is to love something. It is from love, therefore, that every voluntary inclination takes its origin. Does he mean that the inclination of the will is an *operatum* emanating from love? Or does he mean that love itself is an inclination emanating from the intellect? In favor of the latter is Aquinas's explanation that "love is said to transform the lover into the beloved, inasmuch as the lover is moved by love toward the beloved."¹⁰²

The problem is not insoluble. As we have noted, Aquinas consistently maintains that whereas true and false are in the mind, good and evil are in things. From this he consistently concludes that intellectual operation has an internal term or object, the inner word, while volitional operation has no internal term or object. Previously we observed that this principle was invoked in the discussion of truth in the *Pars prima* and in *De malo*, question 6. Aquinas explains that the difference between cognition (of any kind) and appetite is that the former has an immanent term, the known in the knower, while the latter is an inclination of desirer toward the thing desired. Thus, the term of appetite, which is the good, is in the appetible thing; but the term of cognition, which is the true, is in the intellect itself.¹⁰³

¹⁰¹ "Unde etiam hinc oritur omnis inclinatio voluntatis, quod per formam intelligibilem aliquid apprehenditur ut conveniens vel afficiens" (ScG IV, c. 19).

¹⁰² *De Malo*, q. 6, a. 1, ad 13 ("amor dicitur transformare amantem in amatum, inquantum per amorem movetur amans ad ipsam rem amatam").

¹⁰³ See above, n. 28.

Here I would put in evidence a parallel discussion from the treatise on love in the *Secunda secundae*.

The operation of the intellect is completed inasmuch as the understood is in the one who understands. Hence, we take the nobility of intellectual operation from the measure of the intellect. The operation of the will, however, and of any appetitive power, is perfected in the inclination of the desirer to the object of desire as to a term. Thus we take the dignity of appetitive operation from its object.¹⁰⁴

Here is reaffirmed the continued relevance of the underlying principle that governs the negation, in *De veritate*, of an immanent term in the will: *bonum et malum sunt in rebus*. There is explicitly denied a parallel between the action of the intellect and of the will on this point, namely, the emanation of an immanent term or object in the will. The perfection of the will is said to be found, not in an immanent term, but in its inclination toward the good. This inclination, as we have shown, is nothing other than love itself.

This contrast between knowing and loving reappears, moreover, in the very discussion of the divine processions in the *Pars prima*. Previously, we quoted Aquinas's initial statement on the procession of love: the beloved is said to be in the lover by love, just as the known is said to be in the knower by the conception of the word.¹⁰⁵ In the next article, however, we read that

this is the difference between intellect and will. Intellect is put in act in that the thing understood is in the understanding according to its likeness. Will,

¹⁰⁴ "Ad primum ergo dicendum quod operatio intellectus completur secundum quod intellectum est in intelligente, et ideo nobilitas operationis intellectualis attenditur secundum mensuram intellectus. Operatio autem voluntatis, et cuiuslibet virtutis appetitivae, perficitur in inclinatione appetentis ad rem sicut ad terminum. Ideo dignitas operationis appetitivae attenditur secundum rem quae est obiectum operationis" (*STh* II-II, q. 23, a. 6, ad 1).

¹⁰⁵ The full statement is quoted at n. 23 above.

however, is put in act, not in that a likeness of the thing willed is in the will, but from this, that the will has a certain inclination to the thing willed.¹⁰⁶

Aquinas goes on to say that the procession by way of will is conceived as impelling and moving toward something. For this reason it is called “spirit,” which names vital movement and impulse, in the way someone is said to be moved or impelled by love to do something. In other words, the reason there is no immanent term in the will seems to be the result of the ecstatic quality of willing.

The assigned reason, “true and false are in the mind, good and evil are in things,” has the ring of metaphysical principle, but expresses a core of psychological fact. Most anyone ought to be able to confirm that her judgments of truth and falsity bear not on the adequacy of reality but on the adequacy of her conception of it. Most everyone has probably experienced the difference between a sound judgment and a rash one; hence most everyone has some basis on which to validate the difference between a yes or no based on a rational grasp of evidence as sufficient, and a yes or no based on some other motive, such as the desire to impress, win, or avoid embarrassment or self-scrutiny. The former is an intelligible emanation of rational judgment; the latter is an unintelligible emanation of irrational judgment. Again, with a little practice, most people could come to distinguish the act of understanding (*intelligere*) as a grasp of intelligibility in phantasm from the concepts (inner words) understanding intelligibly emanates. On the other hand, I am very hard pressed to distinguish love from attraction to the beloved, as the majority

¹⁰⁶ “haec est differentia inter intellectum et voluntatem, quod intellectus fit in actu per hoc quod res intellecta est in intellectu secundum suam similitudinem, voluntas autem fit in actu, non per hoc quod aliqua similitudo voliti sit in voluntate, sed ex hoc quod voluntas habet quandam inclinationem in rem volitam. Processio igitur quae attenditur secundum rationem intellectus, est secundum rationem similitudinis, et intantum potest habere rationem generationis, quia omne generans generat sibi simile. Processio autem quae attenditur secundum rationem voluntatis, non consideratur secundum rationem similitudinis, sed magis secundum rationem impellentis et moventis in aliquid. Et ideo quod procedit in divinis per modum amoris, non procedit ut genitum vel ut filius, sed magis procedit ut spiritus, quo nomine quaedam vitalis motio et impulsio designatur, prout aliquis ex amore dicitur moveri vel impelli ad aliquid faciendum” (*STh* I, q. 27, a. 4).

view seems to require of me. I can distinguish love from decisions I might take about it; more generally, I can recognize in my experience all of the acts Aquinas treats in his account of decision-making at the head of the *Prima secundae*; but none of them seems to be the act posited by the majority.

What is the sense in which intellect, or at least finite intellect, emanates an immanent object or comes to an internal term? The act of understanding grasps relational structures in phantasm: for instance, in the image of a wheel, it grasps the necessity of a uniform curve if the spokes are equal, and the impossibility of a uniform curve if the spokes are unequal. Intelligence pivots on this grasp of relational structures to formulate the interrelated concepts (inner words) of point and center, radii and perimeter, and so forth. The insight is into a particular instance, the imagined circle; conception is a universalizing process that regards every sufficiently similar instance. Understanding conceives by constructing the inner words, birthing the concepts, in which it considers its object, being. This consideration may abstract or prescind, though reality is never abstract or partial. Judgment, finally, bears on the adequacy of our concepts.

The will, on the other hand, is not involved in this problem; its basic act, which is to love, carries us ecstatically out of ourselves and into reality in all its concreteness. Consider the difference between knowing and loving. Conceiving rests on a grasp of intelligibility in phantasm, and terminates in concepts. Judging rests on a reflective grasp of evidence as sufficient or insufficient, and terminates in an inner yes or no. With that yes or no, some increment of knowledge is complete. But to love, insofar as it is a principle of subsequent acts, is to set in motion a process of deliberation. Deliberation neither is nor has an internal resting point, for what brings deliberation to a conclusion is making and executing a choice. In most cases the choice is not the only morally permissible course of action, but one possibility among many. This is also true analogously of divine freedom, inasmuch as divine wisdom embraces a (presumably) infinite

number of possible world orderings, every one of them ordered by divine wisdom, worthy of divine goodness, and realizable by divine power, but none of them obligatory. Nevertheless, even when a course of action is morally obligatory and the sole possibility, voluntary action comes to completion not in an internal term but in execution.¹⁰⁷

Another way we might put this is that love intends the good directly, while concepts and judgments refer to real objects only through the questions they answer. In other words: the intention of being is immediate in questions and mediated in the objects of thought; but the intention of the good is immediate in love.¹⁰⁸ Hence, cognition has an external reference but an immanent point of rest in its expressed objects, which are concepts and judgments. Love has neither an immanent object nor an immanent point of rest. It moves us to the objective good.¹⁰⁹

This last observation should be qualified, however. It might be more accurate to say that love arises as the conclusion of one process and, by the same token, stands as the principle of another.¹¹⁰ That is because, in a sense, the spiration of love is a kind of resting point in a contemplative process, while at the same time love for the end is the basis for all the acts of counsel and deliberation, consent, decision, and execution, by which the moral subject is plunged into the world of moral objects.¹¹¹

¹⁰⁷ *STh* I-II, q. 13, a. 5.

¹⁰⁸ See, e.g., *STh* I, q. 19, a. 3, ad 6; I-II, q. 12, aa. 1-3.

¹⁰⁹ See *In De Divinis Nominibus*, c. 2, lect. 4. “Passio enim magis ad appetitum quam ad cognitionem pertinere videtur, quia cognita sunt in cognoscente secundum modum cognoscentis et non secundum modum rerum cognitarum, sed appetitus movet ad res, secundum modum quo in seipsis sunt, et sic ad ipsas res, quodammodo afficitur” (“Passion seems to belong more to appetite than to knowledge, for things known are in the knower in the knower’s fashion and not in their own way; but appetite carries us toward them as they are in themselves and so attaches us to them”).

¹¹⁰ This was Frederick Crowe’s thesis in his three articles on “Complacency and Concern.”

¹¹¹ Aquinas explains the sense in which both intellection and volition, though having an external reference, are nevertheless actions remaining within the agent: “To understand, to will, and to love, though all are named in the manner of actions passing into objects, are nevertheless actions remaining in their agents, but so as to convey a relation in the subject to the object. Hence, even in us love remains in the lover, and the heart’s word remains in the speaker, though the word is related to the thing it expresses,

Perhaps this is how we are to understand why, in an intellectual nature, immanent procession terminates in the procession of the will.¹¹² The spiration of love is the conclusion of one process, an immanent process, and the beginning of another, ecstatic process. Immanent procession terminates in the procession of love, because love is the principle of ecstasy or real self-transcendence. Spiritual love, the love of friendship, carries us beyond ourselves, because we will the absolute good which, unless we are God, is not ourselves.¹¹³ Love is the last immanent procession, because it is the basis of the ecstatic movement of the agent toward the attainment or the good of its beloved.

CONCLUSION

There exists a conflict of interpretations centering on Aquinas's theory of the procession of the Spirit. The difficulty exists in contemporaneous texts in such a way that it cannot be resolved simply by postulating a development or change in his thinking.

Positively, I find Aquinas teaching that rational love is (1) an intelligible inclination, (2) intelligibly in the knowing and loving

and love is related to the beloved. But in God, in whom there is no accident, there is more: the Word is subsistent, and so is Love. When, then, we say that the Holy Spirit is the love of the Father for the Son, or for anything else, we do not mean that anything passes from one to another, but only that love is related to the beloved, just as a word is related to the thing it expresses" ("intelligere et velle et amare, licet significantur per modum actionum transeuntium in obiecta, sunt tamen actiones manentes in agentibus, ut supra dictum est; ita tamen quod in ipso agente important habitudinem quandam ad obiectum. Unde amor, etiam in nobis, est aliquid manens in amante, et verbum cordis manens in dicente; tamen cum habitudine ad rem verbo expressam, vel amatam. Sed in Deo, in quo nullum est accidens, plus habet, quia tam verbum quam amor est subsistens. Cum ergo dicitur quod spiritus sanctus est amor patris in filium, vel in quidquam aliud, non significatur aliquid transiens in alium; sed solum habitudo amoris ad rem amatam; sicut et in verbo importatur habitudo verbi ad rem verbo expressam" [*STh* I, q. 37, a. 1, ad 2; see too *ScG* IV, c. 26]).

¹¹² "Processio enim quae est ad intra in intellectuali natura terminatur in processione voluntatis" (*STh* I, q. 27, a. 3, ad 1).

¹¹³ *STh* I-II, q. 28, a. 3.

subject, (3) related to the intellect as to its principle, and (4) consciously so. Our love, furthermore, (5) is elicited in the will as its basic act, but (6) consciously (*notio*) emanates from moral judgment, and (7) brings to a term the internal emanations of spiritual consciousness (8) because it is ecstatic, that is, it has no internal term but refers immediately to a reality beyond itself. Aquinas's analogy for the most holy Trinity, finally, is perfect, loving contemplation of infinite loveliness, uttering a true word spirating love.

Negatively, in my best judgment, the interpretation of the majority posits an act for which the only textual evidence is ambiguous, no corroboration may be found outside the small number of passages it was devised to explain, and a wealth of countervailing evidence exists. It also meets no exigence in Aquinas's rational psychology or his Trinitarian theory. Since, then, there is no reason, whether exegetical or psychological or theological, to distinguish love from an affection for the beloved, or to postulate an immanent object in the will, I conclude that the equivocation imputed to Aquinas is a fiction. At the very least, I should say there is no warrant sufficient to present (as Emery does) the parallel *operati* reading, without qualification, as Aquinas's "mature interpretation . . . very personal and original" of the doctrine of the Spirit as love.¹¹⁴ The interpretation so characterized is more likely original to John of St. Thomas than to Aquinas himself.

While I consider my thesis well established in both its positive and negative parts, I expect that, to many, the exegetical question is likely to remain inconclusive at best. The passages in contention are compact and difficult to correlate with Aquinas's more expansive discussions of rational love in other places. The more points that have to be brought together, the more difficult it will be to garner consensus. Besides, the alternative has a certain simplicity, even if it offers only a verbal solution. Understanding the rules of a discourse is at least understanding something, so it is not too surprising if it is sometimes mistaken for theoretical light.

¹¹⁴ Emery, *Trinitarian Theology*, 232.

In the end, we must come to the question of psychological fact. Either Aquinas did or did not find a structure within his consciousness that could illumine, however imperfectly, conception and spiration in God. If he did not, his analogy is a sleight-of-hand and deserves to be forgotten. If he counts on us distinguishing love from affection or attraction, he is playing at words rather than science. For my own part I find that imputation of unseriousness a harder sell than the alternative. In other words, I assume that Aquinas was not contriving his psychology and knew exactly what he meant by the spiration of love. This assumption is open to query, and a definitive answer must converge on the same point as our exegetical problem: an exact account of the relevant psychological facts, and a determination of their correspondence, or not, to Aquinas's statements about them. Because those statements are open to different and even disparate construals, I expect their meaning will be as fuliginous or as luminous as the facts to which they refer. But if my assumption about Aquinas is correct, then unless we attain a similarly clear and exact grasp of the relevant structures in our own consciousness, we do not share his analogical understanding of the divine processions; we merely trade in his words as in a debased currency.¹¹⁵

¹¹⁵ I am grateful to Phillip L. Forgiione, John Kern, Daria Spezzano and the members of the 2018 Aquinas Studium, and two anonymous referees for valuable feedback on previous drafts.

RETRIBUTIVE JUSTICE AND NATURAL LAW

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IN 1949 C. S. Lewis published an essay entitled “The Humanitarian Theory of Punishment,”¹ in which he argued for what he called a more “traditional” retributive theory over one that is solely directed to the rehabilitation of criminals and/or the deterrence of potential criminals. As Lewis argued, whereas many have dismissed the concept of retribution as nothing more than a veil for vengeance and barbarism, it turns out upon analysis that it is the removal of retribution from our notion of criminal justice that truly has a dehumanizing effect. Especially striking about Lewis’s argument is his claim that retribution is of great value, not just from the point of view of the law, but from that of the criminal. Once the concept of retribution is removed and we are left only with the “humanitarian” goals of deterrence and rehabilitation, Lewis says, “each one of us, from the moment he breaks the law, is deprived of the rights of a human being.”²

How is this so? According to Lewis, the problem with the humanitarian theory is that it “removes from Punishment the concept of Desert,” a concept that is “the only connecting link between punishment and justice.”³ He continues,

¹ The article first appeared in *20th Century: An Australian Philosophy Quarterly* 3, no. 3 (1949): 5-12. It was reprinted in a collection of essays by Lewis entitled *God in the Dock: Essays on Theology and Ethics*, ed. Walter Hooper (Grand Rapids, Mich.: Eerdmans Publishing Co., 1970), 287-94 (all further references to the essay will be to the latter).

² *Ibid.*, 288.

³ *Ibid.*

It is only as deserved or undeserved that a sentence can be just or unjust. . . . There is no sense in talking about a “just deterrent” or a “just cure.” We demand of a deterrent not whether it is just but whether it will deter. We demand of a cure not whether it is just but whether it succeeds. Thus when we cease to consider what the criminal deserves and consider only what will cure him or deter others, we have tacitly removed him from the sphere of justice altogether; instead of a person, a subject of rights, we now have a mere object, a patient, a “case.”⁴

A criminal, argues Lewis, at the mercy of a humanitarian system of punishment will have his fate decided by experts in psychotherapy or sociology rather than by judges trained in jurisprudence. Instead of a definite sentence imposed by such a judge, the criminal will receive an indefinite sentence that is only lifted when the so-called expert considers him cured. Followed consistently, the humanitarian theory might impose a much more severe penalty upon a harmless but difficult-to-cure criminal than upon a murderer who is cured relatively quickly. The fact that such disparity of punishments strikes decent human beings as alarmingly unfair is beside the point. To the experts, fairness is another word for justice, a notion inseparable from the belief that criminals should be punished no less and no more than they deserve, and it is precisely this understanding of desert that the apologists for the humanitarian theory consider meaningless and aim to replace.⁵

Lewis goes on to argue that the problems with eliminating retribution are even worse if we consider deterrence, because, here, the eclipse of justice is even more evident. As Lewis puts it, when deterrence becomes the sole or even the primary goal of punishment,

it is not absolutely necessary that the man we punish should even have committed the crime. . . . The punishment of a man actually guilty whom the public think innocent will not have the desired effect; the punishment of a man actually innocent will, provided the public think him guilty.⁶

⁴ Ibid.

⁵ See, for example, Jeremy Bentham’s *Introduction to the Principles of Morals and Legislation*, chap. 13.

⁶ Lewis, “Humanitarian Theory of Punishment,” 291.

To be sure, supporters of the humanitarian theory of punishment have argued⁷ that punishing an innocent person to achieve a deterrent effect would never be worth the risk of the general public finding out the truth.⁸ Lewis, for his part, insists that “every modern State has powers which make it easy to fake a trial” and that “when a victim is urgently needed for exemplary purposes and a guilty victim cannot be found, all the purposes of deterrence will be equally served by the punishment . . . of an innocent victim.”⁹ In the end, it may not matter so much to Lewis how likely the above scenario is to occur in the real world. The mere fact that something as startlingly wrong as the punishment of the innocent could be justified, even in principle, by the humanitarian theory is enough to discredit it. Whether we espouse rehabilitation or deterrence, therefore, letting go of the idea that criminals should be punished because they deserve it easily opens the door to punishing people in a way far greater than justice requires. “Which one of us, if he stood in the dock,” Lewis provocatively asks, “would not prefer to be tried by the old [that is, retributive] system?”¹⁰

Some aspects of Lewis’s essay are reminiscent of Immanuel Kant’s argument for retributivism, such as his complaint that the

⁷ See John Rawls, “Two Concepts of Rules,” in H. B. Acton, ed. *The Philosophy of Punishment* (London: MacMillan Press, 1969), 105-14.

⁸ In an article entitled “A Non-Utilitarian Approach to Punishment” (*Inquiry* 8 [1965]: 249-63), H. J. McCloskey suggests what he considers to be a plausible situation in which punishing the innocent could be justified on strictly utilitarian grounds. He asks us to imagine that a murder occurs in the American South in which the perpetrator is believed to be a black man. As a result, the predominantly racist population forms a lynch mob and begins murdering innocent black men in the town in which the original murder occurred. As McCloskey argues, faithfully adhering to utilitarian principles would allow, perhaps even require, the sheriff of this town to frame an innocent black man for the crime. If such an act is successfully carried out (and McCloskey insists it could be under the right conditions) more lives would be saved in the end and a net gain of utilitarian happiness would be achieved. McCloskey’s article prompted a response entitled “A Utilitarian Reply to Dr. McCloskey’s ‘A Non-Utilitarian Approach to Punishment’” (*Inquiry* 8 [1965]: 264-91) by utilitarian philosopher T. L. S. Sprigge, to which McCloskey replied in “Utilitarian and Retributive Punishment,” *Journal of Philosophy* 64, no. 3 (1967): 91-110.

⁹ Lewis, “Humanitarian Theory of Punishment,” 291.

¹⁰ *Ibid.*, 290.

humanitarian theory of punishment uses the criminal “as a means to an end; someone else’s end.”¹¹ Much more prominent, however, are his frequent references or allusions to natural law, a much older tradition and one that Lewis clearly intends to represent.¹² This explains Lewis’s criticism of the humanitarian theory of punishment on the grounds that it turns the responsibility of sentencing criminals over to psychologists and social scientists rather than leaving it with judges trained in jurisprudence who take their guidance from the “law of nature.”¹³ Although he claims the natural-law tradition as his own, however, Lewis does not provide an explanation as to how retribution is itself required by the natural law or natural justice. In fairness, this would require a philosophical argument far beyond the scope of his short essay because it would require answers to some fundamental questions: What exactly *is* retribution? What makes retributive punishment good or necessary such that society is morally obliged to inflict it? How are we to understand retribution as an aim of punishment different from those aims emphasized by the consequentialist, such as rehabilitation, deterrence, or simply the physical protection of society?

In the following sections, I will argue that retributive justice is intelligible and defensible, but only when viewed through the lens of Thomistic natural law (to which Lewis alludes above). To begin, I will consider the philosophical pitfalls of the leading contemporary case for retribution from which natural law is absent, namely, the “unfair advantage” theory of punishment. I will then explain why Thomas Aquinas’s moral and political philosophy is incompatible with the unfair-advantage theory, and how Aquinas’s theory of natural law provides a basis for retributive punishment that the unfair-advantage theory fails to provide. In light of the fact that Aquinas’s argument for retributive justice, like his natural-law theory itself, depends

¹¹ *Ibid.*, 291.

¹² This becomes even clearer in Lewis’s published response to the essay’s critics, in which he describes the humanitarian theory of punishment as threatening to replace “the whole tradition of natural justice” (“On Punishment: A Reply to Criticism,” in *God in the Dock*, 299).

¹³ Lewis, “Humanitarian Theory of Punishment,” 288.

upon an appeal to natural inclination, I will conclude by explaining how Aquinas's principles enable us to distinguish meaningfully between retribution and revenge.

I. A NON-NATURAL-LAW ATTEMPT TO JUSTIFY RETRIBUTIVE JUSTICE

Shortly after the appearance of Lewis's article, a group of philosophers who defended retributive justice began to emerge. But unlike Lewis, who tried to anchor retribution in the natural-law tradition, these latter-day retributivists instead argued for retribution from the perspective of a contractarian approach to civil society. The article that laid the foundation of this new retributivism was "Persons and Punishment," by Herbert Morris. Morris's retributivism, and the contractarian understanding of political society from which it comes, is nicely summarized in the following passage:

Let us suppose that men are constituted roughly as they now are, with a rough equivalence in strength and abilities, a capacity to be injured by each other and to make judgments that such injury is undesirable, a limited strength of will, and a capacity to reason and to conform conduct to rules. Applying to the conduct of these men are a group of rules, ones I shall label as "primary," which closely resemble the core rules of our criminal law, rules that prohibit violence and deception and compliance with which provides benefits for all persons. These benefits consist in noninterference by others with what each person values, such matters as continuance of life and bodily security. The rules define a sphere for each person, then, which is immune from interference by others. Making possible this mutual benefit is the assumption by individuals of a burden. The burden consists in the exercise of self-restraint by individuals over inclinations that would, if satisfied, directly interfere or create a substantial risk of interference with others in proscribed ways. If a person fails to exercise self-restraint even though he might have and gives in to such inclinations, he renounces a burden which others have voluntarily assumed and thus gains an advantage which others, who have restrained themselves, do not possess. This system, then, is one in which the rules establish a mutuality of benefit and burden and in which the benefits of noninterference are conditional upon the assumption of burdens.¹⁴

¹⁴ Herbert Morris, "Persons and Punishment" in Jeffrie Murphy, ed., *Punishment and Rehabilitation*, 2d ed. (Belmont, Calif.: Wadsworth Publishing Co., 1985), 26.

To be sure, Morris's description of political society as a "mutuality of benefit and burden" reveals his contractarian, and distinctively modern, perspective. But even as one might expect him to derive from this perspective an equally modern, utilitarian, or (as Lewis puts it) "humanitarian" theory of punishment, Morris suggests a penology that is decisively retributivist:

It is just to punish those who have violated the rules and caused the unfair distribution of benefits and burdens. A person who violates the rules has something others have—the benefits of the system—but by renouncing what others have assumed, the burdens of self-restraint, he has acquired an unfair advantage. Matters are not even until this advantage is in some way erased. Another way of putting it is that he owes something to others, for he has something that does not rightfully belong to him. Justice—that is, punishing such individuals—restores the equilibrium of benefits and burdens by taking from the individual what he owes, that is, exacting the debt.¹⁵

The penology described above has aptly been called the "unfair-advantage theory of punishment" and it has gained a chorus of defenders and elaborators.¹⁶ There is, indeed, much to be admired in it. It is a considerable improvement, for instance, upon the earlier non-natural-law retributivism defended by Kant in his *Rechtstehre*, which he insisted must be carried out by a strict observance to the *lex talionis*: "Any undeserved evil that you inflict upon someone else among the people is one that you do to yourself. If you vilify him, you vilify yourself; if you steal from him, you steal from yourself. Only the Law of Retribution (*jus talionis*)" says Kant, "can determine exactly the kind and degree of punishment."¹⁷ But as many have pointed out, whereas Kant's *lex talionis* might find application in the case of crimes such as slander, theft, or murder, it would be impossible

¹⁵ Ibid.

¹⁶ See, for instance, Jeffrie Murphy, "Marxism and Retribution," *Philosophy and Public Affairs* 2, no. 3 (1973): 217-43; John Finnis, *Natural Law and Natural Rights* (Oxford: Oxford University Press, 1980), 262-64; Richard Dagger, "Playing Fair with Punishment," *Ethics* 103, no. 3 (1993): 473-88; and George Sher, *Desert* (Princeton, N.J.: Princeton University Press, 1987), esp. chap. 5.

¹⁷ Immanuel Kant, *The Metaphysics of Morals*, trans. Mary Gregor (Cambridge: Cambridge University Press, 1996), 6:331-32.

(or absurd) to apply it to rape, embezzlement, or attempted murder. Hence, the unfair-advantage theory suggests that true retribution does not merely match the crime that the criminal originally committed, but negates the social advantage that the criminal appropriated to himself in the committing of the crime. As Morris explains it, since fairness in political society consists in an equal distribution of benefits and burdens, and since the commission of a crime (regardless of the kind of crime committed) consists in enjoying society's benefits without exercising the burden of restraint, the law achieves fairness (or justice) by imposing an additional burden upon the criminal and thus restoring the balance.

In addition to improving upon Kant's crude and unworkable retributivism, the unfair-advantage theory also seems to defend retribution in terms that will make good sense to those already committed to a traditional natural-law understanding of this notion. Perhaps most satisfyingly, this theory provides a clear distinction between our demand for retribution and the mere subrational desire for vengeance. Criminals ought to be punished, not because those outraged by the crime desire it, but because punishment (so conceived) is a necessary condition for fairness. Not only that, the precise fairness described by the unfair-advantage theory is one that squares well with the traditional observation that justice is a certain kind of equality. As Aristotle observes, a judge is concerned with justice to the extent that he "tries to restore [an] unjust situation to equality, since it is unequal."¹⁸ This concern with equality, on the Aristotelian-Thomistic view, is precisely what characterizes particular justice and distinguishes it from general or legal justice. As Aquinas explains, the equality observed is that of the real mean "in a certain proportion of equality between the external thing and the external person."¹⁹ Again, this at least initially seems to harmonize well with the unfair-advantage

¹⁸ Aristotle, *Nicomachean Ethics* 5.4.1132a6-7 (trans. Terrence Irwin [Indianapolis: Hackett Publishing, 1999])

¹⁹ *STh* I-II, q. 58, a. 10. Quotations from the *Summa theologiae* are taken from the translation by the Fathers of the English Dominican Province (Notre Dame, Ind.: Christian Classics, 1981).

theory's suggestion that punishment is necessary to restore an inequality to a state of fairness. It also appears to do so in a way that preserves the intuitive distinction between criminal and civil law (a distinction not always explicitly recognized by Aristotle and Aquinas). Just as civil law is necessary to restore the equality that has been disturbed between two individuals, criminal law is necessary to restore the inequality between an individual criminal and society as a whole. As Morris would say, whereas a criminal may owe something to the victim of theft for lost property and other "damages," this has nothing at all to do with the punishment that is due to him, which pertains to his relationship to society as a whole, that mass of law-abiding citizens who showed the proper restraint where the criminal showed none, and for which reason the criminal must have an additional burden imposed upon him.

Yet the unfair-advantage theory of punishment has been subject to serious, even devastating, criticisms.²⁰ The most serious of these is closely related to the inability of the theory to explain why some crimes deserve punishments of greater or lesser severity. Why, for example, should a murderer be punished more than someone who commits libel? According to the unfair-advantage theory, punishment is understood as an additional burden imposed to balance out the benefit that the criminal appropriates to himself in committing the crime. It would stand to reason, then, that greater punishment would be necessary for crimes in which the criminal benefitted more.

But what exactly does that mean? One would be tempted to point to obvious examples, such as the fact that someone who steals an automobile or another person's retirement savings benefits more than one who steals a pack of gum, and therefore deserves more punishment. But upon analysis this explanation is not really open to the unfair-advantage theory. The benefit of the crime that needs to be cancelled out (or "equalized") is not the material benefit of the crime, such as the goods stolen from

²⁰ For a full account of these criticisms, see my *Thomas Aquinas and the Philosophy of Punishment* (Washington D.C.: The Catholic University of America Press, 2012), 53-67.

another. Those would have to be paid back to the victim, not as a matter of criminal justice or punishment, but as a matter of civil law, in addition to whatever just compensation (or damages) a judge might see fit to award. On the unfair-advantage theory, punishment is necessary for an altogether different reason, namely, to impose a burden that equalizes the benefit consisting *in the very committing of the crime itself*, or the “excess freedom” enjoyed by the criminal in committing his crime and which his law-abiding fellow citizens rightfully denied themselves.

This seems to be precisely the point on which the unfair-advantage theory collapses. In what meaningful sense does the murderer gain more in the very commission of his crime in comparison with the thief? How does the murderer, in other words, have more than he had before he murdered, such that more needs to be taken from him in the form of punishment? For the unfair-advantage theory to be defensible, we must affirm John Finnis’s difficult claim that the mere exercise of free choice (even in the form of a morally evil or unjust action) is itself a “great human good,”²¹ and so the man who carries out that exercise where the rest of us restrain ourselves has, in some sense, gained an advantage over us, such that there is now a mysterious kind of disparity in his favor that may only be erased through punishment. Yet, even if we accept that a criminal somehow gains more freedom in committing a crime, there remains the difficulty of explaining how more serious crimes gain more freedom for their perpetrators than less serious crimes, in such a way that more punishment must be imposed to settle the score. Unfair-advantage theorist George Sher attempts to explain this fact by pointing out that more serious crimes deserve to be punished more because they violate a moral prohibition of greater seriousness. Perpetrators of murder, in Sher’s words, “get away with more”²² than perpetrators of tax evasion, and so more punishment is necessary to erase their unfair advantage. But even on this account, it remains

²¹ Finnis, *Natural Law and Natural Rights*, 263.

²² Sher, *Desert*, 82.

unexplained how the murderer has “more” of anything (even freedom) than the tax evader simply by virtue of committing a more serious crime. One-time unfair-advantage theorist, Jeffrie Murphy (now turned skeptic), criticizes Sher on precisely this point:

Sher himself puts the phrase “gets away with more” in scare quotes (thereby indicating that even he finds it difficult to take literally) and, in my judgment, comes close to sacrificing whatever it was in the moral balance theory [i.e., unfair-advantage theory] that initially made it seem preferable to simple intuitionism. We were supposed to get our intuition that serious wrongdoers deserve serious punishment explained and justified in terms of an account of excess advantage; but, if the concept of excess advantage can be itself explicated only in terms of that very intuition, we have not moved very far.²³

In the end, the unfair-advantage theory fails to provide a coherent account of the alleged “gain” that a criminal receives by exercising his freedom in performing the criminal act. Granted, a criminal certainly exercises, in Sher’s words, a “freedom from the demands of the prohibition he violates,” but it remains unexplained how that freedom constitutes a gain, an advantage, or even a good of any kind. The precise problems with this theory are probably stated best by David Dolinko in his criticism of the unfair-advantage theory. Although the following argument is directed at the account given by Sher, it applies just as powerfully to all of the theory’s major defenders:

It is hard to assign any meaning to Sher’s claim that the criminal has gained “freedom from the demand of the prohibitions he violates,” unless it simply means that the criminal has in fact ignored the prohibition’s demands. To make . . . [the unfair-advantage theory] work, there must be something that the criminal necessarily “gains” from lawbreaking, which we can claim gives him the unfair advantage that punishment removes. Confronted with the difficulty of specifying what this “gain” is in a way that will make the theory come out right, Sher has, I think, simply reified the criminal’s act of law-violation, misleadingly labeled it “freedom,” and treated it as the “unfair advantage” to be taken away. Once we see this move clearly, Sher’s analysis becomes virtually indistinguishable from Hegel’s obscure claim that

²³ Jeffrie Murphy, review of *Desert*, by George Sher, *Philosophical Review* 99, no. 2 (1990): 282.

punishment somehow “annuls” the crime itself—a claim no more convincing in its new garb.²⁴

II. THOMAS AQUINAS VS. MODERN RETRIBUTIVISM

If we are persuaded of the unfair-advantage theory’s inability to explain coherently the notion of retribution, we are confronted with three possibilities. The first is to conclude that the institution of punishment cannot be morally justified at all (as might be suggested by a postmodern approach to punishment inspired by Foucault or Nietzsche).²⁵ The second would be to embrace a theory of punishment that explicitly removes the notion of retribution, such as utilitarianism.²⁶ A final possibility is to recover the notion of retribution as originally understood, not by liberal political theory, but by the natural-law tradition alluded to by Lewis and championed by Aquinas. The remainder of this essay will explore this third possibility.²⁷

Let us begin by explaining why the natural-law tradition, and the political/legal thought of Aquinas in particular, is incompatible with the unfair-advantage theory of punishment. As we have seen, the unfair-advantage theory is based on an understanding of political society firmly rooted in liberal political

²⁴ David Dolinko, “Some Thoughts on Retributivism,” *Ethics* 101, no. 3 (1991): 548.

²⁵ See Friedrich Nietzsche, *Genealogy of Morals*, especially Essay 2, as well as Jeffrey Metzger, “Nietzsche’s New Naturalized Conception of Justice and Punishment,” in *The Philosophy of Punishment and the History of Political Thought*, ed. Peter Karl Koritansky (Columbia, Mo.: The University of Missouri Press, 2011), 172-98. See also Jeffrey Polet, “Punishing Some, Disciplining All,” in *ibid.*, 199-218; and Arthur Shuster, *Punishment and the History of Political Thought: From Classical Republicanism to the Crisis of Modern Criminal Justice* (Toronto: The University of Toronto Press, 2016), chap. 5.

²⁶ For the classical defense of the utilitarian theory of punishment, see Jeremy Bentham, *Introduction to the Principles of Morals and Legislation*, esp. chaps. 13 and 14.

²⁷ Throughout this essay, I will use the term “retribution” to refer exclusively to the retributive imposition of punishment. As Finnis points out (see his *Aquinas: Moral, Political, and Legal Theory* [Oxford: Oxford University Press, 1998], 211 n. 136), Aquinas’s use of the term “retributio” includes punishment but also reward. See *STh* I-II, q. 21, a. 3.

thought. Its architects describe political society as a cooperative venture that exists for the material benefit of individuals as individuals. As Morris puts it, political society requires that we take on certain burdens of self-restraint (burdens not required of us outside political society) in exchange for society's overriding benefits, such as peace, security, and the opportunity for material prosperity. This account of society, of course, was the justification for describing punishment as the imposition of an *additional* burden to balance out the criminal's attempt to enjoy society's benefits without having to show the required self-restraint.

This liberal understanding of political society is fundamentally incompatible with that of Thomas Aquinas. For Aquinas, political society is not a cooperative venture created by individuals to further their individual interests, but is rather a natural community in which individuals reach their full moral potential only by committing themselves to the common good. This teaching is, of course, fundamentally incompatible with any political philosophy that understands political society as an instrumental good. To be sure, Aquinas does not consider political society as the highest or most authoritative community, and he often reminds us that "man is not ordained to the body politic, according to all that he is and has."²⁸ But it remains true that Aquinas wholeheartedly agrees with Aristotle that political society is natural in the sense of being an intrinsic, and not merely instrumental, good for man.

Aquinas's endorsement of this traditionally Aristotelian claim that "man is by nature a political animal"²⁹ is normally gathered from his frequent approving citations of this doctrine as well as his statement that "to live in society" is one of the basic natural inclinations from which the precepts of the natural law may be derived.³⁰ Of course, one could argue that when Aquinas says human beings have a natural inclination to live in society, his use of the term "*societas*" does not necessarily refer to *political*

²⁸ *STh* I-II, q. 21, a. 4, ad 3.

²⁹ See Aristotle, *Politics* 1.2.1253a3.

³⁰ *STh* I-II, q. 94, a. 2.

society, but to any sort of community in general, and this is the interpretation of John Finnis, who, as we have seen, happens to be one of the architects of the unfair-advantage theory of punishment.³¹ If true, this would mean that Aquinas might well hold the liberal view that the good of political society is instrumental and not something intrinsic to human nature. As Lawrence Dewan has shown, however, this interpretation of Aquinas does not stand up under scrutiny.³²

Dewan begins his argument by examining an important remark Aquinas makes concerning, of all things, the virtue of *vindicatio*, which he understands as that aspect of justice which deals with the “infliction of a punitive [*poenale*] evil upon one who has sinned.”³³ In response to the question of whether *vindicatio*, so defined, is a special virtue, Aquinas explains that “virtues perfect us so far as we follow, in due manner, our natural inclinations, which belong to natural right. Wherefore to every definite natural inclination there corresponds a special virtue.”³⁴ Hence, the natural inclination of human beings to have sex is governed by the special virtue of *castitas*, the natural inclinations to eat and drink are governed by the special virtues of *abstinentia* and *sobrietas*, and the natural inclination to pursue knowledge is governed by the special virtue of *studiositas*. This is Aquinas’s ground for arguing that *vindicatio* is also a special virtue, since there must be some virtue in place to govern the natural inclination associated with man’s irascible appetite (primarily expressed in the passion of anger). We will examine the far-reaching implications this has for Aquinas’s account of retribution, but for now we may take it as a confirmation that, in his mind, there exists a special virtue for every natural inclination properly so-called.

On this analysis, there must be a natural inclination to live in political society (and not just any sort of society) if there also exists a special virtue governing such an inclination (and

³¹ See Finnis, *Aquinas*, 222-28.

³² Lawrence Dewan, “St. Thomas, John Finnis, and the Political Good,” *The Thomist* 64 (2000): 337-74.

³³ *STh* II-II, q. 108, a. 1.

³⁴ *STh* II-II, q. 108, a. 2.

prompting us to live in political society *well*). But does such a special virtue exist for Aquinas? According to Dewan, the answer to this question is yes, and the virtue in question is that of *legal justice*. This will, to be sure, strike many readers of Aquinas as odd, since he defines legal justice primarily as a general, not a special, virtue (that which directs all the moral virtues to the common good). But in a critical passage, Aquinas argues that legal justice, like charity, may also be understood as a special virtue:

Accordingly, just as charity which regards the divine good as its proper object, is a special virtue in respect of its essence, so too legal justice is a special virtue in respect of its essence, insofar as it regards the common good as its proper object. And thus it is in the sovereign [*in principe*] principally and by way of a master-craft, while it is secondarily and administratively in his subjects.³⁵

It seems quite clear that, for Aquinas, inasmuch as legal justice, which directs our actions to the common good, is also considered a special virtue, there must be a corresponding natural inclination to live in political society. The only way out of this interpretation would be to suggest that the *princeps* to whom Aquinas refers in this passage is not, in fact, a political sovereign, but merely one who possesses rightful authority in any sort of community whatsoever (such as the CEO of a business or the captain of an athletic team). Dewan, however, anticipates this alternative and points us to Aquinas's discussion of the virtue of prudence, in order finally to put Finnis's novel interpretation to rest. As Dewan explains, Aquinas distinguishes between two kinds of prudence in the *Summa theologiae*. The first he calls prudence "simply so called," which directs our practical intellects in the area of moral virtue broadly conceived. There is also need for a kind of prudence that directs one in matters pertaining to legal justice, which specifically has to do with the common good. The reason this is significant is that Aquinas explicitly refers to this second type of prudence as "political prudence." Thus he indicates that the common good which is the purview of legal justice is a specifically *political*

³⁵ *STh* II-II, q. 58, a. 6.

good. If legal justice is directed (at least primarily if not exclusively) to a political common good, moreover, it would also follow that the natural inclination it governs would be a natural inclination to the *political* common good as well (and not just the common good of subsidiary societies). From all of this it seems that we are justified in adhering to the traditional Aristotelian interpretation of Aquinas as upholding the natural and intrinsic good of political society—an interpretation entirely incompatible with the liberal political theory underlying the unfair-advantage theory of punishment.

III. RETRIBUTION AND POLITICAL JUSTICE

Instead of speaking of retribution as erasing a criminal's unfair advantage, Aquinas instead speaks of it as restoring the "equality of justice." In his various discussions of the institution of punishment, he uses this term repeatedly, though rarely with any thematic explanation as to its meaning. Two examples are particularly noteworthy. The first comes in a discussion of whether the debt of punishment (*reatus poenae*) remains after a sin is committed:

It is evident that in all actual sins, when the act of sin has ceased, the guilt remains; because the act of sin makes man deserving of punishment, in so far as he transgresses the order of Divine justice, to which he cannot return except he pay some sort of penal compensation, which restores him to the equality of justice; so that, according to the order of Divine justice, he who has been too indulgent to his will, by transgressing God's commandments, suffers, either willingly or unwillingly, something contrary to what he would wish. This restoration of the equality of justice by penal compensation is also to be observed in injuries done to one's fellow men.³⁶

To be sure, the context of this passage is primarily that of divine law, but Aquinas's statement that restoring the equality of justice is also "to be observed in injuries done to one's fellow men" is noteworthy. Such injuries are, of course, *also* violations of divine law, and so it would be superfluous for Aquinas to add this remark unless it implies that the punishment that restores

³⁶ *STh* I-II, q. 87, a. 6.

the equality of justice must also be inflicted by human authority. This is even clearer when we reflect upon an earlier passage in which Aquinas argues that, for one and the same sin, “man can be punished with a threefold punishment corresponding to the three orders to which the human will is subject”: the order of reason itself (the punishment of which is the remorse of conscience), the order of human law, and the order of divine law.³⁷ Although Aquinas does not explain this in detail, he seems to suggest that justice requires the criminal’s will to be subdued or repressed, not to erase some kind of advantage that the criminal wins over his fellow citizens in committing his crime (as the unfair-advantage theory would suggest), but in some other (admittedly mysterious) way. The following passage sheds some additional light:

Punishment may be considered in two ways. First, under the aspect of punishment, and in this way punishment is not due save for sin, because by means of punishment the equality of justice is restored, in so far as he who by sinning has exceeded in following his own will suffers something that is contrary to this will. . . . Secondly, punishment may be considered as a medicine, not only healing the past sin, but also preserving from future sin, or conducing to some good.³⁸

As before, we are given to understand that the equality of justice is restored by virtue of something contrary to the criminal’s will being imposed upon him. The idea, again, is that the criminal must be subdued, humbled, put in his place, even *harmed* in some important sense in order for the equality of justice to be restored. But what we learn from this passage in addition is that this sense of restoring the equality of justice is more central to the nature of punishment than are the other benefits of punishment, which Aquinas labels as “medicinal.” In his own words, punishment considered in its capacity to restore the equality of justice is punishment considered “as punishment,” which comes with the strong implication that punishment’s other benefits are somehow secondary. The medicinal

³⁷ *STh* I-II, q. 87, a. 1.

³⁸ *STh* II-II, q. 108, a. 4.

benefits of punishment include something like what we call today rehabilitation—at least this seems to be the sense of what Aquinas means by “healing the past sin.” It also seems to include something like the notion of specific deterrence, or what Aquinas calls “preserving from future sin.” Elsewhere, Aquinas extends the notion of medicinal punishment to include general deterrence, saying that punishment “is not always intended as a medicine for the one who is punished, but sometimes only for others.”³⁹

The ability of punishment to restore the equality of justice is something that it has in common with other acts of justice, whether commutative or distributive, and it is crucial to distinguish punishment from these other acts in order to understand where it may fit in Aquinas’s moral and legal thought. That punishment fits only awkwardly into his discussion of justice is evidenced by the fact that he refers to it sometimes as commutative and sometimes as distributive.⁴⁰ To be sure, punishment is very much unlike what is most commonly identified by Aquinas as an act of commutative justice, namely, a simple payment for goods or services received. In this sense the equality of justice is quite straightforward. If person A renders a service to person B, there exists a disparity in person B’s favor until person B pays person A enough to restore the equality of justice. Matters are slightly more complex when one considers what Aquinas calls “involuntary commutations,” which involve someone taking something unjustly or against the will of the one from whom the thing is taken. Aquinas’s example here is theft, in which case it is insufficient for the thief simply to restore to his victim what he stole. For equality to be restored, explains Aquinas, the thief must make restitution, not only for the thing taken, but also on account of “the injurious action.” To support his case, Aquinas uses the example of simple assault. Even though the assaulter does not *gain* anything in committing assault, he nevertheless

³⁹ *STh* I-II, q. 87, a. 3, ad 2.

⁴⁰ For references to punishment as pertaining to commutative justice, see *STh* II-II, q. 80, a. 1, ad 1 and (even more explicitly) II-II, q. 108, a. 2, ad 1. For a reference to punishment as “distributive,” see *ScG* III, c. 142.

takes something from his victim in the form of the injury inflicted. This is why both the assaulter and the thief owe something to their victims beyond the simple restoration of stolen goods or payment of doctor's bills. The equality of justice also requires some kind of payment for damages on account of the taking itself. What is significant for our purposes is that this additional payment owed to the victim of a crime, which we may be tempted to call punitive, is clearly in Aquinas's mind not the same thing as punishment. As he explicitly states, even once every compensation has been made by a criminal to his victim, both on account of the thing taken and the taking itself, the criminal "*in addition [alterius]* must be punished for the injustice committed."⁴¹

By these remarks we are given to understand that the equality of justice obtained by punishment is altogether different from (and at best analogous to) the equality of justice obtained by the chief act of commutative justice, namely, restitution. But what, then, is the nature of the equality of justice that punishment restores? One reason punishment fits so poorly into Aquinas's understanding of commutative justice is the fact that commutations are understood as acts of justice involving two or more private individuals. By contrast, punishment in the order of human law fundamentally involves the relationship, not between individuals, but between one individual (the criminal) and the political community *as a whole*. Thus understood, punishment is not a compensation paid by the criminal to the victim of crime for damages, but is rather something paid by the political community to the criminal. As we have already seen Aquinas explain, a man's sin disturbs not only the order of reason and divine law, but also the temporal order by which he is "subjected to the order of another man who governs him in spiritual or in temporal matters, as a member either of the state or of the household."

⁴¹ *STh* II-II, q. 62, a. 6 (emphasis added)

And so on behalf of the political community, and not primarily on behalf of the victim,⁴² punishment must be inflicted.

It is important to notice, at this point, that none of these definitional parameters answer the question “why?” By what moral imperative, apart from the “medicinal” goals of rehabilitation, deterrence, or protecting society from dangerous criminals, *must* criminals be punished? Given the clear distinction between restitution and punishment, it is not very satisfying (though it may well be true) merely to respond that punishment is necessary for re-establishing the equality of justice. Given that a certain equality of justice is re-established by fully compensating victims of crime, what *further* equality of justice must be restored in the form of the political community’s imposing something painful or harmful upon the criminal? If I am right to argue that Aquinas’s moral and political thought is fundamentally incompatible with the unfair-advantage theory of punishment, we must keep looking for his answer to this question. More specifically, we must take a deeper look at the connection between his understanding of retribution and his doctrine of natural law.

IV. RETRIBUTION AND NATURAL LAW

As is well known, Aquinas holds that the precepts of the natural law must be derived from the natural inclinations of the human person. If there exists a moral imperative, rooted in natural law, to punish criminals, there must exist a corresponding natural inclination. It is not surprising, then, that

⁴² Aquinas’s claim that punishment is a matter of justice between the criminal and the community as a whole meets some resistance when one considers *STb* II-II, q. 67, a. 4, which asks “whether a judge can lawfully remit punishment.” Aquinas responds by saying that a judge may be hindered from remittance “on the part of the accuser, whose right it sometimes is that the guilty party should be punished.” Aquinas does not explain why an individual accuser, having been injured, has a right to the criminal’s punishment (beyond what he may be entitled to as a matter of restitution). But this remark should not cause us to conclude that punishment is primarily a matter of settling a score between private individuals. In fact, Aquinas adds in the same article that judges are also hindered from remitting punishment “on the power of the commonwealth . . . to whose good it belongs that evildoers be punished.”

in addressing the question as to whether the “debt of punishment” [*reatus poenae*] is an effect of sin, Aquinas appeals to a natural inclination that is characteristically punitive. As he explains,

It has passed from natural things to human affairs that whenever one thing rises up against another, it suffers some detriment therefrom. For we observe in natural things that when one contrary supervenes, the other acts with greater energy, for which reason “hot water freezes more rapidly,” as stated in *Meteor.* i, 12. Wherefore we find that the natural inclination of man is to repress those who rise up against him. Now it is evident that all things contained in an order, are, in a manner, one, in relation to the principle of that order. Consequently, whatever rises up against an order, is put down by that order or by the principle thereof. And because sin is an inordinate act, it is evident that whoever sins, commits an offense against an order: wherefore he is put down, in consequence, by that same order, which repression is punishment.⁴³

To be sure, Aquinas is speaking not only of human punishment in this passage, and as he continues he explains something we have already seen, namely, that one and the same sin may incur a threefold punishment: one from the order of reason, one from divine law, and one from human authority. Moreover, Aquinas is not necessarily speaking only of retributive punishment. The question at hand is merely whether there exists a debt of punishment, and his answer is that the punishment of criminals is justified by the natural law and the underlying natural inclination to “repress” those who commit injustice. We may surmise that God created us with this inclination for a number of useful reasons, including the protection of society, deterrence, and rehabilitation, which is to say those aspects of punishment Aquinas labels “medicinal.” In fact, Aquinas reveals in a later passage that the punishments (both human and divine) of “this life” actually have *more* of a medicinal character⁴⁴—a claim that possibly explains the complete absence of retribution in his justification of the death

⁴³ *STh* I-II, q. 87, a. 1.

⁴⁴ *STh* II-II, q. 108, a. 3, ad 2.

penalty, in which the expression “equality of justice” never occurs.⁴⁵

Nonetheless, retribution is not absent from the above discussion. To see this, we must examine more carefully what exactly Aquinas is referring to when he speaks of the natural inclination to repress those who “rise up” against us. In fact, the above discussion of punishment is hardly the only time Aquinas mentions this human phenomenon. Elsewhere, he describes exactly the same thing (and in much greater detail) explicitly identifying it as the “irascible appetite” of the human soul:

The sensitive appetite is one generic power, and is called sensuality; but it is divided into two powers, which are species of the sensitive appetite—the irascible and the concupiscible. In order to make this clear, we must observe that in natural corruptible things there is needed an inclination not only to the acquisition of what is suitable and to the avoiding of what is harmful, but also to resistance against corruptive and contrary agencies which are a hindrance to the acquisition of what is suitable, and are productive of harm. For example, fire has a natural inclination, not only to rise from a lower position, which is unsuitable to it, towards a higher position which is suitable, but also to resist whatever destroys or hinders its action. Therefore, since the sensitive appetite is an inclination following sensitive apprehension, as natural appetite is an inclination following the natural form, there must needs be in the sensitive part two appetitive powers—one through which the soul is simply inclined to seek what is suitable, according to the senses, and to fly from what is hurtful, and this is called the concupiscible: and another, whereby an animal resists these attacks that hinder what is suitable, and inflict harm, and this is called the irascible. Whence we say that its object is something arduous, because its tendency is to overcome and rise above obstacles. Now these two are not to be reduced to one principle: for sometimes the soul busies itself with unpleasant things, against the inclination of the concupiscible appetite, in order that, following the impulse of the irascible appetite, it may fight against obstacles. Wherefore also the passions of the irascible appetite counteract the passions of the concupiscible appetite: since the concupiscence, on being aroused, diminishes anger; and anger being roused, diminishes concupiscence in many cases. This is clear also from the fact that the irascible is, as it were, the champion and defender of the concupiscible when it rises up against what hinders the acquisition of the suitable things which the concupiscible desires, or against what inflicts harm, from which the concupiscible flies. And for this reason all the passions of the irascible appetite rise from the passions of the concupiscible appetite and terminate in them; for instance, anger rises from sadness, and having wrought vengeance, terminates in joy. For this reason also

⁴⁵ See *STh* II-II, q. 64, a. 2.

the quarrels of animals are about things concupiscible—namely, food and sex, as the Philosopher says.⁴⁶

Although Aquinas does not explicitly use a form of the word “irascibility” in discussing the debt of punishment, the parallels between that text and the one above are striking. In both cases, Aquinas speaks of a natural inclination to “rise up” against that which encroaches upon oneself or the order to which one belongs. In both cases, he considers it important to add that, although this tendency is most apparent in creatures with a sensitive appetite, some semblance of it exists even in “natural things,” in one case using the example of hot water that “freezes more rapidly” and in another that of fire, which “resists whatever hinders or destroys its action.”

What exactly these obscure examples have to do with retribution is unclear, perhaps, until we consider the phenomenon of irascibility itself. To be sure, irascibility exists in nonhuman animals. The dog that snaps at a person that threatens to take its food, the swarm of bees that attacks the one who pokes the hive, and the horse that jerks up its head when its nose is pulled down, all exemplify in various ways the broad natural phenomenon that Aquinas describes. We as human beings, of course, experience irascibility in our own unique way given the fact that we possess rational powers in addition to sensitive ones; nowhere is this made clearer than in Aquinas’s discussion of the passion in which the irascible appetite is given its fullest expression, namely, anger.

Aquinas sides with Aristotle against the Stoics⁴⁷ in arguing that anger is not necessarily sinful or morally vicious. The determining factor, as with many other passions, is whether it is expressed in accordance with “the order of reason.” It is extremely noteworthy that, for Aquinas, it belongs to the nature of anger to desire the punishment of the one to whom our anger is directed. This is one of the factors that distinguishes anger from hatred. And so he explains that,

⁴⁶ *STh* I, q. 81, a. 2.

⁴⁷ For a classic statement of the Stoic position (against the Peripatetic one), see Seneca’s *De Ira*.

If one desire revenge to be taken in accordance with the order of reason, the desire of anger is praiseworthy, and is called “zealous anger”. On the other hand, if one desire the taking of vengeance in any way whatever contrary to the order of reason, for instance if he desire the punishment of one who has not deserved it, or beyond his deserts, or again contrary to the order prescribed by law, or not for the due end, namely the maintaining of justice and the correction of defaults, then the desire of anger will be sinful, and this is called sinful anger.⁴⁸

There is something deep within human nature, it seems, that desires the punishment of those who commit injustice. For Aquinas, this human response to injustice is too universal an experience to dismiss as not inherent in human nature. And whereas the human capacity for righteous indignation certainly has an unmistakably subrational dimension, the connection between human anger and injustice reveals an important rational and moral component as well. In a revealing moment in his analysis of anger as a passion, Aquinas asserts that anger actually requires an act of reason.⁴⁹ It is impossible, in other words, for a human being to be angry (or at least to stay angry for any length of time) without holding the belief that some injustice has been committed and that some sort of punishment is deserved. So long as anger is not excessively fierce or desirous of punishments that do not fit the crime, therefore, anger actually becomes the ally of reason by directing us to things that are in themselves good (in the same way, perhaps that fear is the ally of reason in causing us to flee from things that are genuinely harmful).

Aquinas’s discussion of anger underscores what human experience reveals, namely, that anger is inherently retributive. Anger desires the punishment of its object, not as a useful or even necessary means to societal safety, but *as deserved*. The angry or righteously indignant man demands that wrongdoers be punished regardless of whether they can be reformed, whether their punishment will bring tangible or practical benefits to society, and quite independently of the need to

⁴⁸ *STh* II-II, q. 158, a. 2.

⁴⁹ *STh* II-II, q. 46, a. 4.

compensate the victims of crime for damages. As Walter Berns puts it in his well-known defense of capital punishment,

Anger is expressed or manifested on those occasions when someone has acted in a manner that is thought to be unjust, and one of its bases is the opinion that men are responsible, and should be held responsible, for what they do. Thus, anger is accompanied not only by the pain caused by him who is the object of anger, but by the pleasure arising from the expectation of exacting revenge on someone who is thought to deserve it. . . . Anger, then, is a very human passion not only because only a human can be angry, but also because it acknowledges the humanity of its objects: it holds them accountable for what they do.⁵⁰

Understood in this way, anger is also an emphatically social or political passion. To use Aquinas's language, it is properly understood as "directed to those to whom one has an obligation of justice." Anger is either misplaced or difficult to sustain to the extent that the angry person and unjust person are not united under the same sphere of justice, such as a political society. As Aquinas explains, "both on the part of the cause, viz., the harm done by another, and on the part of the vengeance sought by the angry man, it is evident that anger concerns those to whom one is just or unjust."⁵¹ It follows from this, of course, that criminals are most fittingly the objects of anger. To borrow, again, the words of Walter Berns, criminals

have done more than inflict an injury on an isolated individual; they have violated the foundations of trust and friendship, the necessary elements of a moral community. . . . A moral community, unlike a hive of bees or a hill of ants, is one whose members are expected freely to obey the laws and, unlike a tyranny, are trusted to obey the laws. The criminal has violated that trust, and in doing so has injured not only his immediate victim but the community as such. . . . If, then, [people] are not angry when someone else is robbed, raped, or murdered, the implication is that there is no moral community because those [people] do not care for anyone other than themselves. Anger is an expression of that caring, and society needs [people] who care for each other, who share their pleasures and pains, and do so for the sake of others.⁵²

⁵⁰ Walter Berns, *For Capital Punishment: Crime and the Morality of the Death Penalty* (Lanham, Md.: University Press of America, 1991), 153-54.

⁵¹ *STh* I-II, q. 46, a. 7.

⁵² Berns, *For Capital Punishment*, 155.

If Berns's analysis is correct, it explains very well why Aquinas appeals to the irascible faculty when arguing that wrongdoers (including criminals) deserve to suffer punishment. The link between righteous indignation and retribution also helps to explain some ambiguities in the nature of retribution itself. As we have seen, Aquinas distinguishes punishment's retributive nature, punishment considered "under the aspect of punishment," with its "medicinal" purposes, by which it "heals the past sin," "preserves from future sin," or "conduces to some good." Now that we have seen his analysis of punishment in the context of natural law, we can be assured that these remarks hardly mean that retributive punishment "conduces" to no good whatsoever.⁵³ Retribution is intimately connected to our commitment to the common good, to the belief that our fellow citizens are morally responsible for their actions, and to our commitment to the rules of justice that make political society possible in the first place. We may surmise, therefore, that just as God created us with powerful desires to pursue those things vital to our survival as individuals and as a species (what Aquinas calls concupiscence), he also had good reason to create human nature with the inclination to become angry and to seek retribution when confronted with injustice.

V. RETRIBUTION AND REVENGE

At this point it is necessary to anticipate an objection. If the rightness or justice of retribution is grounded in the human inclination of righteous indignation and the irascible faculty, how is retribution distinguishable from revenge? One might argue that this, in fact, is precisely the reason why retributivism's best foot forward does not come from natural law, but rather from the unfair-advantage theory (rooted in a liberal conception of the state). For all of that theory's problems, it does at least provide a clear distinction between retribution and

⁵³ Interestingly, and contrary to the way he treats the matter in the *Summa theologiae*, Aquinas at one point seems to consider retributive punishment as *itself* medicinal. See II *Sent.*, p. 2, d. 36, a. 3, ad 3.

revenge. Retribution, on the unfair-advantage theory, is morally justified as necessary to erase the criminal's advantage regardless of whether (or the degree to which) those around him have an inclination to punish him. To allow, as Aquinas does, our inclination to punish criminals as part of the *justification for* punishing them seems to play into the hands of Jeremy Bentham's mockery of (what he took to be) the natural-law basis of punitive justice: "If you hate much, punish much: if you hate little, punish little: punish as you hate."⁵⁴

To state Bentham's case very plainly, the natural-law justification of retribution (such as we see in Aquinas) identifies the moral basis of punishment in the subrational, which is reason enough to dismiss it. If we look at Aquinas's understanding of natural inclination's role in establishing moral norms, however, we can see that this objection is unfounded. In fact, reason enjoys a prominent role in determining those norms, which, for Aquinas, are partially established by natural inclination as well. To see how this is so, we may examine a short but crucial reply to an objection that Aquinas considers in answering the question as to whether the natural law contains several precepts or only one. The argument in the objection is that there must be only one precept because there exists only one human nature. More specifically, the objection states that it would be absurd to affirm multiple natural-law precepts according to the multiple parts of human nature, because then "even things relating to the inclination of the concupiscible faculty [would] belong to the natural law."⁵⁵ The unstated premise of the objection is, then, that the concupiscible faculty cannot belong to the natural law because it is a subrational faculty of the soul. It is noteworthy that, in his reply, Aquinas understands this objection to be equally important for the irascible faculty's moral significance as for that of the concupiscible.

⁵⁴ Bentham, *Introduction to the Principles of Morals and Legislation*, chap. 2, sec. 15 (n. 6).

⁵⁵ *STh* I-II, q. 94, a. 2, obj. 2.

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 [“good is to be done and pursued, and evil is to be avoided”], as stated above: so that the precepts of the natural law are many in themselves, but are based on one common foundation.⁵⁶

To understand how the irascible faculty, in which Aquinas identifies the moral basis for retribution, is not simply an appeal to the subrational, we may examine the parallels between irascibility and concupiscence. As Aquinas makes clear, the concupiscible inclinations provide moral precepts, not inasmuch as we follow the promptings of concupiscence whatsoever they incline us to do, but inasmuch as reason is able to discern the purpose (and thus the moral context) of those inclinations themselves. For example, the sexual inclinations of concupiscence are to be followed only to the extent that our actions conform to what reason is able to discern is the natural purpose of those inclinations in the first place, namely, procreation. On Aquinas’s analysis, this natural end discerned by reason is precisely what constitutes the “order of reason” to which Aquinas refers again and again when he argues for the immorality of actions like homosexual sex, fornication, masturbation, and incest. We might observe, therefore, that these moral norms of the natural law are established neither by “pure reason” nor by any subrational part of the soul, but by the two working in tandem. Our natural desires and inclinations provide the content, so to speak, upon which reason reflects as it interprets the moral parameters of a natural order created by God.

Something similar is going on, we may surmise, in the connection between irascibility and the debt of punishment, though Aquinas admittedly leaves us precious few remarks as to how we should understand that connection. It is at least clear that Aquinas considers the irascible, angry, or indignant response to injustice not as something to be overcome, but as something morally instructive in itself. God, it seems, created us with these

⁵⁶ *STh* I-II, q. 94, a. 2, ad 2.

inclinations just as he created us with the inclinations to eat, drink, and have sex, and the human intellect is assigned with the task of discerning what God's reasons may have been. To be sure, part of natural inclination to "repress" wrongdoers through punishment is the physical protection of society and the deterrence of potential criminals. But from the fact that our angry or indignant response to crime is also a desire for the punishment of criminals as deserved, one could argue that there is something distinctively retributive about the natural inclination to punish. If so, it seems fitting that the act of punishment as well should be retributive, at least in part. Perhaps the response of political society to crime in a retributive manner serves to rebuke the crime itself, to solidify a commitment to the common good, and to affirm the people's hatred of injustice. Of course, God could have created us in such a way that we would pursue these goals nonretributively (just as could he have created us to procreate nonsexually), but in Aquinas's mind we should honor the natural law by dealing with crime after the mode of the natural inclinations we have, and those inclinations are unmistakably retributive.

To be sure, Aquinas's explanation of retributive justice leaves a great many questions unanswered. To what degree, for example, should judges consider retributive justice in sentencing, and how should retributive considerations weigh against the more "medicinal" goals of rehabilitation and deterrence? To what degree does the natural law allow for variation across political societies as to what punishments are deserved for specific crimes? Under what conditions should mercy or clemency be granted to criminals without running afoul of the requirements of justice? In spite of the fact that Aquinas does not provide us with a fully developed penology, however, what he does provide is of great value, namely, an explanation of retributive justice in the context of a broader theory of natural law. That theory was, of course, discarded by modern philosophy, which subsequently produced two theories of punishment that dominate the intellectual landscape today, namely, utilitarianism and a distinctively modern form of retributivism. If C. S. Lewis's argument considered at the

beginning of this essay is sound, the first of these essentially severs punishment from the realm of justice altogether, while the latter is fraught with the philosophical problems I have outlined above. Arriving at the conclusion that the modern debate leaves us with no satisfactory alternative, we are all the more justified in turning to Aquinas, whose theory of natural law undergirds a more compelling, humane, and philosophically coherent account of retributive justice than the best efforts of modern thought have been able to provide.

LAWRENCE DEWAN, LEGAL OBLIGATION, AND THE
NEW NATURAL LAW

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IN AN ARTICLE entitled “St. Thomas, Our Natural Lights, and the Moral Order,” Fr. Lawrence Dewan, in responding to the “New Natural Law” approach to ethics elaborated by John Finnis, does two things.¹ First, he reminds us that ethical reflections are preceded by sapiential seeds planted in the human intellect through its cognition of being, and so our knowledge of good is preceded (logically) by knowledge of being. Second, he shows that the grasp of being as good entails an incipient awareness of being bound to an order of goodness with God as its ultimate source. In the course of doing the latter, he provides a paragraph dense with footnotes emphasizing the legal character of natural law. It is this legal character of the natural law that I am interested in examining, and contrasting with the approach of the New Natural Law (NNL) theorists.²

¹ In Lawrence Dewan, *Wisdom Law and Virtue: Essays in Thomistic Ethics* (Bronx, N.Y.: Fordham University Press, 2007), 199-212.

² The considerations on moral obligation that follow are most immediately indebted to the studies of Steven J. Jensen, *Knowing the Natural Law: From Precepts and Inclinations to Deriving Oughts* (Washington, D.C.: The Catholic University of America Press, 2015); and Stephen L. Brock, “The Legal Character of the Natural Law according to St. Thomas Aquinas” (Ph.D. diss., University of Toronto, 1988). This approach has much in common with older manuals of Thomistic philosophical ethics. See John Oesterle, *Ethics: The Introduction to Moral Science* (Englewood Cliffs, N.J.: Prentice Hall, 1957), 211-12; Michael Cronin, *The Science of Ethics*, vol. 1, *General Ethics* (Dublin: M.

I. DETERMINATION OF THE RULE

It will be well to begin with an example of the reasoning St. Thomas Aquinas employs when determining the right rule governing our pursuit of a naturally given end. As is well known, St. Thomas determines that the first rule governing the begetting and rearing of offspring is that sexual intercourse is to be reserved to the married.³ In his disputed questions *De malo*, we find an objection to that thesis, working from the premise that the end of nature can be preserved even if the means employed is not marital coitus.⁴ Saint Thomas's reply to this argument emphasizes the couple's need to order themselves to the common good, that is, to obey the law in their use of generation. In other words, the couple are not competent to determine for themselves the means by which they order themselves to that good: "it ought to be said that the act of generation is ordered to the good of the species, which is a common good. But a common good is ordainable by law, whereas a private good falls under the ordination of each person." The means prescribed by law must be employed even if it is judged that the end can be attained by other means: "although in some case the intention of nature can be saved in an act of fornication with respect to the generation and education of offspring, nevertheless the act is disordered according to itself and a mortal sin."⁵

H. Gill; New York: Benziger, 1909), 214-19, 229-30; Austin Fagothey, *Right and Reason: Ethics in Theory and Practice*, 2d ed. (Rockford, Ill.: TAN Books and Publishers, 2000), 190-206; Thomas J. Higgins, *Man as Man: The Science and Art of Ethics* (Rockford, Ill.: TAN Books and Publishers, 1992), 80-114.

³ This rule is prior to further determinations concerning marriage, such as its indissolubility and the demand that it be monogamous

⁴ *De Malo*, q. 15, a. 2, arg. 12 (Leonine ed., 23:273b): "Commixtio maris et femine ordinata est ad actum generationis et educationis prolis. Sed quandoque ex fornicario concubitu potest sequi conuenienter generatio et educatio prolis. Ergo non omnis fornicarius concubitus est peccatum mortale."

⁵ *De Malo*, q. 15, a. 2, ad 12 (Leonine ed., 23:276a): "Ad duodecimum dicendum quod actus generationis ordinatur ad bonum speciei, quod est bonum commune; bonum autem commune est ordinabile lege; set bonum priuatum subiacet ordinationi uniuscuiusque. . . . ideo licet in aliquo casu possit saluari intentio nature in actu fornicario

The idea that willing subjection to the rule provides an act with moral rightness is congruent with what St. Thomas determines earlier in the work concerning what belongs essentially to the concept of sin:

it is clear that to omit the rule of action belongs more to the notion of sin than even to fall short of the end of the action. For this belongs per se to the notion of sin, whether in nature, or art, or morals, that it is opposed to the rule of action.⁶

For St. Thomas, the voluntary refusal to follow a rule, set by a lawmaker, belongs to the essence of sin or moral failure. Conversely, one acts well when one acts according to the rule.

The rule to be followed in pursuing the end of generation is identified as the limitation of sex to marriage. Saint Thomas arrives at that rule by a resolute process, moving from the end intended by nature to the means “proportioned” to that end. The means are thus seen to be necessary on account of the end, and the end is seen to belong to us in virtue of a natural inclination. But if the necessity of specific means depends solely on the supposition of a natural end, how does that supposition impose a moral obligation to use those, and only those, specific means? Why is the human will bound to will only those means? In other words, what is it that makes this rule governing a hypothetical order to an end a precept or law that must be obeyed?

II. THE NEW NATURAL LAW CRITIQUE

New Natural Law theorists maintain that such reasoning from natural end to proportioned means cannot establish moral obligation, as it gratuitously extracts an ought-statement from an is-statement. Saint Thomas’s argument could be formalized thus: the begetting and rearing of offspring is a natural end; this natural

quantum ad generationem proles et educationem, nichilominus actus est secundum se inordinatus et peccatum mortale.”

⁶ *De Malo*, q. 2, a. 1 (Leonine ed., 23:29b): “Ex quo patet quod magis est de ratione peccati preterire regulam actionis quam etiam deficere ab actionis fine. Hoc est ergo per se de ratione peccati, siue in natura, siue in arte, siue in moribus, quod opponitur regule actionis.”

end is best achieved by marital intercourse; therefore the begetting and rearing of offspring ought to be pursued only by means of marital intercourse. The conclusion, enjoining an “ought,” contains more than the premises, which merely indicate a naturally knowable suitability of means to end. The suppositional necessity of nature, then, could not by itself account for the rational necessity to act according to the rule. Further, NNL theorists might argue that the method of resolute analysis employed by St. Thomas models moral action (or “doing”) too closely on reasoning about things-to-be-made (or “making”), thus subordinating the moral to the technical.⁷ Moral reasoning, they say, begins not from knowing some end as a good of nature and resolving to the best means to attain it, but from knowing all the goods that fulfill us and directing our actions such that we remain open to them all. As Patrick Lee says, “The moral norm is right reason; and reason is right if it is informed by all of the principles of practical reason [i.e., the basic goods]. Thus, the moral norm is that one must choose and will in accord with or in harmony with all of the goods prescribed in the first practical principles.”⁸

According to Germain Grisez, it is practical reason itself that prescribes the pursuit of the basic goods by recognizing them as to-be-brought-about-by-action: “For practical reason, to know is to prescribe.”⁹ Practical reason’s grasp of the basic goods as basic is to know them “as ultimate rational grounds (principles of practical reasoning) for proposing actions to be done for certain benefits (anticipated instantiations of those goods).”¹⁰ This grasp of the basic goods is the principle and precondition of any rationally guided, and thus moral, action. To act against a basic good is necessarily seen as a failure to act rationally. Thus, as

⁷ See Patrick Lee, “Is Thomas’ Natural Law Theory Naturalist?” *American Catholic Philosophical Quarterly* 71 (1997): 579-80.

⁸ *Ibid.*, 580.

⁹ Germain G. Grisez, “The First Principle of Practical Reason: A Commentary on the *Summa Theologiae*, 1-2, Question 94, Article 2,” *Natural Law Forum* 10 (1965): 193-94.

¹⁰ John Finnis, Germain G. Grisez, and Joseph M. Boyle, “Practical Principles, Moral Truths, and Ultimate Ends,” *The American Journal of Jurisprudence* Paper 846, no. 32 (1987): 106.

Christopher Tollefsen explains, “the goods of human nature, considered through the lens of practical reason operating without error, provide sufficient justification for moral obligation.”¹¹ As a result, contrary to what the above passage from *De malo* suggests, NNL theorists contend that obligation cannot be founded in the command of a superior. Rather, it is seeing the command of the legislator as one that could have issued from oneself that can make the following of the law imposed by an authority obligatory.¹² Thinking along these lines, Tollefsen suggests that God’s commandments should be viewed as divine proposals or invitations to fulfillment, and not as imperatives with extrinsically imposed sanctions for disobedience to the rule.¹³

III. THE BINDING FORCE OF THE RULE

What, on St. Thomas’s account, enjoins us to follow a rule in our actions, such that the dictate of reason about what is to be done is binding on the agent? Perhaps it is conscience that has this binding force, “For conscience is said to testify, bind or impel, and also to accuse or nag or reprehend.”¹⁴ Conscience is, for St. Thomas, the application of knowledge to actions we have performed or are planning to perform, a judgment considering them as things to be done or refrained from, or, having been done, as having been done well or poorly. In judging an action as a thing to be done or avoided, “conscience is said to instigate or

¹¹ Christopher Tollefsen, “Morality and God,” *Quaestiones Disputatae* 5, no. 1 (2014): 47.

¹² John Finnis, *Natural Law and Natural Rights* (Oxford: Clarendon Press, 1980), 341: “The important thing is that the expressed *imperium*, the promulgated ‘intention of the legislator,’ represents to the subject an intelligible determinate pattern of action, which, having been chosen by the lawgiver to be obligatory, can actually *be* obligatory in the eyes of a reasonable subject because the ruler’s *imperium* can (for the sake of the common good) be reasonably treated by the subject as if it were his own *imperium*.”

¹³ See Tollefsen, “Morality and God,” 56-60; see also Germain G. Grisez, *The Way of the Lord Jesus*, vol. 1, *Christian Moral Principles* (Chicago: Franciscan Herald Press, 1983), 103-5 (chap. 4, q. F).

¹⁴ *STh* I, q. 79, a. 13: “Dicitur enim conscientia testificari, ligare vel instigare, et etiam accusare vel remordere sive reprehendere.”

bind.”¹⁵ Even an erroneous conscience binds one to act or not to act, since it properly consists in the judgment that a certain act is in accordance with the rule of action or not.¹⁶ But in itself, conscience is simply a judgment about the moral demands on what we are intending to do here and now, or a judgment about the moral quality of an act already performed. Thus part of the knowledge brought to bear on action in the judgment of conscience must already contain some notion of obligation. In other words, the judgment of conscience presupposes knowledge of the rule that is brought to bear on the action.¹⁷ The rule or precept or law to be applied in an act of conscience, then, is already seen to have the character of something that ought to be done or refrained from, and thus binds us to make a judgment that an act is to be done or left undone. How does this rule bind?

In his discussion, in the disputed questions *De veritate*, of why conscience is said to bind one to act or not, St. Thomas identifies two forms of necessity that can be imposed on an agent. The first of these, force, cannot be brought to bear on the act of the will.¹⁸ The second, a conditional necessity, can. This conditional necessity imposes on the agent a condition for the attainment of the good: “it is necessary to choose this, if he ought to attain this good, or if he ought to avoid this evil.”¹⁹ For St. Thomas, then, in contrast to the NNL theorists, an extrinsically imposed sanction (i.e., the threat of losing the good) does seem to have a role to play in knowing the obligatory force of the law. There is a necessity of means imposed on the human agent that conditions his attainment of the good.

This necessity, however, can be imposed on an agent only by the condition being made known to that agent. The action of making the condition known, according to St. Thomas, belongs to one who is the agent’s superior: “The action by which the will

¹⁵ *Ibid.*: “dicitur conscientia instigare vel ligare.”

¹⁶ See II *Sent.*, d. 39, q. 3, a. 3.

¹⁷ See II *Sent.*, d. 24, q. 2, a. 4; *De Verit.*, q. 17, a. 4 (Leonine ed., 22/2:523b-526a); *STh* I-II, q. 19, a. 5.

¹⁸ *De Verit.*, q. 17, a. 3 (Leonine ed., 22/2:522a).

¹⁹ *Ibid.*: “necessarium sit hoc eligere, si hoc bonum debeat consequi, vel si hoc malum debeat vitare.”

is moved is the command of the ruler and governor.”²⁰ But is it the case that this kind of conditional necessity can be imposed on the will only by an agent’s superior? Can it not, as the NNL theorists suppose, be simply a deliverance of practical reason prescribing pursuit of the goods? It seems not. In response to the objection that conscience cannot bind since no one can make law for himself, St. Thomas responds: “a man does not make law for himself; but through the act of his cognition, *by which he knows the law to have been made by another*, he is bound to fulfill the law.”²¹ The rule or law binds because it is known to be from someone who has the authority to make the law:

for this that the law obtain the power of obliging, which power is proper to law, it is necessary that it be applied to the men who ought to be regulated according to it. But such an application comes about through this, that he is led to knowledge of them from its very promulgation.²²

Thus the judgment of conscience involves the affirmation of a rule, seen as having its origin from a superior, as true. Implicitly, this judgment of the rule as true proclaims itself as a certain participation in eternal truth, such that even the one who acts in accordance with an erroneous conscience sees the deliverance of erring reason as coming ultimately from God:

it ought to be said that although the judgment of erring reason is not derived from God, nevertheless erring reason proposes its judgment as true, and consequently as having been derived from God, from whom is all truth.²³

Thus St. Thomas sees it as uncontroversial to claim in the preamble to the treatise on law in the *Summa theologiae* that law

²⁰ Ibid.: “Actio autem qua voluntas movetur, est imperium regentis et gubernantis.”

²¹ Ibid., ad 1: “homo non facit sibi legem; sed per actum suae cognitionis, qua legem ab alio factam cognoscit, ligatur ad legem implendam” (emphasis added).

²² *STh* I-II, q. 90, a. 4: “ad hoc quod lex virtutem obligandi obtineat, quod est proprium legis, oportet quod applicetur hominibus qui secundum eam regulari debent. Talis autem applicatio fit per hoc quod in notitiam eorum deducitur ex ipsa promulgatione.”

²³ *STh* I-II, q. 19, a. 5, ad 1: “dicendum quod iudicium rationis errantis licet non derivetur a Deo, tamen ratio errans iudicium suum proponit ut verum, et per consequens ut a Deo derivatum, a quo est omnis veritas.

is an extrinsic principle of action: “God, who instructs us by law and aids us by grace, is the exterior principle moving us to the good.”²⁴

IV. OBJECTION: UNACCEPTABLE HETERONOMY

At this point, an NNL theorist may object that the knowledge that a rule is from God is just one more fact that cannot generate an ought. Grisez takes the position that even if we know that the rule is a command of God, there would still have to be, prior to this knowledge, knowledge that we ought to obey God’s commands.²⁵ Even knowing the condition that God will punish us for noncompliance is simply one more fact that cannot generate a moral obligation.

This objection does have some force. Specifically, it raises the question of how any external command can have the character of being obligatory in a nonarbitrary, and ultimately coercive, way, much as the threat of a robber is arbitrary and coercive: “Your money or your life!”²⁶ The danger of seeing the moral law as ultimately grounded in the command of a superior is that the connection between the moral law and the human good will be severed. To avoid this result, Grisez argues that the end as grasped by practical reason is sufficient for moral obligation: “obligation is merely one result of the influence of an intelligible end on reasonable action.”²⁷ To view the precepts of the natural law as obligatory because God commanded them threatens to pit

²⁴ *STh* I-II, q. 90, proem.: “Principium autem exterius movens ad bonum est Deus, qui et nos instruit per legem, et iuvat per gratiam.”

²⁵ Grisez, *The Way of the Lord Jesus*, 1:105 (chap. 4, question F): “unless there is a logically prior moral norm indicating that God’s commands are to be obeyed, any command of God considered by itself would merely be another fact which tells us nothing about how we ought to respond.” See also Grisez, “First Principle of Practical Reason,” 194.

²⁶ Here it should be noted that the coercion of the robber is brought to bear on the victim by means of inducing fear, and voluntary action still remains possible for the fearful victim. See *STh* I-II, q. 6, a. 6. The kind of coercion that is absolutely repugnant to the nature of the will would be one that would violate the nature of the will itself, introducing into it an inclination contrary to its own natural inclination. See *STh* I, q. 82, a. 1.

²⁷ Grisez, *The Way of the Lord Jesus*, 1:187 (chap. 7, question F).

the human will against the divine will, and is thus to see the moral life as governed not by human reason but by the divine will. As Fulvio Di Blasi has said, the NNL theory is concerned to escape a view of morality that would involve heteronomy—the imposition of rules from outside our nature—which would thus “end up in a sort of frustration compared to what we really are and want.”²⁸ Consequently, NNL theorists want to walk the fine line between opposed voluntarisms: on the one hand, the law should not be seen as imposed from outside one’s own nature by being reducible to the will of another; on the other, it should not be seen to arise consequent to one’s own volitions. As Grisez explains,

From man’s point of view, the principles of natural law are neither received from without nor posited by his own choice; they are naturally and necessarily known. . . . Without such a foundation God might *compel behavior* but he could never *direct human action*.²⁹

Practical reason should be directive without being coercive. In its recognition of the basic goods, practical reason imposes a “rational necessity” on our possibilities for action.³⁰

This “rational necessity,” however, is no kind of necessity imposed on the will that is recognized by St. Thomas. For him, the human will is subject to an absolute necessity to incline to the ultimate end in virtue of being a natural inclination to the good of the person, and to the hypothetical necessity of the means proportioned to the attainment of the human good.³¹ This hypothetical necessity has its obligatory force from the promise of reward and the threat of punishment: “for the proposers of a

²⁸ Fulvio Di Blasi, “The Role of God in the New Natural Law Theory,” *National Catholic Bioethics Quarterly* 13, no. 1 (2013): 39.

²⁹ Grisez, “First Principle of Practical Reason,” 192-93.

³⁰ Grisez seems to acknowledge that we can recognize that the principles of practical reason are a kind of “divine guidance” in the course of our lives and can thus intend harmony with God as part of our human fulfillment, but this does not seem to be, for him, the ultimate foundation of the obligatory character of the natural law. See Germain Grisez, “The True Ultimate End of Human Beings: The Kingdom, Not God Alone,” *Theological Studies* 69 (2008): 54-55.

³¹ See *STh* I, q. 82, a. 1.

law induce the observance of the law by means of reward and punishment.”³² Moreover, punishment is a proper effect of law by means of which we see its binding character: “But that through which the law induces to this, that obedience be given it, is the fear of punishment, and with respect to this, to punish is posited as an effect of the law.”³³ Saint Thomas holds that, properly speaking, to be bound to a certain course of action means that “if we do not do it, we will incur a penalty.”³⁴ Thus the problem remains: how is this not coercion, as in the case of being held up by a robber? Does this not make morality into a legalistic pitting of the divine will against the human will and sever the law from the human good?

V. THE BINDING FORCE OF THE COMMON GOOD

The answer to this query can be found by looking again at the definition of law as an ordinance of reason for the common good. Those precepts commanding particular acts have the nature of law only if they can be referred to the common good:

operations are indeed in particulars, but those particulars can be referred to the common good, not indeed by a community of genus or species, but by a community of final cause, according to which the common good is called the common end.³⁵

Here St. Thomas distinguishes between a good that is common by predication and a good that is common by way of causality. It is the latter kind of good to which law properly orders us. A good that is common by predication does not have the notion of a final

³² ScG III, c. 140: “legis enim latores per praemia et poenas ad observantiam legis inducunt.”

³³ *STh* I-II, q. 92, a. 2: “Id autem per quod inducit lex ad hoc quod sibi obediat, est timor poenae, et quantum ad hoc, ponitur legis effectus punire.”

³⁴ *De Verit.*, q. 23, a. 7, ad 8 (Leonine ed., 22/3:678a): “si non faciamus, penam incurremus quod est proprie ad aliquid teneri.” See also *I Sent.*, d. 48, q. 1, a. 3.

³⁵ *STh* I-II, q. 90, a. 2, ad 2: “operationes quidem sunt in particularibus, sed illa particularia referri possunt ad bonum commune, non quidem communitate generis vel speciei, sed communitate causae finalis, secundum quod bonum commune dicitur finis communis.”

cause. For example, the notion of “animal” is common to both human beings and dogs; our animality is not a final cause, but a formal one. A good that is common by way of causality, however, is one that enables us to engage in common action. It draws many to it in such a way that in its attainment that good is not divided or diminished, as in the common pursuit of knowledge. A good that is common in this latter way is truly our own good, but is also a fundamentally shared good, and is loved by a natural love even more than one’s private good:

But in those things of which one is the whole reason for the existence and goodness of another, the other is naturally loved more than the self, as it is said that each and every part naturally loves the whole more than itself. And every singular naturally loves more the good of its species than its own singular good.³⁶

As parts of an ordered cosmos, all human beings are ordered to the good of the universe, and that good exercises a final causality on all by extending to every particular. Our own private good is only good in virtue of its order to the common good, which is, in the final analysis, God himself:

The particular good is ordered to the common good as to its end, for the being of the part is for the sake of the being of the whole, whence the good of a people is also more divine than the good of one man. But the highest good, which is God, is a common good, since the good of all things depends on him, for the good by which any thing is good is the particular good of it, and of the other things that depend on it. Therefore all things are ordered to one good as to an end, which is God.³⁷

³⁶ *STh* I, q. 60, a. 5: “Sed in illis quorum unum est tota ratio existendi et bonitatis alii, magis diligitur naturaliter tale alterum quam ipsum; sicut dictum est quod unaquaeque pars diligit naturaliter totum plus quam se. Et quodlibet singulare naturaliter diligit plus bonum suae speciei, quam bonum suum singulare.”

³⁷ *ScG* III, c. 17: “Bonum particulare ordinatur in bonum commune sicut in finem: esse enim partis est propter esse totius; unde et bonum gentis est divinius quam bonum unius hominis. Bonum autem summum, quod est Deus, est bonum commune, cum ex eo universorum bonum dependeat: bonum autem quo quaelibet res bona est, est bonum particulare ipsius et aliorum quae ab ipso dependent. Omnes igitur res ordinantur sicut in finem in unum bonum, quod est Deus.”

The common good is the principle of an ordered whole, and inasmuch as we recognize ourselves as belonging to a whole we know ourselves as subject to the order of the whole. The good of the order is a shared good, and so no part of that order is able to act for that good without reference to that order, for in so doing, that part would be trying to exercise personal dominion over a good that is under the dominion of another, and intended for the benefit of the whole community. It is a demand of the order itself that those who belong to it act in an order to the end of the whole, and that the order will itself resist those rising up against it, much as the body works to combat disease. To act against the order is to sin, and to make oneself fit for punishment; the “guilt of punishment” (*reatus poenae*) is the immediate effect of sin, and the bearer of this guilt is necessarily to be punished by the order sinned against:

But it is manifest that whatever things are contained under some order are somehow one in an order to the principle of that order. Whence whatever rises up against some order is consequently to be suppressed by that order itself or by the principle of that order. But since sin is an inordinate act, it is clear that whoever sins acts against some order. And therefore he should consequently be suppressed by that order. Which suppression, indeed, is punishment.³⁸

Saint Thomas continues this consideration by identifying three orders to which we belong and in virtue of which we may be deprived of the good of those orders.³⁹ The first of these is the order of reason itself, the good of which is removed by remorse of conscience. This is the natural, self-inflicted punishment of sin. The other two orders, however, concern our relationship to a whole of order. One is the order of civil society. Since the good life of civil society is a shared good, one who seeks to possess that good life as a private good through the violation of the laws of

³⁸ *STh* I-II, q. 87, a. 1: “Manifestum est autem quod quaecumque continentur sub aliquo ordine, sunt quodammodo unum in ordine ad principium ordinis. Unde quicquid contra ordinem aliquem insurgit, consequens est ut ab ipso ordine, vel principe ordinis, deprimatur. Cum autem peccatum sit actus inordinatus, manifestum est quod quicumque peccat, contra aliquem ordinem agit. Et ideo ab ipso ordine consequens est quod deprimatur. Quae quidem depressio poena est.”

³⁹ *Ibid.*

society is fit to be subjected to that order by punishment, which will entail the loss of that shared good by imprisonment, exile, or death.⁴⁰ The other is the order of divine government. Since the shared good of cosmic order is our ultimate end, God himself, the violation of that order will entail the loss of that end. In these latter cases, the good we are deprived of by punishment is truly our own good, but is not our own good alone; it belongs primarily to the order itself, or rather to the principle of that order. It can thus be legitimately removed from the sinner by the principle of the order without any violation of justice, though this will be detrimental to the sinner himself.

Insofar as an order is governed by dictates, and the violation of these dictates incurs punishment, it does not belong to just anyone to establish laws, but to the whole itself or to the principle of that whole of order:

law properly, firstly, and principally regards the order to the common good. But to order something to the common good belongs either to the whole multitude, or to the vice-regent of the whole multitude. And so to establish a law pertains either to the whole multitude or to a public person who has the care of the whole multitude. For in all other things, ordering to the end belongs to him for whom that end is proper.⁴¹

By recognizing ourselves as ordered by nature to the various ends or goods of our nature, we see ourselves as subject to the universe's order to its good, whether we conceive of that good only as the intrinsic order of the universe, or as the extrinsic common good of the universe, God.

⁴⁰ While these are the punishments mentioned by St. Thomas in the article, they are not meant to be an exhaustive list. Exile, imprisonment, and death name the punishments that most fully subject the offender to the community by his permanent or temporary exclusion from it.

⁴¹ *STh* I-II, q. 90, a. 3: "lex proprie, primo et principaliter respicit ordinem ad bonum commune. Ordinare autem aliquid in bonum commune est vel totius multitudinis, vel alicuius gerentis vicem totius multitudinis. Et ideo condere legem vel pertinet ad totam multitudinem, vel pertinet ad personam publicam quae totius multitudinis curam habet. Quia et in omnibus aliis ordinare in finem est eius cuius est proprius ille finis."

VI. A BLESSED HETERONOMY

From the foregoing, we can see that Dewan is right to insist that in our first encounter with being we are able to catch a glimpse of God as the source of the moral law, but only virtually and implicitly:

We do immediately catch a glimpse of God, and “to love God more than oneself” is the first and most evident principle of natural law, but the mode of knowing this, the natural practical knowing, is reason naturally grasping nature and its natural order, and is thus more a simple grasping of the goodness of being, than the reception of a law from a lawgiver. . . . What is *in fact* law is only inferentially grasped by us *as law*. It is first grasped by us in a more immediate way, as the goodness of being. This conclusion makes it very important that we underline the role of *nature* in the doctrine or, if one prefer, the role of being.⁴²

This is why we must recognize that our natural inclinations, by which we come to know the human good, are not the conscious inclinations of the appetites that arise consequent to cognition, but are the very innate tendencies of our nature. It is only these latter that we necessarily recognize as being prior to the will’s act, and thus having nature, and not ourselves, as their source. In these natural inclinations we recognize ourselves as subject to an order that we did not make, and thus as beholden to the principle of that order. Only the principle of this order can determine the laws in accordance with which we are to attain our end, namely, happiness, and to punish transgressions of those laws by withholding that end. The potential for the loss of this end through sin is the only adequate sanction the natural law can provide, for it is this end that we necessarily desire.

However, it is not primarily by fear of the loss of the ultimate end that God enjoins us to obey the law; rather, it is by desire for the good that is promised in its fulfillment. Saint Thomas points out that, due to the nature of the will, one can be impelled by another to act voluntarily only by being presented with a good that can move one’s will.⁴³ In his commentary on Dionysius’s

⁴² Dewan, “St. Thomas, Our Natural Lights, and the Moral Order,” 210

⁴³ See *STh* I-II, q. 80, a. 1.

Divine Names, St. Thomas distinguishes between the ways in which the principle of an order can hold one to obey his laws, namely, fear and love:

But it happens that someone can rule others in two ways. In one way, by way of fear, and that mode of ruling is not efficacious for binding his subjects, for those who are subdued contrary to their own will, who serve out of fear, will cast off the yoke of servitude if given the opportunity. In another way, by way of love, and this mode of ruling is efficacious for binding subjects who are voluntarily subdued; and this mode of ruling is attributed to God . . . for all desire him, as has been said many times.⁴⁴

As the only thing that can bring to rest all our desires, God himself is able to induce us to obey his law out of love, not fear. Moreover, God's laws are not mere external impositions, but are inscribed in our very being, such that the following of them all is in accordance with our own nature. The requirement of obedience to these laws, far from pitting the divine will against the human, is so fitting to our nature that the laws themselves can be called "voluntary":

[Dionysius] adds that "to all," he has given "voluntary laws," for the law of God for each creature is its imprinted natural inclination to do that which is suited to it by nature; and so, as all are bound by divine desire, so are they bound by his laws. . . . Whence that the divinely instilled laws are voluntary for all things is shown by that which is added: "and the sweet offspring of the divine and omnipotent and indissoluble love of goodness itself." Where it ought to be considered that out of love and desire for the end, there arises the desire of that which is adapted to the end. But the ultimate end of all is the divine goodness, to which all the previous and particular ends to which things are naturally inclined are ordered. Therefore, the very natural inclinations of things to their proper ends, which we say are natural laws, are certain "offspring," that is, effects; "sweet," that is, consonant with natural desire; [they are] effects or offspring, I say, of the love by which the divine goodness is loved. Which love is also divine, and binding all things, and indissoluble, whether this is

⁴⁴ *In De Div. nom.*, c. 10, lect. 1: "Contingit autem aliquem aliquibus principari, dupliciter: uno modo, per modum timoris et iste modus principandi non est efficax ad subditos tenendum: qui enim contra propriam voluntatem subduntur, qui timore serviunt, data opportunitate, servitutis iugum excutiunt. Alio modo, per modum amoris et hic modus principandi est efficax ad tenendum subiectos qui voluntarie subduntur; et hunc modum principandi Deo attribuit, cum dicit: *et sicut omnibus desiderabilis*, omnia enim ipsum desiderant, ut pluries dictum est." See also *Super Rom.*, c. 6, lect. 3.

understood of the love by which God himself loves his own goodness, through which he binds all things and which is indissoluble because he necessarily loves himself, or is said of the divine love which is divinely implanted in all things, through which all are bound by God and which cannot be loosed, for all things necessarily love God, at least in his effects.⁴⁵

VII. INCLINATION TO THE GOOD AND KNOWLEDGE OF THE GOOD: A FRIENDLY AMENDMENT

At this point, I would like to turn to Dewan's consideration of the role of being in the mind's becoming practical, for it is at the birth of practical knowledge that we begin to know ourselves as ordered to the good, and not as originators of the good. I would also like to point out some problems with his approach, and I hope to offer a corrective that will strengthen his overall position.

In question 16 of the *Prima pars*, St. Thomas gives an account of the order in which we come to know the primary concepts of being, truth, and goodness:

the intellect first apprehends being itself, and in the second place it apprehends itself understanding being, and in the third place it apprehends itself desiring being. Whence the notion of being is first, the notion of the true is second, the notion of the good is third, even though the good is in things.⁴⁶

⁴⁵ *In De Div. nom.*, c. 10, lect. 1: "subdit quod *omnibus* supermittit *voluntarias leges*: lex enim Dei est cuilibet creaturae infixata naturalis inclinatio ipsius ad agendum id quod convenit ei secundum naturam; et ideo, sicut omnia tenentur a desiderio divino, ita tenentur a legibus eius, secundum illud Psalmi 148: *praeceptum posuit et non praeteribit* super aliqua creatura. Et propter hoc etiam dicitur Sap. 8 de divina sapientia, quod suaviter omnia disponit. Unde quod omnibus leges divinitus infixae, sunt voluntariae, ostenditur per id quod subditur: *et dulces partus divini et omnipotentis et indissolubilis amoris ipsius bonitatis*. Ubi considerandum est quod ex amore et desiderio finis, exoritur desiderium eius quod est ad finem adaptatum. Ultimus autem omnium finis est bonitas divina, ad quam sicut ad finem ordinantur omnes praevidi et particulares fines in quos res naturaliter inclinantur. Sic igitur ipsae naturales inclinationes rerum in proprios fines, quas dicimus esse naturales leges, sunt quidam *partus*, idest effectus, *dulces*, idest consoni naturali appetitui, effectus dico vel partus amoris quo divina bonitas amatur; qui quidem amor est divinus et omnia tenens et insolubilis: sive hoc intelligatur de amore quo ipse Deus amat suam bonitatem, per quam omnia tenet et insolubilis est quia ex necessitate se amat; sive dicatur divinus amor qui est divinitus omnibus rebus inditus, per quem omnia tenentur a Deo et qui solvi non potest, quia omnia ex necessitate Deum amant, saltem in eius effectibus." See also *ScG III*, c. 128.

⁴⁶ *STh I*, q. 16, a. 4, ad 2.

Dewan emphasizes that when the intellect apprehends itself desiring a being, it is not observing the will's act and then forming the notion of the good. The notion of the good must come first, for the will cannot incline to the understood good if the good is not first understood. Thus he says,

The object, the good, the being toward which appetite is envisaged, must be given in cognition prior to our having actual appetite. Appetition is *known* prior to appetite occurring. Thus, the notion of the good, as including that of appetite, follows from the notions of being and intellectual apprehension. The notion of the will is in the intellect, because the intellect is the *principle*, the source, the cause, of the act of the will.⁴⁷

Again, in an essay entitled "Jacques Maritain and the Philosophy of Cooperation," Dewan maintains that when St. Thomas says that the will's act is in the intellect as the principled is in its principle, what this means is that

intellect, as that which naturally gives rise to will, knows the act of willing. Thus, we can envisage a natural knowledge of the good, which natural knowledge is prior to the act of the will and mover of the act of the will. It is knowledge of inclination, but not knowledge derived from observation of already given inclination, and still less is it knowledge *through* inclination.⁴⁸

While maintaining with Dewan that knowledge of the good involves knowledge of appetite or inclination, I would challenge his claim that we do not first know appetite by way of knowing ourselves to *have* intellectual appetite or will in the formation of the concept of the good.

First, this runs counter to the general thesis that we come to know the nature of a power of the soul first by knowing its act

⁴⁷ Dewan, "St. Thomas, Our Natural Lights, and the Moral Order," 205.

⁴⁸ Lawrence Dewan, "Jacques Maritain and the Philosophy of Cooperation," in Dewan, *Wisdom Law and Virtue*, 218. Dewan's interpretation of *STh* I, q. 16, a. 4, ad 2, is also held by Stephen Brock. See Stephen L. Brock, "Natural Inclination and the Intelligibility of the Good in Thomistic Natural Law," *Vera Lex* 6, no. 1-2 (2005): 57; "Natural Law, the Understanding of Principles, and Universal Good," *Nova et vetera* (Eng. ed.) 9 (2011): 671; "Practical Truth and its First Principles in the Theory of Grisez, Boyle, and Finnis," *National Catholic Bioethics Quarterly* 15 (2015): 303. The interpretation I favor can also be found in Jensen, *Knowing the Natural Law*, 80-83.

and proper object, and thus as the subject of a natural appetite for a determinate perfection. In the order of knowing, the act is known through its object, and the power is known through its act as directed to or as having a natural appetite for the object of its act. In every instance of knowing a power of the soul, it is by means of analyzing a completed, not an anticipated, act that we are able to determine the object of the act and thus the existence and nature of the power that is the principle of the act. For example, we come to know the power of sight through actually seeing something and then reflecting on that completed act. We are first aware of the visible object, and it is on account of the thing seen that we know that we have performed an act of seeing. Knowing ourselves as the subject of an act of seeing reveals to us that we are also the subject of a power of sight that is directed to the visible object. The power of sight itself is thus seen to have an appetite or inclination for the visible. If Dewan's interpretation is correct, then we would need to know the will's appetite, act, and object prior to any completed act of the will in order to form the concept of the good which would be suited to elicit the will's act.

Second, the texts to which Dewan appeals (viz., *STh* I, q. 87, a. 4, ad 1 and ad 3) do not actually support his point. In the body of the article in question, St. Thomas identifies two ways the act of the will is understood by the intellect: "both insofar as someone perceives himself willing and insofar as someone knows the nature of this act, and consequently the nature of its principle, which is a habit or power."⁴⁹ The reply to the first objection emphasizes that since both intellect and will are rooted in the same subject and that the one is "in some manner" the principle of the other, what is in the will can "in some manner" be also in the intellect. In response to the third objection, St. Thomas is defending St. Augustine's contention that the "affections of the soul," that is, the will's acts, are in the mind as "nescio quas

⁴⁹ *STh* I, q. 87, a. 4: "Unde actus voluntatis intelligitur ab intellectu, et in quantum aliquis percipit se velle; et in quantum aliquis cognoscit naturam huius actus, et per consequens naturam eius principii, quod est habitus vel potentia."

notiones”⁵⁰ that differ both from likenesses derived from bodies and from those habits of the mind that are known by their presence in it, such as art. Acts of the will are instead present in the intellect “as a thing principled is in its principle, in which is had the notion of having been principled.”⁵¹ That this entails the intellect’s foreknowledge of the will’s acts in its formulation of the concept of the good is not at all clear.

Third, in *De veritate* (*De Verit.*, q. 10, a. 9), St. Thomas glosses this same text of Augustine as presenting three ways of knowing, the third of which pertains to knowing the will’s acts or habits:

The third way is of those things pertaining to the affective part, whose reason for being known is not in the intellect but in the affection; and so they are known not by their presence, which is in the affection, but by the knowledge or definition of it which is in the intellect, as by an immediate principle. And yet, by their presence, the habits of the affective part are a kind of remote principle of cognition, insofar as they elicit acts in which the intellect knows them, such that it can also be said that they are in some manner known by their presence.⁵²

If a habit is a principle of cognition insofar as it elicits an act in which the intellect can know it, so much the more is a power or appetite, for these latter are even more remote principles of operation than is a habit. It is difficult to see, then, how the intellect could know the nature of the will’s appetite, even in a confused way, prior to any act of the will in which that appetite could be known.⁵³

⁵⁰ See Augustine, *Confessiones* 10.17.26.

⁵¹ *STb* I, q. 87, a. 4, ad 3: “sed sicut principiatum in principio, in quo habetur notio principiatum.”

⁵² *De Verit.*, q. 10, a. 9, ad s.c. 1 (Leonine ed., 22/2:330b): “Tertius modus est eorum quae pertinent ad partem affectivam, quorum ratio cognoscendi non est in intellectu, sed in affectu: et ideo non per sui praesentiam, quae in affectu, sed per eius notitiam vel rationem, quae est in intellectu cognoscuntur, sicut per immediatum principium; quamvis etiam habitus affectivae partis per sui praesentiam sint quoddam remotum principium cognitionis inquantum eliciunt actus in quibus eos intellectus cognoscit; ut sic etiam possit dici quod quodammodo, per sui praesentiam cognoscuntur.”

⁵³ See also *De Verit.*, q. 10, a. 9 (Leonine 22/2:329a): “a habit of the affective part is indeed the principle of that act from which the habit can be perceived, but not of the knowing by which it is perceived” (“habitus affectivae partis est quidem principium illius actus ex quo potest habitus percipi, non tamen cognitionis qua percipitur”); and *ibid.*, ad 5 (Leonine ed., 22/2:330a): “although a habit is closer to a power than its act, nevertheless

When Dewan says that we do not first see ourselves having an appetite and then forming the notion of the good, he is trying to avoid both the metaphysically impossible position that we could have an act of the intellectual appetite arising prior to our understanding of the good, and the approach of the NNL theorists who hold that the animal appetites following on cognition are the natural inclinations St. Thomas has in mind when he says (in *STh* I-II, q. 94, a. 2) that “all those things to which man has a natural inclination, reason naturally apprehends as goods, and consequently to be sought by operation, and the contrary of those things as evils and to be avoided.” There is, however, another possibility. It could be that when the intellect apprehends itself desiring being, it is apprehending its own inclination to being, and not the will’s—or any other power’s—inclination to its proper object. It bears emphasizing that even apprehensive or cognitive powers are the subjects of natural appetite. In question 78, article 1 of the *Prima pars*, an objector denies that animals need a sensitive appetitive power since the cognitive power itself has a natural appetite for the sensible object. Saint Thomas, in his reply, confirms the objector’s premise that cognitive powers have natural inclinations. Indeed, this is merely an application of the general principle that *every* thing or nature has such an inclination: “natural appetite is the inclination of each thing, from its nature, to something, whence every power desires what is suited to it.”⁵⁴ Nevertheless, the natural inclination of a cognitive power is insufficient for animal activities such as hunting, fleeing enemies, mating, and the like, even though the same sensible object may be both a thing seen and a thing desired for the sake of one of those further activities. The inclination of the cognitive power is for the sake of its proper

the act is closer to its object, which has the ratio of the thing known; but a power has the ratio of a principle of knowing, and so an act is known before its habit, but the habit is more a principle of knowing” (“Ad quintum dicendum, quod quamvis habitus sit propinquior potentiae quam actus, tamen actus est propinquior obiecto, quod habet rationem cogniti; potentia vero habet rationem principii cognoscendi: et ideo actus per prius cognoscitur quam habitus; sed habitus est magis cognitionis principium”).

⁵⁴ “appetitus naturalis est inclinatio cuiuslibet rei in aliquid, ex natura sua, unde naturali appetite quaelibet potentia desiderat sibi conveniens” (*STh* I, q. 78, a. 1, ad 3).

act; thus the power of sight desires the sensible object for the sake of seeing it, while the appetitive powers desire the same sensible object for the sake of using it: “Whence it is clear that sight naturally desires the visible only with respect to its action, namely, for seeing, whereas the animal desires the thing seen by its appetitive power not only for seeing it, but also for other uses.”⁵⁵

Saint Thomas applies these distinctions directly to intellect and will in the reply to a similar objection in the disputed question *De anima*:

it ought to be said that intellect naturally desires the intelligible inasmuch as it is intelligible. For intellect naturally desires to understand and sense to sense. But since a sensible or intelligible thing is not only desired for the sake of sensing or understanding, but also for the sake of something else, therefore it is necessary that there be an appetitive power besides sense and intellect.⁵⁶

As a wholly immaterial power of the soul, the intellect has the capacity to turn back on itself and know its own act, recognize itself as ordered to that act, and thus understand being-as-known as perfective of it.

Returning to *De veritate* (q. 10, a. 9), we see St. Thomas explain that we apprehend the natures of the intelligible species, habits, and powers in the soul by this *reditio* or return of the soul upon itself, and that this return happens precisely through the objects and acts of the power:

⁵⁵ “Unde patet quod visus appetit naturaliter visibile solum ad suum actum, scilicet ad videndum, animal autem appetit rem visam per vim appetitivam, non solum ad videndum, sed etiam ad alios usus” (ibid.). “But if the soul did not need the things perceived by sense other than for the sake of the actions of the senses, namely, that it should sense them, it would not be necessary to posit a special appetitive genus among the powers of the soul, for the natural appetite of the powers would be sufficient” (“Si autem non indigeret anima rebus perceptis a sensu, nisi propter actiones sensuum, scilicet ut eas sentiret; non oporteret appetitivum ponere speciale genus inter potentias animae, quia sufficeret appetitus naturalis potentialium” [ibid.]).

⁵⁶ *Q. D. De Anima*, a. 13, ad 11 (Leonine ed., 24:121b): “dicendum quod intellectus quidem naturaliter appetit intelligibile ut est intelligibile. Appetit enim naturaliter intellectus intelligere, et sensus sentire. Set quia res sensibilis uel intelligibilis non solum appetitur ad sentiendum et intelligendum, set etiam ad aliquid aliud, ideo preter sensum et intellectum necesse est esse appetitivam potentiam.”

According to apprehension, knowledge of them [i.e. habits] needs to be grasped from their objects and acts, nor can they be apprehended through their essence. The reason for this is that the virtue of each and every potency of the soul is determined to its object, whence also its action first and principally tends to its object; but it is not able [to tend] to that by which it is directed into its object except by a certain “return”, just as we see because sight is first directed to color, but [one] is not directed into the act of vision except by a certain return, when in seeing color, one sees himself seeing. But this return indeed is incomplete in sense, but complete in the intellect which returns by a complete return to knowing its essence . . . whence the action of our intellect first tends to those things that are apprehended through the phantasms and then returns to knowings its own act, and further into the species, habits, powers, and essence of the mind.⁵⁷

It turns out that the “incomplete return” of sight on itself is accomplished not by the power of sight itself, but by the common sense power or intellect.⁵⁸ The reason vision cannot make a complete return on itself is due to the fact that sight “can only see that whose likeness can be spiritually received in the pupil.”⁵⁹ In other words, sight cannot see the act of sight because the act of sight is not itself a colored—that is, a visible—object. The act of the power of sight thus needs to be perceived by a higher cognitive power than sight. This is not the case with the intellect, however, due to its immateriality:

The reason for this is that the act of an immaterial power is not excluded from the ratio of its object. For the object of the will is the good, and under this ratio

⁵⁷ *De Verit.*, q. 10, a. 9 (Leonine ed., 22/2:328a-b): “Secundum apprehensionem quidem eorum notitia oportet quod obiectis et actibus capiatur, nec ipsi possunt per essentiam suam apprehendi. Cuius ratio est, quia cuiuslibet potentiae animae virtus est determinata ad obiectum suum; unde et eius actio primo et principaliter in obiectum tendit. In ea vero quibus in obiectum dirigitur, non potest nisi per quamdam redtionem, sicut videmus quod visus primo dirigitur in colorem, sed in actum visionis suae non dirigitur nisi per quamdam redtionem dum videndo colorem videt se videre. Sed ista reditio incomplete quidem est in sensu, complete autem in intellectu qui redtione completa redit ad sciendum essentiam suam . . . unde actio intellectus nostri primo tendit in ea quae per phantasmata apprehenduntur, et deinde redit ad actum suum cognoscendum, et ulterius in species et habitus et potentias et essentiam ipsius mentis.”

⁵⁸ See, for example, *I Sent.*, d. 17, q. 1, a. 5, ad 3; *ScG* II, c. 66; *STh* I, q. 78, a. 4, ad 2.

⁵⁹ *I Sent.*, d. 17, q. 1, a. 5, ad 3: “non potest cognoscere nisi illud cuius species spiritualiter in pupilla potest recipi.”

the will loves all that it loves; and so it can love its act insofar as it is good; and it is likewise on the part of the intellect.⁶⁰

Thus, by means of our intellect, we can know not only being, truth, and essence (as the objects of the intellect), but we can also know that we know being, that we are somehow completed or perfected in this knowing of being, and thus know that knowing being is a certain human good. This is to understand knowledge of being as the end to which the intellect in its proper nature is ordered, and as St. Thomas says in his commentary on Aristotle's *Physics*, "natural appetite is nothing other than the ordering of things to their end according to their proper nature."⁶¹ Moreover, in thus coming to see our intellect as desiring being, we must implicitly recognize that this order is not original to it; it is an order that we find, not one that we make. Consequently, at the very birth of the notion of the good there is an implicit awareness of belonging to an order which we did not create, and thus an awareness that we are somehow "bound by being," or beholden to the principle of the order of being even in our intellectual judgments, be they speculative or practical.

⁶⁰ Ibid.: "Cujus ratio est, quia actus potentiae immaterialis non excluditur a ratione objecti. Objectum enim voluntatis est bonum; et sub hac ratione diligit voluntas omne quod diligit; et ideo potest diligere actum suum in quantum est bonus; et similiter est ex parte intellectus."

⁶¹ I *Phys.*, lect. 15 (Leonine ed., 2:53b): "Nihil est igitur aliud appetitus naturalis quam ordinatio aliquorum secundum propriam naturam in suum finem."

BOOK REVIEWS

Before Truth: Lonergan, Aquinas, and the Problem of Wisdom. By JEREMY D. WILKINS. Washington, D.C.: The Catholic University of America Press, 2018. xvii + 412 pages. \$65.00 (hard). ISBN: 978-0-8132-3147-1.

Noted Lonergan scholar Jeremy D. Wilkins, who teaches systematic theology at Boston College, has written an important book about the Canadian Jesuit Bernard Lonergan (1904-84), arguably one of the premier Catholic theologians and intellectuals of the twentieth century, indisputably so in the English-speaking world. *Before Truth* is the most important book on Lonergan in recent decades—a work that has all the characteristics of becoming the standard interpretation of Lonergan’s thought for the next generation.

Written in an admirably lucid prose, Wilkins’s book is both an engaging interpretation of Lonergan’s complex, sprawling, and often daunting oeuvre and simultaneously a robust cumulative argument for Lonergan’s ongoing and—as Wilkins argues—increasing relevance for contemporary Catholic theology. This makes it a “Lonerganian” book about Lonergan, but one commendably free of the technical terminology characteristic of much of Lonergan’s own work and especially that of many of his disciples. What makes *Before Truth* interesting and indeed relevant for students of Thomas Aquinas in general and for Thomists in particular is the fact that the book—not unlike an ellipse—has two focal points, Lonergan and Aquinas. Lonergan understood himself to be in an eleven-year-apprenticeship to Aquinas, during which time he composed studies that later became known under the titles *Grace and Freedom: Operative Grace in the Theology of Thomas Aquinas* and *Verbum: Word and Idea in Aquinas*. During this apprenticeship Lonergan’s goal was, in his own words, “to reach up” to Aquinas’s mind and grasp, not the conclusions of his teaching and the inferences that might be drawn from them, but rather his fundamental intuitions and deepest insights. Eventually, Lonergan would have these intuitions and insights undergo what he judged to be a congenial transposition into an approach that, according to his considered judgment, would best meet the contemporary challenges posed to Catholic theology by the modern natural sciences and by a modern historiography informed by the historical-critical methodology, and their ideological intensifications, evolutionary naturalism, and perspectivalist historicism.

The fundamental motivation of this program of transposition is captured in the title of Wilkins's book: *Before Truth*. For Aquinas truth came first, in the sense that the truth conveyed in revelation by the First Truth is contained in the articles of faith that articulate revelation and thus constitute the received first principles of *sacra doctrina*. However, because of an ever-deepening modern awareness of the active human participation in the ongoing doctrinal articulation and specification of the articles of faith—Wilkins calls this their fundamental contingency or historicity—Lonergan holds that, for contemporary Catholic theology, truth cannot be “first” anymore in an unproblematic and unquestioned way. Truth has to be, rather, understood as the achievement of theological judgments that are guided by fundamental ascetical practices of self-appropriation and self-understanding and reflected in methodological considerations—all of which come “before truth.” Before truth can be attained by way of right judgment, the subject that judges must achieve an adequate self-appropriation and thereby become rightly ordered to reality. The subject will then be capable of judgments that comport with reality and are thus able to attain truth. What must come first is the acquisition of the wisdom that results from self-appropriation by gaining insight into insight as well as the reception of the infused wisdom that comes from self-surrender. Lonergan's “turn to the subject,” celebrated by some and loathed by others, is, so Wilkins argues, motivated by and must be understood as a response to the modern crisis of normativity.

It is crucial to understand that for his program of recovering normativity by way of a hermeneutics of interiority, Lonergan does not take his cues from Descartes and Kant but rather, and significantly, from Augustine, Newman, and Aquinas. Lonergan's overarching goal, Wilkins argues, remains identical with Aquinas's—the appropriation of wisdom. Hence the subtitle of the book: *Lonergan, Aquinas, and the Problem of Wisdom*: “Principally, [wisdom] regards the objective order of reality; but in some fashion it also has to do with the transition from the order of thought to the order of reality” (8). Wisdom has, therefore, a subject pole and an object pole. Lonergan structures his magnum opus, *Insight*, according to the division of wisdom into subject and object (“Insight as Activity” and “Insight as Knowledge”), and Wilkins structures *Before Truth* along the lines of a similar division. In the first major part, “Wisdom as Subject,” Wilkins discusses the mode of, reasons for, and implications of Lonergan's “turn to the subject,” in the second part, “Wisdom as Object,” he shows how this program was actually spelled out in Lonergan's theological work proper.

Before Truth has a transparent organization. The Introduction states the nature and scope of the project and the structure of the cumulative argument that unfolds over the course of the book. A subsequent “Prelude” comprises two chapters that articulate the twofold *Problemhorizont*, the first pertaining to the ongoing obstacles surrounding a deeper and fuller reception of Lonergan's work and the second to the contemporary intellectual and sociocultural context,

between modernity and postmodernity—a context characterized by fragmentation, confusion, and arbitrariness that makes it increasingly difficult for Catholic theology to meet these challenges effectively. Due to a certain unevenness of argumentation and of documentation pertaining to positions criticized, and a lack of proper nuance and differentiation in the rather broad claims about these criticized positions, the two opening chapters, and especially the second chapter, leave quite a bit to be desired when compared with the high standard of precision and nuance characteristic of all the other chapters. Especially the critique of neo-Scholasticism in its Jesuit Suarezian instantiation serves as a foil in order to set off in attractive contrast Lonergan's unique *ressourcement* in Aquinas and his subsequent program of transposition. Greater nuance, specification, and differentiation of the complex and internally considerably variegated reality of neo-Scholasticism would have befitted well the otherwise high interpretive and argumentative quality of the book.

The main section of the book comprises two parts of about equal length. The first, "Wisdom as Subject," focuses on Lonergan's three seminal works, *Verbum*, *Insight*, and *Method in Theology*. Wilkins offers lucid interlocking interpretations of these works. The chapter on *Insight* alone is worth the price of the book, for here Wilkins offers an indispensable interpretive key to what is arguably Lonergan's most ambitious and at the same time most hermetic work. The upshot of Wilkins's persuasive interpretation is that *Method in Theology* is to be appreciated fully only if one undergoes the ascetical practice of self-appropriation and self-understanding laid out in *Insight*. And the gnoseological justification for the "insight into insight" that a self-appropriating journey through *Insight* is supposed to afford is advanced in *Verbum*. The three chapters of this part compellingly reconstruct Lonergan's itinerary from gnoseology via the hermeneutics of interiority to theological methodology. The ultimate warrant for the hermeneutics of interiority, based on the practice of self-appropriation and self-understanding, is the logico-ontological parallel that, as Wilkins argues, Lonergan discovered in Aquinas: "Truth 'is the correspondence between mental and real synthesis' and knowledge of truth is knowledge of the correspondence" (115). The logico-ontological parallel denotes two parallel structures that represent a set of proportions, each also proportioned to the other. Importantly, this parallel is located "in the process or structure of the knowing and the process and structure of the known: the becoming of knowledge and the becoming of things; the being of knowledge and the being of things" (ibid.). This isomorphism between understanding and being becomes the principle for the development of a new "first philosophy" conceived of as a hermeneutics of interiority—*Insight*—standing, so to speak, Aquinas on his head. *Method in Theology* is a direct application of *Insight* to the task of Christian theology, a task that Lonergan in the mid-1960s conceived of as the mediation of the gospel into diverse cultures. At the same time, he increasingly

came to understand human consciousness in the process of insight itself as conversational (judgments must be shared and results need to be coordinated in order to have a lasting effect). *Method in Theology* is Lonergan's proposal to relate eight distinct functions of theology "by a kind of isomorphism to the conversational structure of consciousness" (212), advancing thereby a functional conception of theology that undercuts the conventional modern areas or fields of specialization. Furthermore, consistent with *Insight*, Lonergan takes conversion (to the primordial reality of the love of God incarnate in Christ) to be of absolute existential priority for theology: "For Lonergan, theology is authentically theological only in the measure that theologians themselves are truly wise both by the infused wisdom of self-surrender and by the achieved wisdom of self-knowledge" (225). Would that this criterion of an authentically theological theology informed the existence and work of all Catholic theologians in the early twenty-first century!

In the second part of the book, "Wisdom as Object," Wilkins shows what the implementation of Lonergan's program actually looks like, turning to three topics central to Lonergan's dogmatic theology: the nature and development of doctrine, Trinity, and Christology. Since after the completion of *Method in Theology* Lonergan turned away from theology to economics, Wilkins has to draw upon Lonergan's earlier theology—largely his lectures in dogmatic theology at the Gregorian University—that he worked out in tandem with his increasing preoccupation with the question of what comes "before truth." The second part of *Before Truth* is possibly even more important than the first part, because here Wilkins not only introduces but also develops the brilliant and profound work of the speculative theologian Lonergan, a work until recently largely unknown due to the relative inaccessibility of Lonergan's Latin university lectures to a wider audience, as well as to the eclipse of his systematic theology by *Insight* and *Method in Theology*.

First Wilkins examines Lonergan's contribution to the discussion about the development of doctrine by revisiting his analysis of the process from the New Testament to the Council of Nicaea. Lonergan understands this process as one from the clarity that narrative and symbol afford to the clarity that the systematic meaning of doctrine affords. The overarching property of doctrine over against narrative and symbol is "the function of doctrines as truth claims about the world. Doctrines have cognitive truth-intention that is not merely the expression of our immanent religious experience" (13)—a position worthy of full recovery in the present theological climate. Subsequently Wilkins turns to Lonergan's brilliant defense and transposition of Aquinas's psychological analogy of the Trinity. This chapter is worthwhile not only because of the highly instructive contrast between Rahner's and Lonergan's theologies of the Trinity, but especially because of the subtle reflections on order, criteria, and method that Lonergan undertakes in the context of his Trinitarian theology. No contemporary systematic theologian working on a conceptual approximation of the

mystery of the Trinity can afford to ignore Lonergan's reconstruction of Aquinas's account and Wilkins' lucid presentation and analysis of it.

In the last chapter, Wilkins focuses on Christ, wisdom incarnate, and Lonergan's development of Aquinas's position on Christ's human knowledge. Instead of rejecting the "old consensus," articulated paradigmatically by Aquinas, in light of modern objections, Lonergan prefers to meet these objections by way of a solution that is able to meet all modern concerns while remaining faithful to the old consensus: "Christ was both beholder and pilgrim. As beholder, his contemplation of God was immediate and constant. He knew divine love and wisdom in the direct and intimate way enjoyed by the saints in glory. But as a pilgrim, it was the task of his life to discern, in some sense invent, and enact what this supernal knowledge concretely required of him and how it might be communicated to others. This enactment was his human and historical life" (332). "Christ's way is converse to ours. Our end is his beginning. From the immediate knowledge of God, he progressed not only to effable knowledge but to its expression for us in his human life" (337). In Wilkins's able theological hands, the fecundity and relevance of Lonergan's Christology come to full life in this chapter. Again, contemporary theologians defending an account of the simultaneity of Christ's divine and human knowledge cannot afford to ignore Lonergan's subtle and persuasive account and Wilkins's pellucid summary, analysis, and development of Lonergan's proposal.

The book ends with a brief conclusion and epilogue in which Wilkins reemphasizes Lonergan's attempt at addressing the contemporary crisis of normativity, the centrality of beginning with an adequate hermeneutics of interiority: "In theology as in life, we have to become competent, and becoming competent is not merely a mastery of material but also mastery of oneself as an observer, interpreter, judge, and agent. Becoming competent, measuring up, getting ready: this is the radical form of the problem 'before truth'" (355).

The problem "before truth" is the problem of acquiring the wisdom of self-appropriation, the wisdom that comes from gaining "insight into insight," and simultaneously receiving the infused wisdom, the gift of the Holy Spirit. Lonergan argues and Wilkins forcefully and rightly reaffirms that the theologian is in need of both in order to become a faithful and authentic practitioner of Catholic theology. All students of Aquinas should be in agreement about this and much else that Lonergan—as interpreted and developed by Wilkins—advances. All productive disagreement with Lonergan would have to occur on the other side of Wilkins's book—more so about the hermeneutics of interiority as a new "first philosophy," about the exact nature, status, and function of the logico-ontological parallel, and about *sacra doctrina*, its method and the nature of its first principles, the articles of faith—and less so about the nature and development of doctrine, Trinitarian theology, and Christology. Yet in order to enter into a serious and fruitful engagement of pivotal aspects of Lonergan's

program, one needs to study Lonergan closely, carefully, and sympathetically. This is the point of Wilkins's book. At present there is no better companion to such an enterprise than *Before Truth*. The lasting achievement of this book is the compelling presentation of Lonergan's philosophy and theology as an integral whole whose telos is wisdom, and thereby the full recovery of Lonergan the dogmatic and speculative theologian who is deeply inspired and informed by St. Augustine, St. John Henry Newman, and St. Thomas Aquinas, and rightly haunted by the modern crisis of normativity.

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The Charred Root of Meaning: Continuity, Transgression, and the Other in the Christian Tradition. By PHILIPP ROSEMANN. Foreword by JOHN MILBANK. Grand Rapids, Mich.: Eerdmans, 2018. Pp. 264. \$50.00 (cloth). ISBN: 978-0-8028-6345-4.

In this wide-ranging and ambitious book Philipp Rosemann articulates a view of the Christian tradition in which the emphasis falls decisively on discontinuity rather than continuity. For Rosemann, continuity has been privileged by most modern and contemporary thinkers of the tradition, even if all have gone far beyond the notion of tradition as a static deposit. In the context of the main aim of *The Charred Root of Meaning* Yves Congar is both an exemplum and synecdoche of a kind of consensus approach that needs to be challenged. Rosemann's impeccable academic credentials give the reader every confidence that he is up for the task: a lover of the Catholic tradition who is at the same time a distinguished medievalist and an expert in Scholastic theology, but also a theorist with a significant background in Foucault and especially the latter's reflection on genealogy, historiography, and tradition. It is Foucault who in fact supplies (13) the title for the book, in which his notion of "transgression" plays a key role. As I see it, *The Charred Root of Meaning* speaks to three "transgressions" or differentiations that only together are constitutive of properly functioning tradition: (1) the differentiation between the holy and the unholy introduced by theophany, and the correlative differentiation of human receivers; (2) the differentiation of Christianity from biblical Judaism; and (3) the continual differentiation within the Christian tradition beyond these related but different theophanic events.

The first and foundational differentiation focuses on theophany as the irruption of the divine into the nondivine area of existence, which in turn elicits

the human response of felt elevation and separation from given culture and also other humans. This is the brief of chapter 1 in which Rosemann selects as his scriptural base the theophany described in Exodus 19 and Moses' paradigmatic response (25-32). The irruption of the divine is not only experienced as overwhelming, it divides reality into the spheres of the holy and unholy. In addition, Moses' response articulates a further split between a figure such as Moses who is granted privileged—if dangerous—access to the holy, and those down the mountain who are not. Crucially, for Rosemann, what he calls after Foucault “transgression,” and which I am translating by the more anodyne “differentiation,” serves as a pretext for plural and varied interpretations throughout the Christian tradition. Rosemann is more interested in getting the reader to understand the various types of reception of the theophany of Exodus 19 across the centuries of the Christian tradition rather than in giving an exhaustive inventory. Two types of reception come in for particular attention. The first is provided by the subtradition of mystical theology for which Pseudo-Dionysius serves as exemplar (33ff.). This highly stylized form of discourse in which the figure of Moses of Exodus 19 functions prominently (perhaps intratextually linked with Exod 33) provides the pattern for mystical ascent and encounter for which language and concept are not adequate. A second and very different kind of response is to be found in the Scholastic appropriations of Peter Lombard's *Sentences*. Here Rosemann presents a fascinating discussion of Pseudo-Peter of Poitiers' Commentary on the *Sentences* (42-50). He points out that instead of translating Exodus 19 in the direction of the privileges of contemplation and ecstatic experience, this text uses it to fold back on Scripture itself as the site of the numinous and the mysterious, and to make comments about different depths in interpretation (49). Concretely, this means that the mountain Moses climbs is Scripture itself, with Moses signifying what an apostolic rendition would look like, whose illumination both the best of patristic and medieval interpretation seeks to emulate. Importantly, *The Charred Root of Meaning* underscores both the translation of the Exodus theophany scene into mystical theology (38) and the particular commentary tradition represented by Pseudo-Peter of Poitiers (47) that there is both repetition and difference. Perhaps with a little leeway from Rosemann we can put the two demands together and speak to nonidentical repetition.

With regard to the second form of differentiation, the second chapter of *The Charred Root of Meaning* focuses on Christ as the new Moses who troubles the relation between the irruption of the totally Other and human response. There are at least four features of a nonidentical repetition of Sinai. First, the incarnation is an even more dramatic irruption of the divine into the cosmos and the historical world (51). This seems supportable. Indeed, Rosemann could plausibly have gone further and suggested that in the incarnation of Christ the irruption of the divine is paradoxical, since in a manner it has lost the

spectacular features accompanying the theophany of Exodus 19. We are in fact dealing with a theophany in the mode of the incognito. Second, the New Testament figuration of the Cross on the hill/mountain of Golgotha opens up even further the gap with the theophany of Exodus 19 and its human reception (53-54). Importantly, Rosemann suggests that the humiliation of Christ on the Cross not only thoroughly recalibrates the Moses figure, but in a sense also subverts expectations regarding theophany established by Exodus 19 that have become more or less conventional. Third, the transfiguration scenes in the Gospels, which nonincidentally occur on a mountain, both repeat the glorification of Moses that is a feature of his experience of God in Exodus 19 and surpass it in that the glory seems to be in the mode of being discovered in Christ rather than conferred (57). Fourth, and finally, the message as well as the person of Jesus is radical (58): his morality is hyperbolic in comparison with the system of commandments and transgressive with respect to our common morality in which, for example, there are different obligations regarding enemies and friends. In summary, then, without in the slightest downplaying the dangers of Christian supercessionism, Rosemann wants to remind Christians that while massive continuities exist between Christianity and Judaism, nonetheless, Christianity is in the last instance both an event of separation and differentiation and an attendant repression or forgetting of this fact.

The third differentiation concerns that of the continuing tradition itself. This differentiation is charted across chapters 3-5 with Rosemann providing us with numerous—but mainly medieval—examples. Rosemann's text, however, does not separate out neatly history from recommendation. And it becomes evident over the course of these three chapters that Rosemann wants to recommend plurality and even quite intentional forms of interpretation that dissociate from the established conventions of the sedimented Christian or Catholic tradition. Some of the main examples of relative differentiation that come in for some attention are the work of Denys the Carthusian (106-13), the Douay-Rheims Bible, which offered a literal translation of the Vulgate (125-28), Grosseteste's line-by-line translation of the *corpus dionysiacum* (129-31), and the work of Augustine (136-43). Rosemann offers a rich exploration of each of the above four examples. Here I will speak to just the first, although I will tie in some of Rosemann's other examples when I consider the more theoretical and hermeneutical dimensions of his argument elaborated in these chapters. Rosemann's discussion of Denys the Carthusian, who is, indeed, an appropriator of Pseudo-Dionysius, is intriguing not only for the reason that Rosemann gives an exemplary account of how the praxis of exegesis both gives way to and is grounded by broader reflections on the tradition, but also because of its extraordinarily interesting coda of reading Denys the Carthusian with Alasdair MacIntyre (113-19). On the first front, Rosemann goes to some lengths to elaborate Denys's developmental view of the tradition grounded in evangelical disclosure that exceeds both pagan wisdom and the Torah. The very fact that patristic and medieval thought are regulated by revelation represents the

opening to originality, since no one particular translation of that which by definition is excessive will be adequate. It is this conjugation of continuity and discontinuity in the tradition, which makes it a scene of nonidentical repetition, that allows the conversation between Denys and MacIntyre to be as fruitful as it turns out to be.

The horizontal complement to fined-tuned interpretation of particular texts in *The Charred Root of Meaning* is general hermeneutic reflection that carries evaluative force. In chapter 3 Rosemann problematizes the Christian trope of *spoliatio Aegyptiorum* as the only or even best way for Christians to approach and appropriate other cultures. Granted that all appropriation is guided by interest, nonetheless, in translation the other should not be reduced to the same. This injunction, however, is not simply moralism. If it is intended to protect the other, it is also intended to protect Christianity which requires such otherness in order to be faithful to its own history which is a history of encounter. This reflection on spoliation is continued in chapter 4 (119-29) in which the recalcitrance of classic texts to our acquired hermeneutic regimes is underscored. Rosemann takes as his two examples the Douay-Rheims Bible's word-for-word translation of the Vulgate, in which the awkwardness of syntax arrests (125-28) and Grosseteste's line-by-line translation of the Pseudo-Dionysius that productively defamiliarizes the work of the sixth-century Syrian monk. Chapter 5 speaks to another negative note of the sedimented or sedimenting tradition, namely, its tendency to cover over the original inspiration and transformation. This means that one of the main exercises of the tradition is overcoming its own tendencies towards redundancy and sclerosis, or "forgetting," which is Rosemann's preferred Heidegger-inspired locution. One could read *The Charred Root of Meaning* to say that the Christian tradition necessarily exercises a critical and even "destructive" relation (145-52) to its own past in the interest of constructing a truly viable tradition, that is, one that is characterized by "nonidentical" repetition.

In the sixth and final chapter, titled "A Genealogy of Transgression," Rosemann turns to Kant and post-Enlightenment repressions of the numinous. Although Rosemann might well have returned to Exodus 19 at this point, instead he turns to Genesis 3 and the enigmas of the Fall story. The specific text he has in mind is Kant's 1786 essay "Conjectural Beginning of History," in which the German philosopher dismisses the snake and elevates disobedience as the taking on of the autonomy proper to human being. Implied is that Kant can only synonymize innocence and ignorance. From what Rosemann calls Kant's "de-evilng"—which translates *Entübelng*—he moves on to paint a somewhat depressing picture of the banalization that is the handwork of modernity. Still, it is worth pointing out that despite a clear elective affinity for the thought of MacIntyre, *The Charred Root of Meaning* is not just the latest anti-modernity screed. This is implied throughout the book: the theophany of

Exodus 19 gives the Jewish people access to an unnamable God, while effecting a transformation of the receiver Moses who is representative of all humans. This is true to an even greater extent of the incarnation, transfiguration, passion, death, and also resurrection of Christ, who unveils the paradox of the union of the divine and the human. In addition, more regular and minor shocks to the tendency to assimilate and domesticate can be seen throughout the Western tradition in general and in the medieval tradition in particular. This achieves its most transparent interpretation in chapter 5 and most specifically in Rosemann's adoption and adaptation of Heidegger's method of *Destruction* (153ff.).

The Charred Root of Meaning is best thought of as an essay on the nature of tradition rather than a comprehensive treatment thereof. And in a sense it is as much an intervention as an outline of what a comprehensive treatment would look like in that it wishes to correct for the overemphasis on continuity in the Christian and more specifically Catholic understandings of tradition. Challenge, foreignness, and irreducible strangeness are also crucial features of the tradition. This has all the merit of sanity, especially coming from a scholar who so loves the Catholic tradition. This brings me to my one major reservation regarding *The Charred Root of Meaning*. It concerns the use of Foucault as providing the theoretical apparatus of the kind of sober and responsible revision of the basic optics concerning tradition. Although Rosemann makes clear that for him Foucault provides him solely with "tools" (13) that do not bear at all on substantive commitments, even with MacIntyre functioning as a something of a damper, one is sometimes made nervous by the language of "transgression." One is inclined to ask some questions. Is "transgression" an actual construct or more accurately a hyperbole of differentiation and separation? Even more generally, what does Foucault provide on the level of interpretation theory and genealogy that is not provided by either Gadamer or Ricoeur? The good news is that the very fact that we are asking these questions suggests that in its use of Foucault *The Charred Roots of Meaning* does not subvert its entirely positive intentions towards medieval exegetes and High Scholastics expressed throughout the text, which is a hallmark of Rosemann's work.

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Atonement. By ELEONORE STUMP. Oxford Studies in Analytic Theology. Oxford: Oxford University Press, 2018. Pp. xv + 536. \$80.00 (hard). 978-0-19-881386-6.

In the beginning of the last chapter of *Atonement*, Eleonore Stump states that the entirety of her argument “is an explanation of the love of God” (378), a summary statement which also provides her primary criterion for judging atonement theories alternative to hers. For Stump the atonement shows how the life, passion, and death of Christ “takes God’s love to be maximally expressive of God’s nature and central to the atonement, and . . . God’s forgiveness to be God’s love in operation towards human beings suffering from guilt” (ibid.). She arrives at these concluding remarks through a rigorous work of philosophical theology, yet one that works from broadly orthodox theological commitments, which she explores for an understanding of how Christ’s atonement removes the guilt and shame consequent to human sin and thus unites humans to God.

Stump begins by investigating previous atonement theories, which she divides into two main types, Anselmian and Thomistic. Stump criticizes Anselmian types (which include Anselm, Luther, and Calvin) because they “locate the main obstacle to a solution to the problem of human sinfulness in God’s justice or God’s honor or some similar divine attribute” (21), while Thomistic types “locate the obstacle to a remedy for human sinfulness in human beings themselves” (22). She also notes some problems with the Thomistic approach, especially the “connection between its solution to the problem of sin, on the one hand, and the passion and death of Christ, on the other” (27), though she generally expands upon Thomistic ideas as she develops her own account. In her second chapter, which treats of the central problems of guilt, shame, and satisfaction, Stump argues that an evaluation of atonement theories requires fidelity to biblical texts, a moral psychology, and an ethical theory. Her preferred ethical theory is Aquinas’s, which emphasizes love and relationship in its normative account of human acts (39). If love, understood as willing the good for the other and desiring union with the beloved, is the central virtue of Thomistic ethics, then the guilt of sin breaks our ability to will the good for the other and shame breaks our desire for union with the beloved. A fully Christian account of the atonement must account for both guilt and shame in reuniting humans with the greatest good, God.

In this Thomistic ethical system, love is obligatory and forgiveness for sin is unilateral and unconditional on God’s part. Stump therefore develops her attack on Anselmian theories in chapter 3 by arguing that these interpretations are “antithetical to God’s love” (109) because satisfaction is required as a precondition of forgiveness and reconciliation. The required satisfaction is seen as a requirement of God’s justice or honor, which seems to place an obstacle or

limitation on God's loving forgiveness, and has the additional problem that it minimizes our efforts to reconcile with those against whom we have sinned. Instead, Stump argues that human satisfaction, which should benefit those we have sinned against, follows from God's forgiveness and God's central attribute of love. Consequently, Stump claims that "the God of the Anselmian interpretation is not a loving God," and so the Anselmian approach is "unsalvageable" (115).

Over the next four chapters, Stump develops the philosophical foundations necessary for her own positive account of atonement. Since the goal of love is union with the beloved, in chapter 4 she describes what is required for union and indwelling with God. The purpose of the cross is union with God in this life (117), a union that comes from the Holy Spirit dwelling in us, which raises the question of how an omnipresent God can be in union with particular humans. Consequently, Stump develops a theory of indwelling and union as a function of shared attention and personal presence that comes from a kind of empathy and mind-reading. This position, however, creates an additional problem of how the indwelling of the Holy Spirit is connected to the cross.

In chapter 5, Stump challenges her idea of indwelling through the thorny problem of Christ's cry of abandonment on the cross, which seems to put a distance between God and Christ. She argues that the cry of dereliction comes from a lack of shared attention between God and Christ on Christ's part, due to the overwhelming psychological stress from simultaneously bearing the sins of all persons from all times. Yet it is precisely Christ's openness to all human psyches that allows for mutual indwelling between God and humans (166). In her account of the cry of dereliction Stump suggests that Christ's experience of human sin on the cross "would introduce separation into the composite that is the incarnate Christ" (169) and that the "divine nature begins to have some distance from the human nature" (171), leaving one to wonder whether human nature can receive the healing necessary from Christ at the very moment it most needs it—that is, if the hypostatic union somehow separates or divides when Christ takes up the burden of human sin.

If the goal of atonement is to unite humans with God through grace, the consequence of that union is a shared will between humans and God, which is the topic of the sixth chapter. The goal of the indwelling is to will what God wills (180). Stump explores this by contrasting Aquinas's understanding of a shared will between God and humans with the understanding of Meister Eckhart. She argues that Eckhart's desire to remove the human's will from willing anything other than what God wills does not fit the biblical data, while Aquinas's account of how we should will under the general good, since we cannot always know what God wills in particulars (189), provides a more realistic account of Christ's first order and second order willing as seen in his prayer at Gethsemane (192).

The defect of our will, that is, our inability to will the good of the other, is remedied by a life in grace, which gives justification and sanctification, and is

the goal of atonement. The philosophical problem, however, is that if humans are to have truly free wills, they must be able to resist God's grace, but if we are to avoid Pelagianism, then humans cannot will God's grace for themselves. Stump argues that all the will needs to receive God's grace is to "stop resisting God's love and grace" by placing the will in a "quiescent state" (227) in which it surrenders to God without resisting. Only then will God infuse operative grace into the human will, which will allow the process of sanctification to begin. The indwelling of the Holy Spirit, which Stump posits as the basis of union with God, only becomes possible when we surrender ourselves to God.

How we surrender to God, maintain the process of justification, and are healed from our guilt and shame are the topics of the last four chapters of the book. The pivotal chapter is the eighth, where Stump describes how the passion and death of Jesus elicits the surrender of our will to the love and grace of God by attracting us through his vulnerability, which "gently disarms a human person's resistance to love (288)." She arrives at this conclusion via a discussion of the temptation narrative from Luke, in which she suggests that in the third temptation in Luke's account, Satan means to lead Christ toward a kind of Docetism by which he would avoid suffering. In rejecting Satan's test, Christ commits himself "to accepting great suffering for the sake of human flourishing (267)," which motivates our surrender. Persons who surrender their will to receive the grace and love of God still require the ability to persevere in the will, since they are free to turn back away from God. Chapter 9 thus deals with how both the Eucharist and human suffering might be means of helping the will persevere. Regarding the Eucharist, Stump provides both a minimal account of how the Eucharist stirs us to love, as well as a more metaphysically rich one that shows how the Eucharist creates an intense connection with Christ, even to the point of our being present to Christ in his suffering. With all of these elements in place Stump returns to the problems of guilt and shame, arguing that shame is healed by the honor we receive from God who shares in our shame (361), and that atonement puts us in a position to make amends to human victims, thus also making amends to God and so solving the problem of guilt.

In the final chapter, Stump deals with some remaining issues, including biblical texts, such as Romans 3:21-28, which seem to challenge her theory. Against Richard Swinburne's Anselmian type of atonement theory, which finds something atoning in sacrifices to God, she argues that Old Testament sacrifices serve to alter something about the human person, so that the gift offered allows the human to draw near to God (390). By being united to Christ we too are offered to God, in love, in the sacrifice of the cross (398). Thus, the atonement is seen not only as an act of love on God's part, but also as an act of love of God on the part of humans who are drawn to God through the cross.

In *Atonement* Stump has made an important and ambitious contribution to contemporary discussions of the atonement that demands serious engagement

among interested philosophers and theologians. While the book has many virtues—clarity, rigorous argumentation, breadth of discussion, and lively examples—it is beset by one abiding vice, which is its treatment of Anselm. Stump attempts to escape from being held responsible for specific interpretations of the “Anselmian kind . . . including Anselm’s own” by claiming that the “book is not the elucidation of particular historical interpretations of the doctrine of the atonement” (79). Yet in labeling an entire genus of atonement theories “Anselmian” and then declaring that those theories, *as Anselmian*, are unsalvageable, Stump cannot escape responsibility for her reading of the particularities of Anselm’s own argument. One does not justly attempt to write this entire theory out of the tradition without attending to the nuances of Anselm’s argument. By putting Anselm’s and Calvin’s atonement theories in the same category, Stump shows a fundamental misunderstanding of both. Additionally, for Stump, one of the main problems of the Anselmian type is that God’s justice visits punishment on a completely innocent person (24), but Anselm is aware of this objection and completely rejects the idea that God would exact punishment from the innocent (*Cur Deus Homo* 1.8). While Stump thinks that Anselmian types of atonement theory require someone to pay “the penalty for human beings” (22), Anselm thinks that (a) divine punishment would only condemn all humans to hell and would thus subvert God’s original plan for human beings and (b) a sinless Christ does not owe God death. Consequently, Anselm argues that it is only satisfaction, not any form of punishment, that can reconcile humans to God. For Stump, the God of the Anselmian type is a kind of cosmic debt collector who “exact[s] every bit of what is owed (24).” Yet Anselm is clear that God derives no benefit from the debt paid through satisfaction; rather, the benefit of paying the debt accrues to the human being because it restores the human to a position of justice with respect to God. This is an act of love on God’s part, as God desires that humans be restored to the justice he intended for them in creation, so that they might be equal in justice to the persevering angels. For Anselm, a God who can forgive and restore the human being to justice is a greater, more merciful, and more loving God than a God who only forgives without restoring the human to justice. In short, and without going into other problems in her interpretation of Anselm, despite Stump’s best efforts to exile Anselm’s theory, this otherwise excellent book is unsatisfying in its treatment of Anselm’s still relevant work.

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The Hiddenness of God. By MICHAEL C. REA. Oxford: Oxford University Press, 2018. Pp. xii + 198. \$30.00 (cloth). ISBN: 978-0-19-882601-9.

“God is supposed to be my heavenly father. So why can’t he just whisper ‘I love you’ once in a while?” Michael Rea begins his book recounting these words of a friend from a tearful conversation during his college years. He describes the event as his “first real confrontation with the problem of divine hiddenness as a challenge to faith,” which, he says, “has been on my mind in one way or another ever since—sometimes in its guise as a purely philosophical objection to theistic belief, but more often as a kind of pastorally and existentially important theological problem for religious believers” (vii). The conversation sets the tone for his book, which is both pastorally insightful and academically rigorous.

Rea chooses an “interdisciplinary approach” for his study, incorporating not only “relevant philosophical literature, but also ideas and insights drawn from theology and biblical studies” (viii). In chapter 1, he contrasts the contemporary notion that “divine hiddenness counts against the existence of God” with earlier Hebrew and Christian traditions which integrate God’s presence and hiddenness in such a way that “God’s love and existence remain unchallenged” (5). He explains that his “aim in this book” is to develop “a theory about the attributes of God, and particularly about the love of God, and the way in which it is manifested to humans, that makes room for divine hiddenness in its various forms as a natural outgrowth of *who and what God is* rather than of *what God is doing to serve human needs and desires*” (7).

In chapter 2 Rea outlines the problem of divine hiddenness, viewing it, along with the problem of evil, as “the two most important and widely discussed reasons on offer for disbelieving in God” (6). Since he finds the problem to be rooted in “certain ways of understanding the nature of God and God’s attributes,” his proposed “solution” involves showing how that deficient understanding gives rise to “unwarranted assumptions and expectations about God’s love for human beings” (6, 8). In this, the notion of divine transcendence plays a key role: “[A] proper appreciation of the place of divine transcendence both historically within the Christian tradition, as well as in contemporary theology and spirituality, will be a vital component in my overall response to the challenges posed by divine hiddenness” (14-15). Accordingly, he refutes J. L. Schellenberg’s arguments from divine hiddenness to the non-existence of God, by arguing that his philosophical notion of God fails to touch “belief in the Christian God” since it lacks “a proper appreciation of divine transcendence” (23, 28).

In chapters 3 and 4, Rea expands on the notion of divine transcendence. Scripture portrays God as both transcendent and personal, but “philosophical literature on the hiddenness problem” tends to “downplay divine transcendence

in favor of God's personal attributes" (35). When God's transcendence is neglected, however, our language about God and creatures tends to become "univocal" (49). An overemphasis on God's transcendence and otherness, on the other hand, renders our language equivocal since it then has "no literal application to God" (41). Rea therefore endorses analogy as a "doctrine of transcendence that falls somewhere in the middle" (51). The problem with most philosophical arguments from divine hiddenness to the non-existence of God is that they are based on false expectations of how God should act, arising from their mistaken presupposition that, in God and humans, love and goodness are univocally the same (57). Rea points out that as "confidence in those preconceptions diminishes, the problem of divine hiddenness dissolves" (63).

He acknowledges, however, that most philosophers engaged in the divine hiddenness discussion tend to overlook divine transcendence and view divine love as "simply an idealized version of one of the best kinds of human love" (63). To answer them, he argues in chapter 5 that "even if we set aside considerations involving divine transcendence, there remain good a priori reasons for denying that God would be an ideal lover of human beings. The reason is that even a perfect being might have non-anthropocentric loves and interests that conflict with and take higher priority than promotion of the good for human beings" (79).

The rest of the book is concerned with showing that God is not so hidden or absent as is often thought. In chapters 6 and 7, Rea considers "the metaphysics of divine presence" in order to show that "experiential access to God's presence is more widely available than many suppose it to be" (11). To counter divine hiddenness arguments, he does not think he needs to show that his theory of divine encounters is true, only that it is "credible" (93).

As a metaphysical account of divine presence, Rea's theory is rather striking in that the one factor it generally rules out in such divine encounters is the causality of God. He argues that "the difference between those who experience God and those who do not has, for the most part, nothing to do with God's causal contact with people. . . . Rather, on this account, the difference has everything to do with differences in how people cognitively engage with perfectly natural phenomena" (98). Later, he excludes God's causality more explicitly. He first defines "causalism" as the position that "paradigmatic religious experiences, or an important subclass of those, typically result, at least in part, from special causal contact with God, or some other religiously significant phenomenon," and then avers, "I reject causalism" (119). He further stipulates: "My central thesis is simply that all divine encounters . . . involve entirely natural stimuli and require no special causal contact with God, and that cognition enters in as part of the explanation for why the stimuli are *experienced* as divine encounters" (121).

Of course this raises the question: If God is not *causally* involved in such experiences, in what way *is* God involved? Rea's answer is that God is involved intentionally: "So long as the natural events stimulating these experiences were

at least partly explained by God's intention that the subjects experience them as they did, it is appropriate to say that God communicated with them" (106-7). To the deeper question of how we are to know whether God is intending a particular natural event in this way, Rea answers: "And, on the assumption—which I endorse—that God is always and everywhere *intending* that people experience as much of God's love and presence as they are able given their psychological profile, background cognition, and so on, there is a clear sense in which all that I have been saying in this chapter implies that God is constantly communicating, and that any experience of God's love or presence that a person manages to have will be veridical (at least as regards God's love for them, and God's presence, if nothing else)" (135).

While preserving God's universal intentional involvement in all such encounters, Rea also seems to allow for instances of God's causal involvement. His explanation warrants some detailed consideration since he explicitly describes it as "my characterization of special causal contact" (119 n. 12). He says:

Although I do not deny that it is correct to say that God has communicated with people like Stephanie and Jason Lomelino [who experienced some natural phenomenon as an encounter with God], I do deny that, in saying this, we must believe that God entered into some kind of special causal contact with them. For purposes here, I take it that someone's experience involves special causal contact with God if, and only if, God or some supernatural phenomenon involving God or God's activity is either the immediate stimulus for their experience or in some other way its direct cause, so that the occurrence of the experience, its character, its content, or some combination of these can be adequately explained only by reference to God or the occurrence of some supernatural phenomenon. There is no reason why the providential acts that might explain Stephanie's and Jason Lomelino's experience cannot be realized in perfectly natural events that are adequately explainable by appeal to natural causes operating in accord with the laws of nature. Of course, if God is causally involved in the occurrence of some natural event, no perfectly natural explanation will be *complete*; but the same will be true for a great many other providential happenings that, except when seen through the lens of faith, have perfectly adequate natural explanations. My point, then, is emphatically not to deny either the veridicality of these experiences or God's causal involvement in producing them, but just the supposition that such experiences, when veridical, involve special causal contact with God in the sense just described. (107)

Rea does not want to deny "God's causal involvement in producing" such encounters, but if God's involvement is not by way of "special causal contact,"

what form does it take? He refers to divine providence, even suggesting that, in Stephanie's case, God might be "providentially arranging for perfectly natural brain events" (ibid.). But how does God make such arrangements except through divine causality? (Here, Thomas Aquinas's teaching on God as primary cause and creatures as secondary causes of natural events might be helpful; see *STb* I, q. 105, a. 5.)

Rea's motive for excluding God's causality from such divine encounters is that "the hiddenness problem gains traction from the idea that experiencing God's presence requires some kind of special causal contact with God. . . . Closing off this possibility therefore helps to mitigate the hiddenness problem" (125). But if God's providential causality remains the source of natural events which give rise to experiences of divine encounter, then eliminating God's "special causal contact" from such experiences themselves would not necessarily diminish the hiddenness problem. God might still be providentially arranging natural events (including "brain events") in one way for some people and in another way for others.

Perhaps the problem is not the fact of God's causal involvement but the way that such involvement is characterized. Rea notes that a problem arises "out of the idea that more vivid (and many might say, more desirable) experiences of God's presence often involve special causal contact with God, bestowed like gifts only at God's whim or in response to hard effort of some kind" (97). Perhaps the way to mitigate the hiddenness problem is not to eliminate God's causality from divine encounters, but only to correct our understanding of the character of that causality—to see it as proceeding not from a divine whim, but from God's wisdom and love. We might then affirm that the supernatural causality of divine grace is present not only in profound mystical experiences, but also, in what Rea charmingly describes as "garden-variety divine encounters" (115).

Chapter 8 attempts to show that God is not utterly absent even from people who experience themselves as alienated from God. Through a penetrating reflection on *Job* and *Lamentations*, Rea suggests how we may recognize that "God is providing them with a path forward" (11).

Finally, in chapter 9, Rea considers how God may be present even to people who have no concept of God. He argues that "we have no good reason to doubt that anyone capable of participating in personal relationships—regardless of whether they have the Christian concept of God—is both in a position to *try* to participate in a relationship with God, and actually to do so just by trying" (162).

Rea's book is remarkable in that its scholarship is able to engage the fundamental issues of the divine hiddenness problem even as its pastoral tone expresses a sincere invitation to all readers to open themselves to the experience of God. In this manner, it addresses the hiddenness problem not only by demonstrating the importance of divine transcendence, but also by describing

the nature of our encounter with God in a way that shows its availability to all people.

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An Avant-garde Theological Generation: The “nouvelle théologie” and the French Crisis of Modernity. By JON KIRWAN. Oxford: Oxford University Press, 2018. Pp. xiii + 311. \$90.00 (cloth). ISBN: 978-0-19-881922-6.

There are some periods of the history of theology that cannot be told too often—the fourth century, for instance, or the stretch from the Council of Ephesus to Second or Third Constantinople, and in the West, the long hundred years from the Council of Carthage to Second Orange, and the sixteenth century. Then there is theology in the twentieth century, from Modernism to postconciliar disarray. The heart of this story is the *nouvelle théologie*, the story of Marie-Dominique Chenu, Yves Congar, Jean Daniélou, and Henri de Lubac and their impact on the Church at large before, during, and after the Second Vatican Council. This last history is important for us first of all in coming to understand ourselves and our own moment in the life of the Church. But also, since this last history dwells on the very question of the historicity of the human mind, it turns out to be important for understanding how we tell all the histories of dogma and theology.

If there is one word by which to characterize the *nouvelle théologie*, it would be *ressourcement*. The men associated with it wanted to recover a usable history in the Fathers and in Aquinas, one that made an end-run around Baroque Scholasticism and its revival in the Neo-Scholasticism mandated by Leo XIII, one that would address modern philosophical and political concerns in their own terms with the ambition of making France wholly and vibrantly Catholic.

Kirwan’s aim, he says modestly enough, is “to more fully understand twentieth-century French Catholic thought,” and in this he succeeds (4). Kirwan thinks to accomplish his aim in two ways. First, he wants to insert the *nouvelle théologie* into the context of French thought and culture as a whole, where we can see how it was fueled by a general concern for a historically conscious philosophy, a philosophy turned toward the concrete phenomena of life and politics, and a philosophy committed to the dignity of workers and laborers, even as twentieth-century Marxism and Communism claimed to be. This he

accomplishes especially in chapter 5, a canvas of French secular and philosophical thought in the 1930s that illumines the theological concerns and why they were posed as they were by the Catholic generation of the 1930s, the years of the coming of age of de Lubac and Chenu and company, which are treated in chapter 6. While the general culture could be looking for a new humanism that might repudiate old patterns of thought, a new political orientation that could contradict older ones, Catholics had to come to grips with change within continuity, with much less room to maneuver, for the central issue—and here Kirwan adopts the words of Thomas Joseph White—was “the relation between the historical character of human existence and human knowledge and the supposedly absolute, unchanging truth claims of Christian revelation” (5).

The second way Kirwan comes to understand the *nouvelle théologie* is by the kind of generational analysis of history inaugurated by Karl Mannheim, José Ortega y Gasset, and more recently such historians as Jean-François Sirinelli and Michel Winock. Kirwan explains this analysis in chapter 1. The identity of a generation—an *intellectual* generation, mark—is formed by a crisis to which those born within the same decade or so respond, not always in the same way but in a way that marks them as related to all the others of their generational cohort. So, the French distinguish first the *génération de l'affaire Dreyfus* that comes to maturity in the 1890s, which is also the generation of the Modernists, where the questions still driving theology in the *nouvelle théologie* are formulated. This is chapter 2. Chapter 3 deals first with such men as Léonce de Grandmaison, Jules Lebreton, and Ambroise Gardeil—the grandfathers, as it were, of the *nouveaux théologiens*, and then the generation just before the Great War, the “fathers” of de Lubac and company—men such as Auguste Valensin, Pierre Rousselot, and Joseph Maréchal. Chapter 4 then tells us many interesting things about the formation of de Lubac and his Jesuit companions—Gaston Fessard, Yves de Montcheuil, and Henri Bouillard—in the 1920s, years indelibly marked by the Great War. This history relies on Kirwan’s research at the Jesuit archive in Paris. This is maybe the most interesting chapter of the book, recounting the influence of Valensin, Rousselot, and Maréchal on the Fourvière Jesuits.

Then, following a canvas of French intellectual and political life in chapter 5, the *génération de la Crise*—a crisis of confidence and a call for political decision common to all of French society, the generation of the 1930s—we have chapter 6, the *nouveaux théologiens* in their maturity. There follows chapter 7, the new theologians in their triumph after the Second World War in the 1940s, a triumph garlanded by the authority their spiritual resistance to Nazism and Vichy won them, and last, chapter 8, a quick canvas of their influence in the 1960s and at the council.

Part of the unity of Kirwan’s study as a whole is thus this generational analysis, more useful for understanding the Jesuits, I think, than for the Dominicans, but not unhelpful there either. In Kirwan’s telling, Chenu becomes modern in turning to a theological concern for culture and politics because of

the Great Depression, while Congar is animated by ecumenical concerns. The Jesuits, especially, are heirs of Maurice Blondel, and Kirwan indicates this in many ways throughout chapters 3, 4, 6, and 7. Congar is not uninfluenced by Blondel, of course, especially in thinking about Tradition, but Blondel particularly came to inhabit the minds of the Jesuits, and none more so than de Lubac's.

In Kirwan's study, while de Lubac does not suck all the oxygen out of the room, he stands out as the dominant figure of the generation of the 1930s, and his influence after the Second World War is everywhere. As Kirwan tells it, *Blondel's* influence is more and more pervasive as the twentieth century progresses (as shown by Peter Henrici and others). For Blondel's influence on de Lubac was early—even very early—comprehensive, and controlling of how de Lubac read both the Fathers and Aquinas from the beginning. This is not without help from his confrères: Valensin delivers a Blondelian Augustine to de Lubac (79), and Rousselot and Maréchal deliver a Blondelian Aquinas to him (85, 87, 94). With Fessard, de Lubac works out in the early 1920s a Blondelian reading of the history of philosophy (116) and a first trial run of the relation of the natural to the supernatural inspired by *L'Action* (120). De Lubac's inaugural lecture at the Institut Catholique in Lyon in 1929 fairly channels Blondel's 1896 *Letter on Apologetics* (131).

Kirwan's study therefore shows us that it is a teaching that gives unity to de Lubac's theological life. Blondel's teaching about the openness of human desire onto the supernatural, about the worthlessness of Neo-Scholasticism, and about how revelation is maintained through a tradition that knows more in what it secretly brings forward from the past and in what it is directed to than in what it already possesses conceptually—it is this teaching (for in the end the three things make one complex theory) that gives unity to de Lubac's theological work and to his own history: it is the yardstick by which he reads the history of theology, finding Blondel in Augustine (and Plotinus) and Thomas Aquinas; it is the inspiration for his greatest works, *Catholicisme* and *Le drame de l'humanisme athée, Surnaturel*, and *La connaissance de Dieu*; and it is the warrant for his accusation that it is Baroque Scholasticism and therefore the Church herself that is responsible for the split with modernity for 500 years since the Reformation. In this way, he is a sort of illustration that the only unifying principle of a history that is really one history is a teaching, a collection of propositions held as true. And in the Church's life, her one history, her one tradition is also to be located, if not in a theory, at least in a collection of propositions called dogmas. And de Lubac corroborates this, in Kirwan's telling, in how he received Chenu's final thoughts on dogma. Chenu said after the council that the Word of God is to be found in "the existential fabric of the Church, in the life of the Church," and is not "reduced in a series of authoritative utterances," a remark de Lubac thought "absurd" (278).

Beyond simply understanding the theological history of France of the last century, Kirwan says also that he wants to discern “what is of lasting and transcendent value” in the work of the *nouveaux théologiens* and so to let what is bygone go (17). Although he leaves it to his readers to name what is of lasting value, this is easy to do since the work of discernment he proposes already supposes some sort of a position on how to maintain continuity of identity in change. What is of lasting value generally, then, is the role of what Newman called the “dogmatic principle” in maintaining Catholic identity, and what is of value in understanding the historicity of Christian faith, dogma, and theology is the role of the proposition, the dogma, the conceptually formulated theory, in giving the history in question an identical subject, an identical truth, making for one history, though the truth or dogma be expressed now in this way, now that, or associated now with this, now with that other idea or institution or practice. And so what is of value in the *nouvelle théologie* is the attention the great figures of the period (and let us include Bouillard here) pay to the dogmatic principle, how they think it operates, and whether or not they think it indispensable. For de Lubac, it is indispensable, despite his Blondelian criticisms of Neo-Scholastic rationalism and “dogmatic propositionalism” (131). For Chenu, it is dispensable, something already foreshadowed (I believe) in *Une école de théologie* of 1937. I think Kirwan agrees with those he studies who think that, *in some way*, a theological commitment to the dogmatic principle is key to maintaining the Church’s identity, not only in the turbulence of French culture and society in the twentieth century, but in the turbulence of our own age today. But perhaps he will name the lasting things more clearly in his next book, a more detailed study of the influence of the *nouvelle théologie* on the Second Vatican Council, to which we may all look forward.

It is unfortunate, given the expense of the book, that it is marred by many typographical errors, confused citations, an incomplete bibliography, and other evidences of sloppy copyediting and proofreading.

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Reading the Sermons of Thomas Aquinas: A Beginner’s Guide. By RANDALL B. SMITH. Steubenville, Ohio: Emmaus Academic, 2016. Pp. xxxiv + 342. \$44.95 (cloth). 978-1-941447-97-0.

The appearance of the Leonine Commission’s critical edition of Thomas Aquinas’s sermons in 2014 fulfilled a great desideratum, affording access in the

original Latin to a range of Aquinas's work that has perhaps received less attention than it deserves, namely, his preaching. In the introduction to his edition, Père Louis Bataillon understandably concentrated on issues of textual criticism and theology, leaving to one side any deeper exploration of the contexts within which Aquinas had actually delivered his sermons or the rhetorical forms employed in the pulpit in his day. We were thus left with another desideratum: a study that would bridge the gap between the theologians' appreciation of the content of Aquinas's preaching and an understanding of the peculiar homiletic form to which he was heir that those who study medieval sermon survivals would bring to a reading of his sermons. To provide that bridge is precisely the *propositum* of Randall B. Smith's *Reading the Sermons of Thomas Aquinas: A Beginner's Guide*.

Smith organizes his material into five chapters, bookended by an Introduction and a sixth chapter of "Summary and Conclusions." A pair of appendices rounds out the volume. Appendix I offers outlines of the twenty-one formal sermons attributed to Aquinas, fifteen grouped together here as dominical sermons ordered according to the liturgical calendar, and the remaining six as feast-day sermons. Each is broken down into its component parts of theme and subdivisions according to the rules of sermon-making in Aquinas's day. These schemata are the book's most valuable contribution, a ready-reference to the content and form—the very exacting Scholastic form—of each of Aquinas's sermons. Appendix II then correlates the *themata* adopted in the sermons with the pericopes from the Dominican lectionary.

The Introduction touches lightly—perhaps too lightly—on several important preliminaries: the state of the question regarding the number and numbering of Aquinas's sermons; the audiences to which they were preached, including a quick lesson in the difference between sermons and collations (here called "sermon-conferences"); and the author's justification for the current study, occasioned by the belief that most modern readers will be unfamiliar with the Scholastic style of preaching that had evolved at the medieval universities, and are in need of a road map to its rhetorical conventions if they are to parse Aquinas's sermons.

Chapter 1 introduces the reader to Aquinas's preaching style by looking closely at a single sermon, *Ecce rex tuus*. Here the author's approach is largely to define Aquinas's preaching by suggesting what it is not, in relation to modern expectations of what sermons should be or even when compared to what preaching became in the hands of Cardinal Newman and the great Protestant homilists. Smith remarks on the "oddity" of Aquinas's approach, asks whether he is guilty of "reading meaning into the Bible," and acknowledges that an educated medieval would have possessed an intimate familiarity with the texts, tropes, and cadences of Scripture that no longer obtains in the minds of modern Christians. Chapter 2 then works to acquaint the reader with the form of the

sermo modernus as the template according to which Aquinas will construct his own sermons. Smith briefly describes what he calls the “homiletic revolution” of the thirteenth century that gave birth to the new Scholastic style of preaching, and devotes short sections to each of the key characteristics of the “modern” sermon. These are sermons built around a single line from Scripture known as the *thema*; the structure of a sermon emerges from a division, often a threefold division, of that line to suggest three main exegetical motifs (*divisio*), which are then developed with the help of a standard repertoire of rhetorical and textual techniques (*dilatatio*). Chapters 3 and 4 proceed to the analysis of Aquinas’s sermons, showing, first (in chap. 3), how Aquinas adopts and divides *thematata* to provide the overall structure for several of his sermons, and then (in chap. 4), how he applies the various methods of *dilatatio* described in the preaching manuals to elaborate them: further subdivisions, argumentation (that is, the use of *rationes*), chains of *auctoritates* verbally concurred on a single word, exegesis according to the fourfold interpretation of Scripture, and so forth. Chapter 5, entitled “Evaluating the *sermo modernus* Style,” offers the author’s thoughts on what he considers good, bad, or indifferent about the style and Aquinas’s particular appropriation of it, especially when measured against the standard of how “biblical” his preaching could be said to be—a question that seems a bit incongruous to ask of medieval sermons built on the skillful martialing of scriptural texts and imagery. This concern resurfaces in the brief concluding chapter 6, which ends by characterizing the book as having demonstrated what “it mean[s] for Thomas Aquinas to be a biblical theologian” insofar as Aquinas’s sermons illustrate what “taking the Bible seriously looked like in the Middle Ages.” The author’s final word is that Aquinas’s sermons were “remarkably well-organized, quite clever in their use of words and imagery” and were “crafted with a view towards teaching his listeners and exhorting them to *live biblically*.”

The project of *Reading the Sermons of Thomas Aquinas: A Beginner’s Guide* is a commendable one. There is no doubt that, just as learning to read Aquinas’s *Summa theologiae* requires one to confront the nature and structure of the Scholastic *summa* if one is to appreciate what Aquinas is doing as a theologian and teacher, so, too, one needs to understand the demands that the *sermo modernus* made on the preacher and how it shaped his message. This is a book that most assuredly needed to be written; unfortunately, it is also one of those books one truly wishes were better.

One criticism is that the author has a tendency throughout to try to defend Aquinas with respect to his own preconceptions and preaching preferences, which he assumes his readers share. While the author does ultimately find value in the sophisticated exegetical techniques and rhetorical rigor of the *sermo modernus*, and appreciates Aquinas as capable of a respectably biblical theologizing from the pulpit, the book would have been much better if Aquinas’s sermon texts had simply been presented and described, their “modern” technique explicated, and accurate contemporary context provided,

rather than the repeated refrain of how Aquinas confounds the expectations of someone who is used to more modern, more “biblical” preaching.

If such a reaction could be dismissed as a matter of taste, other criticisms do very much go to the quality of the scholarship. An issue that looms large is the author’s handling of the Latin. The first challenge for anyone who would write a guide for English-speaking beginners is to decide how to make the Latin texts accessible. Simply translating the sermons (as others have discovered) is not the solution, as much of the textual and exegetical process, if not to say prowess, of the *sermo modernus* is based on an exposition of a Latin line from Scripture in which wordplay within the Latin figures prominently, whether in the form of additional texts, biblical or otherwise, that are adduced because they concord verbally with a key Latin word; or in the form of puns that work only in the Latin and layers of meaning that simply will not translate. Smith has opted for a hybrid solution, relying for the most part on Mark-Robin Hoogland’s English translations of the sermons, but preserving the Latin of the *themata*, principal divisions, and concorded texts, which are then rendered macaronically in English for the reader’s benefit. A first difficulty this decision creates is evident immediately when the author in his Introduction confronts some of the basic divergences between what we now have in the critical Latin edition produced by the Leonine Commission and Hoogland’s translations.

More troubling are the author’s own numerous misrenderings and misreadings of the Latin texts, both from Aquinas and from others. A typical example surfaces during the author’s extended commentary on what he considers to be an odd division of a *thema* (Ps 83:6-7) on Aquinas’s part, which seems to fly in the face of the way Smith is used to seeing the passage construed (96-99). He cites the Douay English translation of Psalm 83:6-7, moots the Septuagint Greek, but never once parses the Latin with which Aquinas actually presents him, and which happens to be a well-known medieval variant of the text. Smith says he expected Thomas to divide his *thema* in this fashion: “*Beatus vir cuius auxilium abs te; // ascensiones in corde suo disposuit // in valle lacrimarum in locum quem posuit,*” but instead Aquinas offers “*Beatus vir cuius auxilium abs te; // ascensiones in corde suo disposuit in valle lacrimarum // in locum quem posuit.*” The problem Smith thinks he sees is that Aquinas has ignored the parallelism between “the vale of tears” and “the place in which the blessed man is set,” and has read the passage creatively in order to make a *divisio* that will allow him to build a sermon around the conceit of a motion with a beginning, a middle, and an end. But that apparent problem would have evaporated if Smith had read the Latin in front of him rather than allowing himself to be swayed by the modern edition of the Vulgate (which has “*in valle lacrimarum, in *loco* quem posuit*”). That is to say, if he had recognized the difference between the ablative of location (*in valle lacrimarum*) and the accusative of motion (*in locum quem posuit*) in the line as Aquinas is actually

quoting it, the problem ceases to exist: the first clause refers to the location *in which* the blessed man has made his decision to place his heart on higher things, namely, while living in this vale of tears, while the second clause refers to the destination towards which he now intends to ascend, *into the place* God has prepared for him, heaven. Aquinas is not reading the passage creatively; he is reading it correctly. What is more, exegetes from Augustine to Robert Bellarmine discuss this very variant in Psalm 83—*locum* for *loco*—noting that it suggests precisely the alternative interpretation Aquinas pursues. The author's discussion here epitomizes the three bad habits of the book: faulty handling of the Latin, anachronistic preconceptions brought to the analysis of Aquinas's sermons, and a lack of familiarity with the exegetical and other contexts within which Aquinas is operating. Examples of gaffes large and small when dealing with the *originalia* could be multiplied, each one only serving to undermine further the reader's confidence in the author's proficiency with languages.

Equally troubling are the factual errors that lead to misrepresentations of Aquinas's work as a preacher. The author's discussion of the difference between sermons and collations is a case in point. While Smith does outline one meaning of the term "*collatio*" as an evening-time sermon delivered at the University of Paris, he does not come to grips with the real nature of the exercise or its other incarnations outside the university. It might have been worth noting, for example, that it was Aquinas's own Dominican order that was responsible for introducing this practice at the University of Paris, and that Jordan of Saxony made the case for vespertine preaching at Paris precisely so that his friars, who were in class when the usual morning sermons were scheduled at the university, would not miss hearing the Word of God. Parisian collations were therefore conceived explicitly as a repetition of the morning's preaching; there was a statutory requirement that whoever preached the evening collation must treat the same *thema* that had been preached on in the morning. Thus, for Smith to argue that Aquinas's re-use in a companion collation of the same *thema* he had previously treated in a sermon is somehow evidence that Aquinas was uniquely sensitive to his audience and uniquely attuned to the possibilities of the *collatio* genre is problematical, when this reduplication was, in fact, something he was required to do. And all this still begs the question of the other more catechetical forms of preaching that were also known as "*collationes*" none of which Smith ever acknowledges.

Had he made a few more soundings into other sermons from this period, the author might also have tempered some of his comments about what he perceives to be unusual characteristics of Aquinas's sermons. For example, because in some of the sermons the last division is given comparatively short shrift or, to Smith's eyes, appears truncated, he concludes that Aquinas is "clearly running out of time" or clearly "went too long" and had to "wrap things up quickly" (or even offers a "mercifully short wrap-up") (e.g., 86-87; 320; 325). But many surviving "modern" sermons present similarly succinct final sections: this was common practice. Neither does Smith consider the problems of transmission or

even entertain the possibility that these “truncations” might be due to the state of the manuscripts rather than being unblemished indications of Aquinas’s original intention in constructing his sermons. Indeed, on this last count it is clear that the author is not thinking of the reality of medieval manuscript culture at all, when he suggests at one point that Aquinas might have consulted “an actual printed concordance” (173).

The author is also off the mark in his comments about the use of *exempla*, those illustrative moral tales that became part of the stock-in-trade of thirteenth- and fourteenth-century preachers. Using *exempla* was a method of *dilatatio* that many saw as perhaps more useful for moving the hearts of lay listeners and therefore less likely to be employed in formal university sermons, but Smith overstates his case by insisting that Aquinas never used *exempla* (177). While they are admittedly rare in the corpus of his sermons, they do appear, as in the sermon for the feast-day of St. Martin of Tours, *Beatus vir*, where Aquinas does not shy away from narrating hagiographic episodes, leaving one to conclude that he was no stranger to the genre. This is, in fact, confirmed by the author’s own mention of Aquinas’s concern that only true stories be repeated in the pulpit. But even here, the reader is left with the erroneous impression that this vigilance on Aquinas’s part somehow made him a more exacting and honest preacher than most of his contemporaries (178 n. 52), when, on the contrary, it was widely insisted upon that to be beneficial *exempla* needed to be true, or at least made plausible by the invoking of eyewitnesses and the addition of as much realistic detail as possible.

There are also some rather strange reactions on the author’s part to a few of Aquinas’s interpretations. On at least two occasions Smith says he can only think Aquinas must have been “jesting” or “going for the joke” with the exegesis he offers (84, 86). In his collation for the Exaltation of the Cross, for example, Thomas likens Christ hanging on the wood of the cross to a *magister* in his wooden chair. Smith opines that this must have been “intended somewhat humorously,” a joke about the suffering a professor endures at the hands of his students being analogous to Christ’s suffering on the cross. Far from implying he was being crucified anew by ungrateful students, Aquinas is assuming that his listeners would have known that the Latin word for the professor’s chair is the same as that used to describe the bishop’s chair, “*cathedra*,” and in both instances it is the exalted wisdom seat from which teaching emanates and in both instances in imitation of Christ’s own teaching, even unto the cross. Smith also fails to register that the metaphor of the master’s chair is not even Aquinas’s own, but one he has taken from Augustine’s commentary on the Gospel of John, used there to suggest that Christ’s dying on the cross is itself the Master’s greatest act of teaching. Not a mere witticism, it was, in fact, something of a favorite image for Aquinas, who would employ it not only in this sermon, but in his *Catena aurea* and in the *Summa theologiae*.

In fairness, Smith does have a particular sort of beginner in mind for his *Beginner's Guide*, not necessarily a scholarly audience. He is painstaking in his effort to run through all the rhetorical elements that constitute the *sermo modernus* as described in medieval preaching manuals, and to illustrate each with specific examples from Aquinas's sermons. In this, he provides an important service to those interested in Aquinas for whom the Scholastic structure of his sermons may have been an impediment to understanding his work as a preacher and exegete. Smith will, however, struggle to keep the interest of those who have done work on medieval preaching in this period, as he moves with slow deliberation through these basics; a similar difficulty will be encountered by those who already have some familiarity with the fundamentals of medieval exegesis. It should also be said that Smith's book—a book that aims to teach the reader how an exacting medium truly is a big part of the message—deserved the attentions of a more careful copy editor, who should have caught the many typos and errors, and eliminated the redundancies that see the author reiterating entire passages when he returns to the same sermon from a different angle.

In sum, *Reading the Sermons of Thomas Aquinas: A Beginner's Guide* had the potential to be a valuable handbook in its own right, illustrating how Thomas Aquinas applied the techniques summarized in the medieval handbooks intended for preachers in his day. It does not quite live up to that potential, but it can pique the interest of readers who wish to understand more about Aquinas and his sermons and, hopefully, will encourage them to explore the world of medieval preaching and exegesis further.

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A Gift of Presence: The Theology and Poetry of the Eucharist in Thomas Aquinas.

JAN-HEINER TÜCK. Translated by SCOTT G. HEFELFINGER. Washington, D.C.: The Catholic University of America Press, 2018. Pp. xxiv + 379. \$75.00 (cloth). ISBN: 978-0-8132-3039-9.

Tück begins by recognizing that today “it is possible to receive a diploma or Master's degree in Catholic theology without ever having read one article of the *Summa theologiae*” (1). The gulf between contemporary Catholic theology and the theological work of prior generations is widening. He therefore proposes to undertake a retrieval of Aquinas's Eucharistic theology, even as he differentiates his project from “current efforts to establish a new iteration of Thomism” (5). Unfortunately, his representation of these “current efforts” is dated: he cites

only the work of David Berger. At the same time, he insists that “the theological heritage of Thomas Aquinas” is not “obsolete” (6). He finds in the historical work of Jean-Pierre Torrell and others the insight that Aquinas’s theology can be investigated to expose the connections between theology and spirituality and also, constructively, to “think with and through a paradigmatically speculative penetration of the deposit of faith” (7).

To my mind, such labor actually does produce “a new iteration of Thomism,” and there is no reason to be apologetic about this. Part of Tück’s “new iteration” is his careful attention to Aquinas’s Eucharistic hymns, which he argues constitute “a *poetic distillation of the Eucharistic theology* of Thomas Aquinas” (9). Thus, Tück belongs to the school of Thomism that, with Torrell, emphasizes the unity of his theology and spirituality. The only question is whether this “new iteration” will present itself solely as a historical retrieval rather than as a constructive contribution to contemporary dogmatics. Tück makes clear that he intends to do the latter.

In Part A, Tück examines Aquinas’s general sacramental theology. As a point of contact with contemporary Catholic sacramental theology, he notes that in many ways Aquinas offers “an anthropologically oriented sacramental theology” (52). In this regard, he rightly proposes, “With Thomas, we ought to hold fast to the sacraments’ Christological foundation, which tends to recede somewhat when the sacraments are spoken of as ‘self-performances of the Church’” (53; the interior quotation is from Karl Rahner). He defends Aquinas’s deployment of instrumental causality on the grounds that—much more than the medieval Franciscan approach—it allows for real appreciation of the bodily-material dimension of the sacraments. Aquinas’s theocentrism, too, ensures that the sacraments cannot be perceived as human magic.

Tück does think that the ecclesial character of the sacraments does not receive sufficient attention from Aquinas. But he emphasizes, against Johannes Betz, that Aquinas pays rich attention to “the remembrance of the saving deeds of Jesus Christ” and to Christ’s actual presence (today) in the sacrament (57). He adds that even if the medieval focus on the consecration was one-sided, it fruitfully energized medieval Eucharistic spirituality. He finds Aquinas’s account of transubstantiation, with its articulation of the “*sacramental* mode of presence” (66), to be helpful in avoiding overly symbolic and overly realistic (or physical-spatial) extremes, as well as in avoiding the local motion of Christ’s body implied by impanation or consubstantiation. He considers Aquinas’s treatment of the words of consecration to be helpful in showing that “Aquinas bases his thought on the givens of the Bible” (77). Moreover, Aquinas is clear that the author of the Eucharistic conversion is Christ himself, acting through the priest who speaks *in persona Christi*: “Jesus Christ himself as the *eternal* high priest institutes ever anew the reminder of his self-surrender *in the stream of time*” (95; cf. 128-37).

Tück examines Aquinas's soteriology in some detail, pointing out that Christ's Passion flows from God's love for us rather than from the need to placate an angry God. With utter mercy, Christ freely handed himself over to sinners out of love for them; and his love, in paying their penalty (death), reestablishes human justice in the presence of God, thereby restoring friendship. The merit of his supremely good act—its meriting of the gift of grace—overflows to his members, who are able to cooperate with this grace and thereby by their graced actions to merit (properly understood) the attainment of salvation. Tück praises Aquinas's "logic of a love that gives itself away—a logic that is legible in Christ's self-gift unto death" (120).

Tück devotes extensive consideration to Aquinas's comments on each part of the liturgy in question 83 of the *Tertia pars*. He notes that Aquinas "designates *the whole canon as consecratio*," even if Aquinas focuses on the words of consecration (152). Answering an objection to Aquinas's theology and the Latin medieval liturgy in general, Tück suggests that the prayer *Quam oblationem* may implicitly function as the *epiclesis*. He also suggests that for Aquinas, the gathering of the community to commemorate or remember Christ's Passion has the function of uniting Head and members: the Eucharist, as the "sacrament of unity" and the "sacrament of charity," makes the Church (156-58). It prepares the members of the Church for the eschatological consummation and anticipates this consummation.

Part B treats the Eucharistic hymns. After showing that Aquinas is indeed their author, Tück examines *Pange lingua gloriosi* (remarking upon the relationship of the Old and New Covenants and the fact that the hymn has in view both the glorified Christ and the mysteries of Christ's life as the life of the incarnate Word); *Sacris solemnibus* and *Verbum supernum* (remarking upon the new Paschal lamb and the new bread from heaven, as well as the multidimensional self-gift of the incarnate Word); *Lauda Sion* (remarking upon the earthy and heavenly Church pouring forth praise to Jesus Christ, the living bread and new Passover); and *Adoro te devote* (remarking upon the hiddenness of Christ in the Eucharist, which calls forth our faith and confession as well as our yearning for full union). Each of these hymns is filled with details of Eucharistic theology, including the nature and mystery of the Eucharistic conversion, the full panoply of Old Testament figures of the Eucharist, the effects of receiving communion, and the eschatological wedding banquet.

Tück devotes a chapter to the poetic artistry of the hymns. He also takes the occasion to explain how they fill what might otherwise be seen as gaps in Aquinas's Eucharistic theology. For example, he points out, "The prandial and communal character given with the origins of the Eucharist in the last supper can sometimes retreat into the background in systematic Eucharistic doctrine, but in the hymns it is present through and through" (248). Likewise, the theme of Christ's simultaneous presence and absence is accentuated, along with the eschatological orientation of the Eucharist.

In Part C, Tüeck begins with reflection upon the development of doctrine. He denies that truths of faith can be abstracted from time-bound cultural-linguistic forms, but he thinks that it is possible to distinguish retrospectively the theological content of earlier expressions. He considers, "As long as theology is *in statu viae*, it cannot take up a metahistorical standpoint, which judges quasi-*sub specie aeternitatis* the adequacy or inadequacy of categorial forms of communication in view of the truth to be attested" (256). He does think, however, that the following "categorial truth" can stand as "the fundamental truth of Christian faith" and thus as the "criterion" of Christian truth: "the proposition that God himself acted in the person and history of Jesus and communicated himself to men," or, in other words, "the historical self-revelation of God in Jesus Christ, which theology articulates in the linguistic terms of love" (ibid.). He expands upon this fundamental truth by stating that "the event of God's self-revelation is held present as love through God's pneumatically making himself present in word and sacrament" (ibid.).

My concern here is how, if there is no "metahistorical standpoint" accessible to faith from which we can judge the adequacy of propositional truth-claims, we can suppose that we have any real idea what "God" (surely a historically and culturally contextualized term), let alone "God's self-revelation" or "Christ," actually mean. In other words, why is it, for Tüeck, that historicism does not cut all the way down? Given his denial of any "metahistorical standpoint" for judging the adequacy of particular propositions to the realities of faith, how is it that he can speak with such assurance about (for instance) "God's unconditional determination *for* men, as made manifest in the life and death of Jesus *for* us" (257)?

Tüeck goes on to survey the history of Eucharistic theology. After investigating the biblical data, he notes that patristic discussions of the Eucharist are grounded in "the *real symbolic thought* of Platonism" (ibid.), which he thinks has advantages but also tends to put in the shade Jewish emphasis on free will and history. He examines the shift that takes place in the "Germanic" thought-world of the early Middle Ages, with its much-less symbolic ontology. He contends that Aristotle helped Aquinas and the other high medievals to navigate between Platonic and Germanic pitfalls while generally retaining their strengths. Aquinas retains the liturgical, ecclesial, eschatological, prandial, and historical elements of Eucharistic theology, even if his hold on these elements is more tenuous than it should be. Late-medieval emphasis on philosophical speculation and the sacrificial (propitiatory) dimension of the Mass are viewed by Tüeck as negative; but in his view the Council of Trent largely (though not entirely) restored the balance, with the downside being a separation of sacrament and sacrifice.

Moving forward, Tüeck urges that Aquinas's theology offers resources for conceiving (and reconceiving) Eucharistic theology around Christ's self-gift,

enabling his disciples to “share in the blessing brought about by his death” (281). He first provides a valuable biblical defense of interpreting Christ’s death (and resurrection and ascension) in this way. Then he interprets “transubstantiation” as the risen Christ’s withdrawing “substantial proper reality” from the bread and wine “so that they become pure signs of the *personal presence* of Jesus Christ” (286-87, a formulation indebted to Walter Kasper and Joseph Ratzinger). He accepts the criticism that bread and wine are not properly “substances” even in the Aristotelian sense. Here he would have been helped by Reinhard Hütter, who has demonstrated in his *Aquinas on Transubstantiation* (The Catholic University of America Press, 2019) that this criticism does not hold. Once one acknowledges that bread and wine really are substances, then one need not follow Tück into the claim that transubstantiation simply means that “bread and wine lose their creaturely substantiality by being taken into Christ’s personal realm of power and reality” so that Christ’s own substantial presence, his “pro-existent selfhood,” can pneumatically become present instead (295-300).

In a concluding chapter to Part C, Tück observes that “*gift, presence, and conversion* are motifs that can shape the contours of a Eucharistic theology even today” (301); and he makes his own faith beautifully clear. He thereby joins together the projects of historical theology, dogmatic theology, and personal spirituality. Citing Karl Rahner, he affirms the value of Eucharistic contemplation (or adoration) not least as an antidote to the modern experience of time, in which past and present are disjoined, failure and suffering become meaningless, the individual stands as the primary reality, and the eschatological future is lost as an illusion.

Tück also emphasizes that in the Eucharist, Christ objectively gives us his body, even while he does not thereby become “object”: “we are ourselves taken up into the horizon of Christ’s presence” (314). Of course, Christ’s presence is one that, insofar as it is also an “absence,” leads us to yearn for full union with him in the eschatological consummation. In his solidarity with sinners and with the victims of history, Christ ensures that our Eucharistic remembrance awakens us both to our guilt and to the fact that we must have mercy upon those who have wronged us. He reflects upon the failures of Christians, including the ways in which the Eucharist itself has been caught up in intra-Christian enmity and failures in neighbor-love. The Eucharist must not become a site of self-righteousness, but rather must be handled by Christians as truly “the gift of love” (328).

These spiritual insights provide a fitting conclusion to an enriching and stimulating book. Thanks are owed both to the author and to the translator.

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