

THE CATHOLIC UNIVERSITY OF AMERICA

The Object of the Moral Act: Understanding St. Thomas Aquinas  
Through the Work of Steven Long and Martin Rhonheimer

A DISSERTATION

Submitted to the Faculty of the  
School of Theology and Religious Studies  
Of the Catholic University of America  
In Partial Fulfillment of the Requirements  
For the Degree  
Doctor of Philosophy

By  
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Washington, D.C.

2017

The Object of the Moral Act: Understanding St. Thomas Aquinas  
Through the Work of Steven Long and Martin Rhonheimer

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In the 1993 encyclical *Veritatis Splendor* Pope John Paul II stated that the “*morality of the human act depends primarily and fundamentally on the ‘object’ rationally chosen by the deliberate will.*” Since that time the interpretation of the moral object has garnered increased attention among Thomist scholars. Yet it remains a source of dispute. Two scholars who take rather opposed views on what Aquinas means by the moral object are Martin Rhonheimer and Steven Long. The purpose of this dissertation is to elucidate the account of Aquinas’s doctrine through a comparison of the interpretations of each of these scholars with Aquinas’s own work. Part 1 will elaborate the work of Steven Long and Martin Rhonheimer in order to identify the areas of disagreement between the two. Part 2 will summarize the work of Aquinas’s precursors in order to provide the context in which Aquinas developed his own doctrine and then examine Aquinas’s own work as it relates to the areas of disagreement between our two scholars. Part 3 will compare each scholar’s work with Aquinas’s texts in order to evaluate the accuracy of each account and the insights each has to offer. This analysis of two clearly opposing views in the post-*Veritatis Splendor* debates, informed by a critical reading of Aquinas’s texts, offers to provide a deeper understanding of the moral object as elaborated by Aquinas.

This dissertation by John Makdisi fulfills the dissertation requirement for the doctoral degree in Moral Theology/Ethics approved by William C. Mattison III, Ph.D., as Director, and by Joseph Capizzi, Ph.D., and Tobias Hoffmann, Ph.D. as Readers.

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To my wife, June Mary,  
I dedicate this work for her unwavering  
Love and Support

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## List of Abbreviations

- CS            Albert the Great. *Opera Omnia*, vol. 27: *Commentarii in Secundum Librum Sententiarum*. Edited by Émile Borgnet. Paris: Ludovicum Vivès, 1894.
- DB            Albert the Great. *Opera Magni*, v. 28: *De bono*, tr. 1: *De bono in genere*. Münster: Aschendorff, 1951.
- De anima*    Aquinas, Thomas. *Commentary on Aristotle's De Anima*. Translated by Kenelm Foster and Silvester Humphries. Rev. ed. Notre Dame: Dumb Ox Books, 1994.
- De malo*     Aquinas, Thomas. *On Evil*. Translated by Richard Regan. Oxford: Oxford University Press, 2003.
- Dialogue     Abelard, Peter. *Dialogue between a Philosopher, a Jew, and a Christian*, in *Ethical Writings: His Ethics or "Know Yourself" and His Dialogue between a Philosopher, a Jew, and a Christian*. Translated by Paul Vincent Spade. Indianapolis: Hackett, 1995.
- EP            Rhonheimer, Martin. *The Ethics of Procreation and the Defense of Human Life: Contraception, Artificial Fertilization, and Abortion*. Edited by William F. Murphy Jr. Washington: The Catholic University of America Press, 2010.
- Ethics        Abelard, Peter. *Ethics*, in *Ethical Writings: His Ethics or "Know Yourself" and His Dialogue of a Philosopher with a Jew and a Christian*. Translated by Paul Vincent Spade. Indianapolis: Hackett, 1995.
- Glossa        Alexandri de Hales. *Glossa in Quatuor Libros Sententiarum Petri Lombardi*. Quaracchi: Collegium S. Bonaventurae, 1952.
- NL            Rhonheimer, Martin. *Natural Law and Practical Reason: A Thomist View of Moral Autonomy*. Translated by Gerald Malsbury. New York: Fordham University Press, 2000.
- PM            Rhonheimer, Martin. *The Perspective of Morality: Philosophical Foundations of Thomistic Virtue Ethics*. Translated by Gerald Malsbury. Washington: The Catholic University of America Press, 2011.
- PV            Rhonheimer, Martin. *Praktische Vernunft und Vernünftigkeit der Praxis: Handlungstheorie bei Thomas von Aquin in ihrer Entstehung aus dem Problemkontext der aristotelischen Ethik*. Berlin: Akademie Verlag, 1994.

- SA William of Auxerre, *Summa aurea*. Edited by Jean Ribailier. Paris: Centre National de la Recherche Scientifique, 1986.
- SDB Philippi Cancellarii Parisiensis. *Summa de bono*, pars prior. Edited by Nikolaus Wicki. Bern: Francke, 1985.
- Sentences Lombard, Peter. *The Sentences*, Book 2. Translated by Giulio Silano. Toronto: Pontifical Institute of Mediaeval Studies, 2008.
- ST Aquinas, Thomas. *The Summa Theologica*. Translated by Fathers of the English Dominican Province. New York: Benziger, 1948.
- TG Long, Steven A. *The Teleological Grammar of the Moral Act*. Naples, FL: Sapienta Press, 2007.
- VC Rhonheimer, Martin. *Vital Conflicts in Medical Ethics: A Virtue Approach to Craniotomy and Tubal Pregnancies*. Washington: Catholic University of America Press, 2009.



## Acknowledgements

I would like to thank my dissertation committee for the significant impact they made through their courses on my development as a theologian. Tobias Hoffmann helped me to understand the genius of St. Thomas in new and challenging ways while himself living the humility of this great master. Joseph Capizzi introduced me to the complexities of natural law and encouraged me to break the mold of my own conceptions of law. Bill Mattison opened my eyes to the simple yet awesome power of the Beatitudes. I especially want to thank my advisor, Bill Mattison, for his mentorship during the three and a half years of work on this dissertation. He firmly but gently demanded a well-trained mind for the concepts, a watchful eye for the detail, and a patient heart for the message of my sources. I truly appreciate his patience and understanding throughout. I also want to thank the many teachers who influenced my development at St. Vincent de Paul Regional Seminary (2007-2009) and at Catholic University (2009-2011). Sixto Garcia, in particular, showed me by word and by example that a true theologian is the human person who nurtures a driving hunger to know God by listening to and living in God.

## Introduction

In the 1993 encyclical *Veritatis Splendor* Pope John Paul II followed the “insightful analysis” of St. Thomas Aquinas to state that the “*morality of the human act depends primarily and fundamentally on the ‘object’ rationally chosen by the deliberate will*” and that to grasp this object, one must “*place oneself in the perspective of the acting person.*”<sup>1</sup> With these words, the Pope ushered in a new era of interpretation of the object of the moral act by Thomist scholars. He effectively rejected the doctrines of proportionalism and consequentialism and focused attention on the perspective of the acting person. Nevertheless, Thomist scholars disagree over what Aquinas conceives as the source of morality in the object of the moral act.

Steven Long and Martin Rhonheimer are active voices in this debate. Both interpreters agree that Aquinas defines the object of the moral act as including a material and a formal aspect. They disagree on what constitutes these aspects. They also disagree on how reason functions to direct the will to action. Yet both scholars use Aquinas’s terminology, base themselves on Aquinas’s texts, and claim that they are interpreting him faithfully. Since much of their work is recently published and in articles and occasional pieces, no comprehensive analysis of their thought on this subject exists, much less a comparative analysis of the two. This dissertation offers such an analysis.

Part One elaborates the substance of Aquinas’s concept of the moral object as interpreted by Long in Chapter 1 and by Rhonheimer in Chapter 2. Each chapter examines the material and formal aspects of the moral object followed by the function of reason in forming the moral object. Part Two begins with an introduction to Aquinas in Chapter 3 by discussing the state of

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<sup>1</sup> John Paul II, *Veritatis Splendor*, *Encyclical Letter* §78 (Vatican City, Italy: Libreria Editrice Vaticana, 2003).

scholarship on the moral object at Paris in the decades preceding Aquinas's work. It then proceeds in Chapter 4 to discuss the relevant texts on the moral object which become important in evaluating the interpretations of Long and Rhonheimer. Part Three evaluates the contributions of Long in Chapter 5 and of Rhonheimer in Chapter 6. It answers questions that have been raised by other scholars concerning the validity of their interpretations and offers an opinion concerning the better interpretation in the places where Long and Rhonheimer disagree.

The concept of the moral object in Aquinas's work is a difficult subject to understand. I hope that this dissertation will aid the continuing debates in this area through its analysis of these two major contributors as informed by a critical reading of Aquinas's texts.

## **Part I**

### **Rival Accounts of Aquinas's Doctrine on the Moral Object**

## Chapter 1

### The Account of Steven Long

A significant part of Steven Long's work is devoted to interpreting the concept of the moral object in the work of St. Thomas Aquinas. His book on *The Teleological Grammar of the Moral Act*<sup>2</sup> provides his most comprehensive exposition of the subject, but several of his articles both before and after this book add clarifying insights. The corpus of his work presents an interpretation of Aquinas that differs from that of Martin Rhonheimer. This is particularly true in his interpretation of the nature of the moral object and of the way in which reason cognizes the species of the moral object. This chapter examines Long's interpretation in both regards. The critique of his work comes later.

The first section of this chapter examines the moral object in Long's terms of form and matter with each subsection devoted to one of these aspects. Of particular note is the way in which Long incorporates a moral form into both the material aspect and the formal aspect of the moral object and that the moral form of the formal aspect refers to the appetible end sought by the agent. Both of these are moves that Rhonheimer rejects. The second section investigates the way in which the intellect cognizes the species of the moral object. Long maintains that the speculative intellect cognizes a good which the will, if it desires it, moves the practical intellect to find a means to achieve. Rhonheimer gives the practical intellect and the sensitive appetites a more dominant role in the process.

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<sup>2</sup> Steven A. Long, *The Teleological Grammar of the Moral Act* (Naples, FL: Sapientia Press, 2007) [hereinafter TG].

## 1. The Substance of the Moral Object

Long describes Aquinas's concept of a moral act as "an act performed consequent on choice . . . of the contingent means to some particular desired end."<sup>3</sup> The moral object is "what the act is about relative to reason"; it is the form of the act giving the act its type or species.<sup>4</sup> There are two aspects of the moral act that define what the act is about relative to reason—the natural or *per se* end of the act, which defines the moral object in its material aspect, and the end sought, which defines the moral object in its formal aspect.<sup>5</sup> Both these ends are conceived by reason. The natural end of the act by defining the nature of the act gives the act its integral nature. The end sought by the agent of the act by defining the choiceworthiness of the act gives the act its formal nature. Both ends together define the moral object, which gives form and species to the moral act.<sup>6</sup> Long states that the "object of the act is this *defining form of the whole act*, inclusive of both the relation to the end which is sought by the agent and in terms of which it is choiceworthy, *and* the act performed itself with its integral nature and its *per se* teleological order."<sup>7</sup> The first subsection examines what is the natural or *per se* end of the act which defines the moral object in its material aspect; the second subsection examines what is the choiceworthy end which defines the moral object in its formal aspect.

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<sup>3</sup> TG 1. Long also uses the term *exterior act* for moral act, but he does not use it frequently. See, for example, his discussion of exterior act in Steven A. Long, "Engaging Thomist Interlocutors," *Nova et Vetera* 9 (2011): 290-91. We use his term *moral act*.

<sup>4</sup> TG 11. Long quotes Aquinas to say that the moral object is "the matter 'about which' (something is done); and stands in relation to the act as its form, as it were, through giving it its species." Thomas Aquinas, *The Summa Theologica*, trans. Fathers of the English Dominican Province (New York: Benziger, 1948) I-II.18.2.ad2 [hereinafter ST], quoted in TG 11.

<sup>5</sup> TG 11-12.

<sup>6</sup> TG 11-12.

<sup>7</sup> TG 18. Long emphasizes that "the moral object of an act is the act itself—inclusive of its essential matter or integral nature—under the *ratio* of its order to the end sought: it is not solely and simply that *ratio* apart from the essential matter or integral nature of the act." Steven A. Long, "A Brief Disquisition regarding the Nature of the Object of the Moral Act according to St. Thomas Aquinas," *The Thomist* 67 (2003): 48-50.

### 1.1. The Material Aspect of the Moral Object

The material aspect of the moral object is the act itself and its integral nature. The act itself is the actual physical or mental act of the person.<sup>8</sup> The integral nature of the act is the form of the act itself in its material aspect as defined by the natural or *per se* end of the act itself. For example, when a man kills another person for the purpose of receiving a life-saving therapy, the act itself is the actual act by which the other person is killed. The integral nature of the act itself is killing which is defined by the natural or *per se* end of the act itself. Even though the killing is not sought as an end in itself, it is the end that reason conceives as defining the nature of the act. The end is a natural or *per se* end because the act itself necessarily terminates in the natural end of lethal harm to the other person, regardless of whether it is a desired end or not.<sup>9</sup>

Long recognizes that “we can speak of the means as the more proximate end,”<sup>10</sup> but he issues a word of caution in calling the means with its natural or *per se* end an end. It is true that “inasmuch as we will the means for the end, we can speak of the means as a more proximate end,” but, he warns, “this is wholly secondary, derived, and analogical language, because absolutely and simply speaking the movement of the will to the means as ordered to the end is called ‘choice,’ whereas ‘intention’ pertains both to the end prior to the determination of means,

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<sup>8</sup> Long does not actually define the act itself, but indications of this definition occur when Long refers to the physical species of the act. Long states that “the physical species . . . is surely one of the essential causal factors in the determination of the moral species—it is not irrelevant to the moral character of the act performed.” Steven A. Long, “*Veritatis Splendor* §78 and the Teleological Grammar of the Moral Act,” *Nova et Vetera* 6 (2008): 147. See also TG 13, where Long states that “[t]he physical species or type of the act is not simply equivalent with its moral species or type” but “the physical character of the act is one of the causal elements that enters into the constitution of the object and species of the act.” As for the term *act itself*, Long occasionally calls the act itself the external act (see TG 12n12), but we use his term of preference.

<sup>9</sup> See example at TG 15-16.

<sup>10</sup> TG 29.

and also to the end as acquired by the means.”<sup>11</sup> In other words, the proximate end, which is the means, does not have the primary meaning of end, which is the end as acquired by the means.

The term *per se* is used to define the order of the act itself to its natural end. Long gives a succinct formula for its definition: “For one thing is said to be *per se* ordered to the other either if the achievement of one thing is absolutely required for the achievement of the other, or if one thing simply by its nature tends toward the achievement of another.”<sup>12</sup> Long states that this is a natural, not a logical, teleology.<sup>13</sup> There is no strict cause and effect relationship between the act itself and its *per se* end, such that one would say that “if an end *per se* requires a certain act, then every instance of that act tends to that end,” or that one would say that if “an act may be such that it tends by its very nature towards a particular end,” that it is the only act that does so.<sup>14</sup> In other words, the act itself is not uniquely tied to its natural end. It is simply an operation that is required to do the end or naturally results in it.

Although Long defines the order of the act itself to its *per se* end as a natural teleology in terms of physical movement, a key point to understanding Long is that he does not define the *per se* end itself as a merely physical natural end. For Long, the natural *per se* end of an act incorporates both the physical and the moral because “human nature [is] objectively ordered toward ends which define the good life” as “reasons for action,” each of which is “a natural

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<sup>11</sup> TG 29.

<sup>12</sup> TG 28.

<sup>13</sup> Steven A. Long, “Speculative Foundations of Moral Theology and the Causality of Grace,” *Studies in Christian Ethics* 23 (2010): 405. “To describe it as merely logical is a typically modern result of bifurcating the hylemorphic unity of human action into incommensurable lower physical and logical parts.” Ibid. More clearly stated, he says that the inclusion of the *act itself* and its integral nature in the consideration of the moral object is a direct rejection of logicism, which “consists in reducing the object of the moral act to an ideational ‘proposal’ excluding the act itself, its integral matter, and its *per se* teleological order and effects.” Steven A. Long, “The False Theory Undergirding Condomitic Exceptionalism: A Response to William F. Murphy Jr. and Rev. Martin Rhonheimer,” *National Catholic Bioethics Quarterly* 8 (2008): 714n10.

<sup>14</sup> Long, “Engaging Thomist Interlocutors,” 292n21.



terminus for the sake of which and in terms of which the action is understood.”<sup>15</sup> It is an end perceived by reason but not constituted by reason because “*what an act is about in relation to reason by its very definition materially presupposes the act itself and the integral nature of the act itself.*”<sup>16</sup> Thus, the natural *per se* end to which an act is physically ordered *per se*, is itself both physical and moral.

Long does allow that the object of an act may be partially constituted in relation to reason inasmuch as reason judges that a certain physical circumstance changes the moral nature of an act, thus becoming a principal condition (not merely a circumstance) of the object of the act.<sup>17</sup> In other words, a circumstance that is accidental to an act itself in the act’s physical nature may be essential to the act in its moral nature. Long gives as an example the case of returning a borrowed firearm to a neighbor who happens to be in a drunken homicidal rage.<sup>18</sup> From the point of view of the physical species, “it is an accident whether the one to whom it is returned is or is not in a drunken homicidal rage,” but from the point of view of the moral species, “the very nature of the act is changed if under the aspect of returning borrowed property one knowingly makes a direct and material contribution to wrongful homicide.”<sup>19</sup> It is “a function of the relation to reason” because “the moral species pertains to the conformity of action to right reason,” whereas “the physical species is what it is, and its definition does not vary on the basis of what is accidental or circumstantial.”<sup>20</sup> Nevertheless, it remains for Long that the object itself has its own moral nature prior to any relation to reason.

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<sup>15</sup> TG 6-7.

<sup>16</sup> TG 34.

<sup>17</sup> TG 32.

<sup>18</sup> TG 32.

<sup>19</sup> TG 32.

<sup>20</sup> TG 32.

Because Long defines the order of the act itself to its *per se* end as a natural teleology in terms of physical movement, one might be inclined to think that there is more than one *per se* end that can define the act itself. For example, in the case of a person who shoots the people in line in front of him in order to move up the line to receive a life-saving treatment he otherwise would not receive, one might be inclined to think that both the killing and the life-saving treatment are *per se* ends. They are both *per se* ends if one considers the act itself in its physical species. However, since the *per se* end itself that gives the act itself its integral nature is a moral natural end as well as a physical natural end, one must observe through the use of reason which of these natural *per se* ends defines the nature of the act as moral. In this case, “what the action is really about, relative to reason, is [not] removing impediments to the reception of life-saving therapy,” but rather “wrongful homicide.”<sup>21</sup> In other words, a person through reason sees in the killing end of the act that the act is against the good life; there is what Long calls a “negative precept” against it.<sup>22</sup> Therefore, the *per se* end that explains the teleological order of the act is the wrongful homicide, the *per se* end that defines the nature of the act itself.

This does not mean that killing is always a *per se* end that defines the nature of the act itself. Different circumstances may cause a person through reason to see another end as the *per se* end. In the case of private self-defense where the defense can be accomplished only by a deliberate killing of the aggressor, both killing and self-defense are natural physical *per se* ends of the act itself. The act itself tends by its very nature to the end of killing, and, as the only means of self-defense, it is an act that is necessary for the end of self-defense. There is physical *per se* order to both ends. However, in this case, a person through reason sees that the killing

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<sup>21</sup> TG 16.

<sup>22</sup> The act of murder falls generically under a negative precept. TG 19-20.

end does not fall under negative precept. The nature of the act is defensive. Therefore, the *per se* end that gives form to the act itself is self-defense. Killing is still a part of the act itself, but it is “accidental with respect to the fundamental species from the end.”<sup>23</sup>

Long distinguishes between a physical *per se* end and moral *per se* end to which the physical *per se* end is ordered by calling the physical *per se* end an object-species and the moral *per se* end an end-species.<sup>24</sup> The object species is “merely a particular modality of the species derived from the end.”<sup>25</sup> It adds act, formality and perfection to the act itself, but all of this is ordained to and contained in the end-species, which is the most formal, containing, and defining species.<sup>26</sup> For example, in the case of a deliberate killing that is necessary for self-defense, there are two *per se* ends, the killing, which gives the object-species, and the self-defense, which gives the end-species. Long states that the killing “adds, by way of gravity in its object-species, a further actual character to the act,” but that the act itself “be *justly defensive* will be the most important aspect of the act.”<sup>27</sup> The end-species of self-defense makes the act itself moral when killing is the only recourse to defend oneself.

This contrasts with the case of a killing committed to obtain a life-saving treatment by shooting people in the line ahead. The killing of the people ahead in line is the end-species of the act itself because in the circumstances the act itself is wrongful homicide.<sup>28</sup> Long does not elaborate, but the circumstances include the fact that the people ahead in line are innocent,

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<sup>23</sup> TG 50. In this case, the *per se* end, even if it is an agent’s desire, is not a function of the agent’s desire but of the natural ordering of the act itself to what is a necessary or natural end. Long states that “*whether the object is per se ordered to the end of the agent is not determined by the agent but by the objective natural ordering of the act in question.*” Long, “Condomitic Exceptionalism,” 718.

<sup>24</sup> Long, “Engaging Thomist Interlocutors,” 286-87.

<sup>25</sup> Ibid., 287.

<sup>26</sup> Ibid., 286, 288.

<sup>27</sup> Ibid., 287n18.

<sup>28</sup> TG 16.

contrary to the aggressor in the case of self-defense. This case is analogous to the case of a craniotomy where a child's head unable to fit through the birth canal is crushed in order to save the life of the mother. Long states that in the case of the craniotomy the "act has the same structure as that of private lethal defense with one significant difference: to harm or kill one who is unjustly assailing an innocent is not an act under negative precept, whereas directly and deliberately to harm or kill an innocent child is under negative precept."<sup>29</sup> Here the direct and deliberate killing of the people ahead in line is also under negative precept because of the circumstance of their innocence. Thus the killing has its own moral species separate from that of saving a life and as a result becomes the end-species.<sup>30</sup> The saving of one's life is not ordered to the end of killing, so the saving is not an object-species. However, the killing is ordered to the end of saving one's life, which has its own end-species giving moral species. So there are two end-species of the act, but the killing, as the first in *per se* order, is the end-species that defines the moral object in its material aspect and defines the moral species of the moral act. The saving of one's life, as the further end, is the end-species that defines the moral object in its formal aspect (which is described in the next subsection) and defines the moral species of the internal act of the will.

Long's focus on the end-species as the end that gives form to the material aspect of the moral object emphasizes a point that he makes throughout his discussion of the moral object. The species of a moral act does not derive merely from the appetible, choiceworthy end that an agent intends. It also derives from the integral nature of the act itself, the form of which derives

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<sup>29</sup> TG 104.

<sup>30</sup> This case may fall in the kind of "[c]ases of *per se* order in which it seems that what is provided by the object-species [the killing] is morally decisive" but turns out to be an instance "in which what is taken as the end-species [the saving of one's life] is in fact too indeterminate to count as a moral species," and therefore the end-species is in fact what was presumed at first to be the object-species. Long, "Engaging Thomist Interlocutors," 288n18.

from the end-species. In this regard, one can consider the moral object “in a generic way, apart from any further ends sought by the agent—but not apart from the in-built *per se* ordering of the acts themselves.”<sup>31</sup> In certain cases, one can even make a moral judgment on the basis of a generic act apart from its further appetible end. Long states that “certain objects are by their very nature deeds that ought not to be performed because always contrary to the human good,” no matter what further ends they may serve.<sup>32</sup> So, “if an act be such generically as to fall under negative precept, it will not matter what further intended purpose makes the act appear choiceworthy to the agent.”<sup>33</sup> The act will be wrong on the basis of its integral nature.<sup>34</sup> Long states that “the choice of an action involves the willing of an act of a certain *nature* known by its *per se* order to the end whence it is denominated the type of act it is.”<sup>35</sup>

Again it is important to remember that Long does not define the *per se* end that gives form to the generic act as a natural end in terms of physical species. A generic knowledge of the moral object presupposes an understanding by the person of what is included and excluded from the end to give the generic act its moral species. For example, murder is not just killing a person because a killing that is “*per se* ordered to honorable military service in just war, or just private defense, or the just imposition of a judicial sentence of death” is not murder.<sup>36</sup> Likewise, theft is not just a taking of what is not one’s own because a taking to save a life is not theft.<sup>37</sup> The mere

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<sup>31</sup> TG 19.

<sup>32</sup> TG 19.

<sup>33</sup> TG 20.

<sup>34</sup> Stated another way, “[n]o matter what the further purpose of an agent—the *finis operantis*—may be, the act chosen by the agent must be such as to be generically good in itself and its *per se* end (the *finis operis*).” Steven A. Long, “Natural Law, the Moral Object, and *Humanae Vitae*,” in *Ressourcement Thomism: Sacred Doctrine, the Sacraments, and the Moral Life*, ed. Reinhard Hütter & Matthew Levering (Washington D.C.: Catholic University of America Press, 2010), 289-90.

<sup>35</sup> TG 21.

<sup>36</sup> TG 22.

<sup>37</sup> TG 23.

physical effect of killing or taking in these examples is not enough to describe the end to which the act is *per se* ordered for its moral species. Long states that “according as it is related to reason, a circumstance can sometimes be the essential difference of the object and thus specify a moral act; indeed in this way a circumstance can actually change the species of an act.”<sup>38</sup> Therefore, the full moral intelligibility of the generic character of the act itself in its integral nature must include such circumstances as part of the *per se* end.<sup>39</sup>

A precision must be added before concluding this section. Long states that nature dictates the necessary or natural order to a *per se* end that is perceived by reason to define the integral nature of the act. However, it is really nature as the agent perceives nature. It may be that an agent is mistaken as to the actual physical nature of the act, in which case it is the agent’s perception that determines the integral nature of the act itself. Therefore, it would be more accurate to say that the integral nature of the act itself is the proportion of the act itself to what it is naturally or *per se* ordered to *in the perception of the agent*.<sup>40</sup> For example, a man may make love with his wife under the misapprehension that she is the maid. The act itself is making love with his wife. The act itself in its integral nature is making love with a woman other than his wife, which reason prohibits as adultery.<sup>41</sup> Likewise, the act itself of flipping a remote control

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<sup>38</sup> TG 31. The moral object “includes the physical species of the act, along with any circumstance so significant as to be a ‘proper accident,’ changing the nature of the act in relation to reason.” Steven A. Long, “St. Thomas Aquinas through the Analytic Looking-Glass,” *The Thomist* 65 (2001): 284-85. For example, the nature of a moral transgression changes from mere theft to sacrilege with the circumstance that what is stolen is a sacred object. TG 32.

<sup>39</sup> Long states that “while the physical species is not the same as the moral species, it is surely one of the essential causal factors in the determination of the moral species—it is not irrelevant to the moral character of the act performed. But more is needed than a merely *physical* consideration insofar as we consider a human action, which involves knowledge, will, and intention of an end.” Long, “*Veritatis Splendor* §78,” 147.

<sup>40</sup> TG 14n14.

<sup>41</sup> TG 14n14. “The act chosen is wrongful—despite the fact that the agent is accidentally ignorant of the identity of the woman chosen—because by the very nature of that which is chosen the agent directs himself toward that which is incompatible with a good life.”

switch in order to set off a bomb is, in its integral nature, flipping a bomb switch, whether it is or is not a bomb switch.<sup>42</sup>

This precision completes the analysis of Long's concept of the act itself as it is defined in its integral nature by a *per se* natural end. This *per se* natural end is the end of the act itself, not to be confused with the further appetible end of the agent. The *per se* natural end is *per se* inasmuch as the act itself, as it is perceived by the agent, is absolutely required for its achievement or simply by its nature tends toward its achievement. The *per se* natural end is natural inasmuch as it has the physical species to be *per se*. It is also natural inasmuch as it has the moral species conceived by reason to give the act itself its integral nature as its material moral form. This may require reason to choose between more than one *per se* physical end of the act itself in order to identify the first end-species that contains the moral content for the integral nature of the act itself. It may also require reason to include within its conception of the *per se* end not only the substance of the end but also all the circumstances that reason finds determinative of the moral species, even if the circumstances are accidental to the physical species. The act itself insofar as its integral nature is formed by reason in its moral species is what is called a generic act. It is this generic act that is the material aspect of the moral act apart from any consideration of the appetible, choiceworthy end. In some cases it even determines the morality of the moral act because it is subject to a negative precept that will govern the moral act no matter what appetible, choiceworthy end the moral act has. However, "the merely generic character of the object (with its abstract sense of the end requisite to this generic definition)

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<sup>42</sup> TG 14n14. On the other hand, an agent may be mistaken as to the effect of the act itself so that "the end sought is actually materially contradicted by the natural *per se* effect." TG 18. This does not change the nature of the act itself. For example, a young person may choose a promiscuous lifestyle in order to be popular and respected, or a jealous husband may strike his wife in an effort not to lose her affection. This does not change the act itself in its integral nature. Promiscuity defines the former act, and beating defines the latter act. The inability to achieve the appetible end is irrelevant. TG 18-19.

needs to be specified more fully *in relation to the reason of the agent and the end sought by the agent* in order to grasp the full moral intelligibility of the action undertaken by the agent.”<sup>43</sup> It is to this end, which defines the moral object in its formal aspect that we now turn in the next subsection.

## 1.2. The Formal Aspect of the Moral Object

The formal aspect of the moral object is “the relation of the act to reason: a relation that is actually a relation to the end *in light of which* the act appears appetible or choiceworthy to the agent.”<sup>44</sup> *Appetible* roughly equates with *choiceworthy* in this context because the will desires the act as a means or proximate end in order to achieve a further end and in this sense it is choiceworthy. It is a relation to the end because it is the “desire for [this further end that] moves some agent to find a particular act choiceworthy and appetible.”<sup>45</sup> The further end is desired for its own sake, while the proximate end is desired for the sake of the further end.<sup>46</sup> The agent wills the further end by the voluntary act of intention,<sup>47</sup> and this end is called the object of the internal act of the will.<sup>48</sup> The agent wills the proximate end by the voluntary act of choice,<sup>49</sup> and this proximate end is called the object of the external act, which object is the act itself in its integral nature.<sup>50</sup>

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<sup>43</sup> TG 24.

<sup>44</sup> TG 14. See also TG 12, describing the relation to reason as the more formal aspect of the moral object.

<sup>45</sup> TG 35.

<sup>46</sup> TG 2-3, 5.

<sup>47</sup> TG 28-29.

<sup>48</sup> TG 12n12. This object of the interior act of the will is also known as the *finis operantis*. Long, “Natural Law, the Moral Object,” 309.

<sup>49</sup> TG 28-29.

<sup>50</sup> TG 12n12. The object of the external act, which is the act itself in its integral nature, is not the *finis operis*. The *finis operis* is the end of the act itself. Long states that “in simple acts, as intimate as the object and end of the external act are, they are not identical.” Long, “Natural Law, the Moral Object,” 302-03.



The object of the internal act of the will, the *finis operantis*, differs in character from the object of the external act, but the two come together in a simple moral act. The object of the external act is the act itself in its integral nature; the object of the internal act of the will is the end that is desired for its own sake. The object of the external act has its own end, called the *finis operis*. In a simple moral act, the *finis operis* is the same as the *finis operantis*. In other words, the end to which the act itself is *per se* ordered is also the end that is desired for its own sake.<sup>51</sup> According to Long, the simple act is the archtypical act for Aquinas, the “very *unit of currency* for Thomas’s consideration of human acts.”<sup>52</sup> For example, a doctor’s surgical repair of a patient’s heart is a simple moral act since the surgical repair is an end to which the act itself is *per se* ordered for its moral species as well as an end that makes the act desirable for its own medicinal sake.<sup>53</sup>

On the other hand, the act itself may not be *per se* ordered to the end desired for its own sake. In such a case the end that is desired for its own sake differs in species from the end to which the act itself is *per se* ordered. This is the case of a complex moral act.<sup>54</sup> For example, one who steals in order to fornicate commits a complex moral act because the act itself is *per se* ordered to theft but not to fornication. The two ends are two different species. Long attaches each of these ends to a different simple moral act, and he defines the complex moral act as “an act made up of two very different simple acts which have very different moral types or species . . . one of them further ordered in the mind of the agent to the other, which is ‘more formal’

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<sup>51</sup> TG 26.

<sup>52</sup> TG 26.

<sup>53</sup> TG 28.

<sup>54</sup> TG 26-27 & n22.

inasmuch as it is, for the agent, the principal end sought.”<sup>55</sup> The simple moral act that is further ordered to the other in the mind of the agent is ordered *per accidens* to that other because in its nature the order is not a *per se* order. Thus, in the case of one who steals in order to fornicate, the act itself is *per se* ordered to the end of theft, and the simple moral act of theft is *per accidens* ordered to the simple moral act of fornication. Long states that “we can, in a sense, view the one simple act as an object (theft) and the other as an end (fornication).”<sup>56</sup>

Long states that “in the complex act wherein one act is *per accidens* ordained to another, the prior act *has its own moral species distinct from the moral species of the second act to which it is ordered.*”<sup>57</sup> It is the species of the prior act that gives species to the complex act because the material aspect of the prior act, not the second act, is the act itself of the complex act.<sup>58</sup> The end of the prior act is called the *finis operis* of the complex act, where *opus* means the act itself.<sup>59</sup> It is the species of the second act that makes the agent more fornicator than thief because its end is what the agent most desires.<sup>60</sup> The end of the second act is called the *finis operantis* of the complex act, where *operans* means the agent.<sup>61</sup> Even though the species of the second act does not define the species of the complex act, it completes the species of the complex act with the “full, definitive specificity” that comes from the purpose of the agent.<sup>62</sup> Together the ends of

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<sup>55</sup> TG 27. See also Long, “Engaging Thomist Interlocutors,” 291, expressing the same idea.

<sup>56</sup> TG 27.

<sup>57</sup> Long, “Condomitic Exceptionalism,” 717. These disjunct species “are not unified because not *per se* ordained to one end whose *ratio* shelters them all.” Long, “Engaging Thomist Interlocutors,” 294.

<sup>58</sup> Long refers to the case of adultery committed for the sake of theft, which is mentioned by Aquinas in ST II-II.11.1.ad2, and says that “it is precisely because adultery is *not per se* ordered to theft that we seek the species of the physical act from the *end* of adultery rather than of theft.” Long, “Engaging Thomist Interlocutors,” 291.

<sup>59</sup> See Long, “Natural Law, the Moral Object,” 289-90, describing the *per se* end of the act chosen by the agent as the *finis operis*.

<sup>60</sup> TG 27.

<sup>61</sup> Long, “Natural Law, the Moral Object,” 302, and TG 12, 28-29. It is also both the *finis operis* and the *finis operantis* of the second act as a simple moral act.

<sup>62</sup> TG 36.

these two simple acts constituting the complex act give form to the moral object of the complex act, which itself gives form to the whole act.<sup>63</sup>

Long does not spend much ink on the formal aspect of the moral object, which is the relation of the act to reason, because “the error of supposing that the relation to reason is irrelevant for a fully specific account of a moral act—is a mistake which virtually no one makes.”<sup>64</sup> In sum, the relation to reason is a relation to the end that a person desires and for the sake of which the person through reason determines the means to achieve it. In a simple moral act, this end is the same as the *per se* natural end of the act itself. In a complex act the two ends differ, but Long dissects each complex act into simple acts, each with its own *per se* natural end, which in the furthest simple act is also the desired end of the agent.

Thus, throughout his discussion of the moral object, Long emphasizes the nature of the act itself as it is clothed with the form of its naturally derived *per se* end and the form of its desired end. Although the *per se* end is determined by the natural *per se* order of the act to the end in the physical sense of order, it is defined by the moral form of its good, just as the desired end is defined by the moral form of its good. In the next section we inquire into how a person through the intellect determines the species of good in both these ends.

## 2. The Cognition of Moral Species

An understanding of the moral object would not be complete without an investigation of the way in which a person through the intellect determines the good in the moral object and

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<sup>63</sup> TG 11-12 & n12. Long gives another example of a complex act in the case of a theft that is prosecuted for the sake of murdering an innocent person. “It is accidental to theft that it aid murder, but if murder is uppermost in the mind of the agent, this circumstance (in relation to the moral species of theft) is a principal condition of the object (because the entire act of theft, in a complex act, is as object to the *per accidens* end of murder).” TG 32-33.

<sup>64</sup> TG 36.

distinguishes between different species of good. Long states in the introduction to his book that the moral species and the moral object “are thoroughly saturated with natural teleology”<sup>65</sup> and that the “idea that nature and natural order can largely be exorcized from moral action theory is gravely erroneous.”<sup>66</sup> These statements immediately suggest that the teleological theory by which Long interprets Aquinas involves the derivation of moral species from nature, a position that Rhonheimer directly opposes. This section examines what Long means by this claim and what effect this claim has on the nature of the moral species of the moral object which specifies the moral act.

Long maintains that the teleology of nature is “inclusive of the unified hierarchy of ends, as divinely constituting the passive participation in the eternal law upon which our active, rational, perceptive participation is based.”<sup>67</sup> This compact passage succinctly presents the basis of Long’s claim that there is no dichotomy between nature and good. One passively participates in the eternal law in the sense that one perceives but does not create a unified hierarchy of ends in nature. God creates the hierarchy of ends and endows nature with them in such a way that one can actively perceive them through one’s reason. These ends “exhibit an intelligible order” which “orients the compass of human persons with respect to the definition of the good life.”<sup>68</sup> By considering the matter carefully one can tell what are the genuine ends of human striving. Doing good is acting to achieve these ends.

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<sup>65</sup> TG xvi.

<sup>66</sup> TG xx.

<sup>67</sup> TG xix.

<sup>68</sup> TG 2-3.

The intelligible order by which a person is perfected is a fact of nature, an objective good.<sup>69</sup> Long observes that “[a]gency is intelligible only in relation to end, both in the elementary sense that it will not be clear that any agency exists unless it is denominated in terms of an end, and also in the sense that the perfection of agency is judged in relation to the end.”<sup>70</sup> It is nature that orders an agent to the proper end. In the case of human acts, natural inclinations, such as those described by Aquinas (self-preservation, sexual intercourse, and the desire to know the truth<sup>71</sup>), “first order the human person to the ends which perfect him as appetibles, adequating the mind *sub ratione veri* [under the aspect of truth] to these ends as true perfections, thus enabling volition to occur *sub ratione boni* [under the aspect of good].”<sup>72</sup> In other words, the natural inclinations inform the intellect as to what is true so that the will as rational appetite can desire it as good.

For example, “what has widely become known under the phrase of the Roman *vomitorium* is *contra naturam*, and this judgment is reached upon realizing that to choose an act and then persistently negate the teleology of the act is—absent some overarching therapeutic

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<sup>69</sup> Long states that “the ultimate end of the good life in ‘happiness’ . . . is not merely subjective fulfillment, but the achievement of the good,’ which are the ends that define a good life. TG 3.

<sup>70</sup> Steven A. Long, “Natural Teleology, the Moral Life, and the Order of Being,” *Communio* 37 (2010): 284 citing *Summa contra gentiles* III, c. 2. Long states that “the affirmation of efficient causality implies the affirmation of teleology.” Long, “Speculative Foundations,” 401. “Efficiency is *defined by telos*, defined by the end. Agency or efficiency can neither *be*, nor *be known*, apart from reference to the end in relation to which it is constituted.” Steven A. Long, “Thomistic Reflections on the Cosmos, Man, and Stewardship,” *Nova et Vetera* 10 (2012): 200.

<sup>71</sup> ST I-II.94.2.

<sup>72</sup> Steven Alan Long, “Minimalist natural law: A study of the natural law theories of H.L.A. Hart, John Finnis, and Long Fuller,” (PhD diss., The Catholic University of America, 1993), 250-51. Of course, one must contemplate these natural inclinations in terms of what is perfecting for the human person. Long states that the “sub-rational inclinations . . . must be placed in the wider rational framework of the universal good through contemplation before they are ethically directive because only so does one know their ends as integrated within the hierarchy of ends that defines the good for man. This contemplation is always normed by an essentially speculative knowledge of the order of ends.” Steven A. Long, “Teleology, Divine Governance, and the Common Good: Thoughts on *In Search of a Universal Ethic: A New Look at the Natural Law*,” in *Searching for a Universal Ethic: Multidisciplinary, Ecumenical, and Interfaith Responses to the Catholic Natural Law Tradition*, ed. John Berkman and William C. Mattison III (Grand Rapids: Wm. B. Eerdmans, 2014), 263n2.

medical need such as to induce vomiting of poison through an emetic—contrary to reason.”<sup>73</sup>

One can perceive under the aspect of truth that the end of eating perfects a person by giving nourishment to one’s body. Vomiting disrupts this process and harms the body. One then acts under the aspect of good to avoid the evil of vomiting. This good is inherent in the end of eating itself, without any participation of one’s reason to make it good but only to perceive it as good.

The nature that orders an agent to the proper end is the natural law. It is the teleological ordering impressed by God on the inclinations themselves. Long states that “natural law is never merely that which gives us the *capacity* or *power* to judge rightly, but that which is the actual motion or teleological ordering with respect to such judgment.”<sup>74</sup> It is “the *actual impress* of the divine ordering passively received, whereby every creature receives its being, nature, powers, ordering to acts, objects, and the hierarchy of ends, from God, and on the basis of which we have genuinely natural reasons to do or not to do.”<sup>75</sup> In other words, through our intellect we have the passive power to understand the order that already exists in our inclinations and the active power to direct our will to act upon them.<sup>76</sup> As noted later, Rhonheimer counters Long’s interpretation

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<sup>73</sup> Steven A. Long, *Natura Pura: On the Recovery of Nature in the Doctrine of Grace* (New York: Fordham University Press, 2010), 179.

<sup>74</sup> *Ibid.*, 158.

<sup>75</sup> *Ibid.*, 159.

<sup>76</sup> Long uses a colorful metaphor to describe the passive role of the reason in the ordering function of the natural law when he states that “[h]uman reason does not turn the water of mere *inclinatio* into the wine of *lex*, but is subject to an order of law by the very being and order that it passively participates and which it is *ordered* to receive rationally and preceptively.” Steven A. Long, “Natural Law or Autonomous Practical Reason: Problems for the New Natural Law Theory,” in *St. Thomas Aquinas and the Natural Law Tradition: Contemporary Perspectives*, ed. John Goyette, Mark S. Latkovic, and Richard S. Myers (Washington: The Catholic University of America Press, 2004), 191. See also Steven A. Long, “Providence, Freedom, and Natural Law,” *Nova et Vetera* 4 (2006): 602 (“on St. Thomas’s account of the natural law, man first passively participates in the divine ordering of nature. . . . But because man is created rational, he receives being, nature, natural powers, and ordering not only passively, but also—and by the very nature of this passive participation—receives these *actively, preceptively, and rationally*: as providing reasons to act or not to act.”); Steven A. Long, “Fundamental Errors of the New Natural Law Theory,” *National Catholic Bioethics Quarterly* 13 (2013): 112 (“in order for reason to be an adequate rule or measure of conduct, it must first receive—have ‘impressed on it by nature’—the rule to which it must conform, so as to be able to serve as an adequate rule and measure for conduct.”); Long, “Natural law, the Moral Object,” 287 (“we are able to receive the entire ordering of human nature . . . rationally and actively: as giving us divinely impressed reasons to

of Aquinas with his own interpretation that natural law is the capacity to judge embodied in the very function of reason itself.

Long is aware that his interpretation of the nature of natural law as a passive impression of God's law upon nature is controversial. However, Long claims that there is no dichotomy between nature and the good.<sup>77</sup> He asks "how could an ought *not* be a species of is?"<sup>78</sup> In fact, Long says, the "'is' pertains to the 'ought' because *good is being taken together with a conceptual relation of being to appetite as perfective of appetite.*"<sup>79</sup> According to Long, "[n]ature or 'fact' is 'value-laden' from the start. 'Value' is an index of the relation of an act to the hierarchy of ends defining a good life [and a] mere neutral 'fact' that is ordered to no end is something that exists only in a mind, for in nature there is nothing remotely like it."<sup>80</sup>

The intellect that observes the teleological order of acts to their proper ends as a fact of nature or truth is the speculative intellect. Long states that "at root knowledge is by its nature speculative and conformed to the real" and "the speculative intellect knows truth simply for its own sake."<sup>81</sup> Speculative knowledge, by showing what promotes human fulfillment as good, gives reasons for action which bring the practical intellect into play,<sup>82</sup> but the practical intellect only comes into play if the "practical ordering presupposes a prior *speculum*."<sup>83</sup> Long claims that Yves Simon is aware of this "speculative root of all practical reasoning" when Simon says

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do or not to do. These reasons to do or not to do flow from the teleology of human nature and are called *precepts*. It is this rational, preceptive participation in the eternal law—flowing from the passive participation, with its teleological structure—that is known as *natural law*.”); accord, Long, “Condomitic Exceptionalism,” 710-11; Long, “Teleology—Thoughts,” 263 & n2.

<sup>77</sup> TG 9-10.

<sup>78</sup> TG 10.

<sup>79</sup> Long, “Natural Law, the Moral Object,” 289.

<sup>80</sup> Long, “Speculative Foundations,” 402. Accord, Long, “Natural Law, the Moral Object,” 289. Long states that one does not actually get “value” out of a “fact” but rather by rationally receiving the normative teleological ordering of human nature. Long, “Teleology—Thoughts,” 263n2.

<sup>81</sup> Long, “Natural Teleology,” 286, citing ST I.16.2.

<sup>82</sup> TG 10; Long, “Natural Teleology,” 284-85; Long, “Analytic Looking-Glass,” 268.

<sup>83</sup> TG 10.

that ““it is *because* natural law is first embodied in things that we declare such and such an action to be right, and such and such an action to be wrong.””<sup>84</sup> Thus, according to Long, Aquinas maintains that a person in the course of acting first knows the good in the end of an act (its moral species) through use of the speculative intellect to apprehend the truth of its natural order.

This receptivity of knowledge on the part of the speculative intellect does not mean that it remains completely passive in the process. It requires an active effort on the part of the intellect to understand the essential moral nature of an act in terms of its perfecting end and to distinguish it from accidental consequences. For example, in the case of sexual intercourse, the *per se* end to which the act is ordered is “to unite a couple procreatively—that is to say, in a way that by its very nature not only makes for one flesh, but that is open to the generation of new life.”<sup>85</sup> One does not derive knowledge of this end from the mere observance of consequences but rather by “distinguishing accidental from essential in such a manner as to achieve knowledge of the normative end that defines [this act as] a certain type of act.”<sup>86</sup> This process of “teleological analysis,” which seeks understanding of what is essential to the act as an intelligible structure with a perfecting end, tells us what is good.<sup>87</sup>

Long maintains that this process which tells us what is good is an operation of the speculative intellect:

Now this knowledge [of the end which contains reasons for action] which precedes desire as the condition of desire is *speculative*. Yet while it is accidental to the thing known that it spark desire, it is not accidental to the nature for the agent that the agent be ordered to certain ends. And so, this originatively speculative knowledge

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<sup>84</sup> Steven A. Long, “Yves Simon’s Approach to Natural Law,” *The Thomist* 59 (1995): 131, quoting Yves Simon, *The Tradition of Natural Law*, ed. Vukan Kuic (New York: Fordham University, 1992), 137.

<sup>85</sup> Long, *Natura Pura*, 163.

<sup>86</sup> *Ibid.*

<sup>87</sup> *Ibid.*, 163-64.



becomes objectively practical when, inciting desire, the agent is now ordered to this end as something to be achieved by transitive activity, as opposed to intransitive or contemplative activity.

The speculative intellect's apprehension of the essential moral nature of an act in terms of its perfecting end within the order of ends sets the stage for the human act. It is the "the source of the initial inciting spark of appetite," the desire or inclination of the will.<sup>88</sup> Knowledge of the perfecting end does not necessarily spark a rational desire in a person,<sup>89</sup> but, if it does, then the practical intellect directs the known truth to operation.<sup>90</sup> "What at one instant is an object of pure contemplation thus later through its accidental relation to our desire becomes the source of an intention moving the practical reason to deliberate further about the means to a contemplated end."<sup>91</sup> The practical intellect is not a different intellect than the speculative intellect,<sup>92</sup> but its timing and function are different. As for timing, the speculative always precedes the practical.<sup>93</sup> As for function, the speculative intellect provides the truth about the good of the end before it is desired; it is happenstance whether this truth will spark desire in the will; if it does, the practical intellect directs the will to do the act that will achieve the end after it is desired.<sup>94</sup>

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<sup>88</sup> Long, *Natura Pura*, 155.

<sup>89</sup> "It is not an accident that the subject is appetitive." Long, "Natural Law or Autonomous Practical Reason," 171; accord, TG 7,9. However, "it is accidental to that which is known simply as known that it spark desire in the agent." TG 9; accord, Long, "Yves Simon's Approach," 130, and Long, "Teleology—Thoughts," 263-64.

<sup>90</sup> Steven A. Long, "Reproductive Technologies and the Natural Law," *National Catholic Bioethics Quarterly* 2 (2002): 223.

<sup>91</sup> *Ibid.*

<sup>92</sup> Long affirms that Aquinas "teaches consistently that there are *not* two intellectual powers—one speculative, one practical," but rather one. Long, "Natural Law or Autonomous Practical Reason," 168-69.

<sup>93</sup> Long, "Analytic Looking-Glass," 266-67 & n23, citing to ST I.16.4 & ad2, I.19.3.ad3, and I.19.4.ad4 as well as to Martin Rhonheimer, *Natural Law and Practical Reason: A Thomist View of Moral Autonomy*, trans. Gerald Malsbury (New York: Fordham University Press, 2000), 26, 28, to support his point; "Speculative Foundations," 400; Long, "Reproductive Technologies," 223n5. "While the speculative intellect is ordered simply to the consideration of truth, *practical* knowledge adds a further orientation toward operation." Long, "Natural Law or Autonomous Practical Reason," 169, paraphrasing ST I.79.11. Long also quotes Aquinas in ST I.79.11.ad2 to say that "the object of the practical intellect is good directed to operation, and under the aspect of truth." *Ibid.*

<sup>94</sup> Long, "Natural Teleology," 285; Long, "Fundamental Errors," 108. Long states that "the *per se nota* truths of practical reason *presupposes* precisely this prior speculative knowledge, a knowledge that—given our

Once the practical intellect directs the will to achieve the desired end, the work of the speculative intellect may still be incomplete. A person must now determine the means to this end. Long states that “as Thomas says everywhere—*intention is chiefly of the end*, and moreover, one may have *intention of the end* even prior to the determination of means, and before any act with its objective character is chosen.”<sup>95</sup> If the act is a complex act, the means will be an end in itself. In such a case, the choice of the means requires an understanding of the truth about its good—an understanding that the speculative intellect provides.

Long does not dwell on how the practical intellect and the speculative intellect interact in this process of deliberation. Presumably, Long would affirm that the practical intellect deliberates over the possible means to achieve the desired end while the speculative intellect cognizes the truth of the good of the different possibilities. Long quotes Aquinas to state that the goodness or malice of the means, which is the “due matter” of the act, “depends on the reason; and on this goodness depends the goodness of the will, insofar as the will tends toward it.”<sup>96</sup> It is reasonable to assume that Long would identify “reason” in this passage as the operation of the practical intellect deliberating over the possible means and the operation of the speculative intellect understanding the truth of the good of these means.

With this understanding of the role of the speculative intellect in the determination of the good in the moral object, we can now turn to the effect this understanding has on the type of the

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appetitive nature—brings forth *inclination*,” that is, the inclination of rational appetite; otherwise “practical reason cannot even ‘get started.’” Long, “Autonomous Practical Reason,” 170-75; Long, “Thomistic Reflections,” 201, citing ST I-II.19.3.ad2; Long, “Fundamental Errors,” 109. Again, Long states that “*practical reason ensues only following upon desire, and desire ensues only following upon and as specified by knowledge*.” Long, “Natural Teleology,” 285. In this context, the desire is the desire of the will, the rational appetite. It is “a function of the teleological ordering of human nature” under the form of reason “that understanding inform, incite, and specify volition.” Long, “Teleology, Divine Governance,” 780-82n7.

<sup>95</sup> TG 28.

<sup>96</sup> ST I-II.20.2, quoted by Long in TG 12-13n13.

moral species which differentiate different moral objects. Long emphasizes “the primacy of natural teleology . . . in determining the moral types or species of actions, following upon the particular ends sought by the agent.”<sup>97</sup> It appears that this natural teleology is what distinguishes moral species in two ways. In one way it distinguishes moral species by the basic types of good and evil which a person determines by the speculative perception of the moral nature of the act as directed by its own inherent natural law toward or away from its perfecting end. This distinction is described above. In a second way it distinguishes moral species by differences within these two basic types of good and evil determined by their physical order to each other. This distinction needs further elaboration.

Long indicates the second way of distinguishing moral species through his discussion of the example of someone who steals in order to fornicate. Theft and fornication, which are both evil acts, are two different moral species.<sup>98</sup> The difference in moral species occurs because “there is nothing about stealing that by its nature essentially implies or causes fornication, nor anything about fornication that essentially requires stealing,” and this *per accidens* order produces “a complex act, an act made up of two very different simple acts which have different moral types or species.”<sup>99</sup> The order of one act to the other in this example is physical. Long confirms this physical order when he states that “*natural or essential order is discernible both in the case wherein the achievement of X by its very nature requires the performance of Y, and in those cases where, although there is perhaps more than one way to achieve X, nonetheless Y of itself and essentially tends toward X,*” concluding that “[c]learly neither of these is true of theft

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<sup>97</sup> TG 26n21.

<sup>98</sup> TG 27.

<sup>99</sup> TG 26-27.

and fornication.”<sup>100</sup> Therefore, “since theft is not *per se* ordered to fornication, we see that theft is not contained *within the moral species* of fornication.”<sup>101</sup> In other words, theft and fornication are two different moral species because their ends lack a *per se* physical order to each other.

It is Long’s teleological theory with its heavy emphasis on speculative reasoning finding value in facts that leads to the manner in which moral species are distinguished by the lack of *per se* order between them. The speculative aspect of the intellect is what a person uses to determine the good in various moral species in the ends of an act. A person passively participates in the eternal law through speculative perception and understanding of a unified hierarchy of ends created by God in nature, which is ordered to the good life by its own natural law reflecting the eternal law of God. One can know one’s own perfection by contemplating how the ends of one’s inclinations fit within the hierarchy of ends that are good for a person. Natural law is the teleological ordering impressed by God on the inclinations themselves and the capacity or power of a person to judge this ordering rightly in light of the perceived perfecting ends of the human person. When a person through the speculative intellect determines the perfecting nature of an act in this way, one distinguishes between good and evil as the fundamental moral species of the act. One then further distinguishes the moral species of an act within these two basic types by the absence of a *per se* physical order between the ends of different simple acts.

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<sup>100</sup> TG 27.

<sup>101</sup> TG 27.

## Chapter 2

### The Account of Martin Rhonheimer

Martin Rhonheimer likewise devotes a significant part of his work to interpreting the concept of the moral object in the work of St. Thomas Aquinas. His primary scholarship on this subject are his four books on *Natural Law and Practical Reason*,<sup>1</sup> *The Perspective of the Acting Person*,<sup>2</sup> *The Perspective of Morality*,<sup>3</sup> and *Vital Conflicts*,<sup>4</sup> which are complemented by *Praktische Vernunft und Vernünftigkeit der Praxis*<sup>5</sup> and several clarifying articles. Rhonheimer differs with Long over the nature of the moral object and the way in which reason cognizes the species of the moral object. This chapter presents his work, saving a full critique and comparison with Long for later chapters.

For ease of comparative analysis in the later chapters, the sections of this chapter track those of the first chapter. The first section examines what Rhonheimer has to say about the nature of the moral object. Rhonheimer identifies the material aspect of the moral object with the exterior act, an act that starts with the execution of the will and thus has no strict parallel in Long's theory. He identifies the formal aspect of the moral object with the order that reason

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<sup>1</sup> Martin Rhonheimer, *Natural Law and Practical Reason: A Thomist View of Moral Autonomy*, translated by Gerald Malsbury (New York: Fordham University Press, 2000) [hereinafter NL].

<sup>2</sup> Martin Rhonheimer, *The Perspective of the Acting Person: Essays in the Renewal of Thomistic Moral Philosophy*, ed. William F. Murphy Jr. (Washington: The Catholic University of America Press, 2008).

<sup>3</sup> Martin Rhonheimer, *The Perspective of Morality: Philosophical Foundations of Thomistic Virtue Ethics*, trans. Gerald Malsbury (Washington: The Catholic University of America Press, 2011) [hereinafter PM].

<sup>4</sup> Martin Rhonheimer, *Vital Conflicts in Medical Ethics: A Virtue Approach to Craniotomy and Tubal Pregnancies* (Washington: Catholic University of America Press, 2009) [hereinafter VC].

<sup>5</sup> Martin Rhonheimer, *Praktische Vernunft und Vernünftigkeit der Praxis: Handlungstheorie bei Thomas von Aquin in ihrer Entstehung aus dem Problemkontext der aristotelischen Ethik* (Berlin: Akademie Verlag, 1994) [hereinafter PV]. William F. Murphy Jr. has suggested that this title might be rendered in English as *Practical Reason and the Rationality of Praxis: The Origin of Thomistic Action Theory in the Problem Context of Aristotelian Ethics*. William F. Murphy, editor's preface to *Ethics of Procreation & the Defense of Human Life: Contraception, Artificial Fertilization, and Abortion*, by Martin Rhonheimer (Washington DC: The Catholic University of America Press, 2010), x.

brings to the exterior act, which order is comparable to what Long calls the integral nature of the *act itself*. Rhonheimer also discusses the formal aspect of the moral act derived from the further end of the act as it relates to, but, contrary to Long, is not part of the moral object.

The second section examines what Rhonheimer has to say about the way in which the intellect and the appetites work together so that one can determine the different species of good and evil. Rhonheimer emphasizes the role of the practical intellect in this process whereas Long emphasizes the role of the speculative intellect. Rhonheimer describes the impress of natural law on the practical intellect, whereas Long describes its impress on nature itself by the natural hierarchical ordering of acts to their perfecting ends. Rhonheimer also gives the sensitive appetites a role in the distinction of moral species that Long does not.

### 1. The Substance of the Moral Object

Rhonheimer takes up the task of interpreting the moral object according to Aquinas because “Aquinas has never dealt in a separate question or article [with] what exactly the moral object is, nor has he given a definition of the term ‘moral object.’”<sup>6</sup> From his study of the work of Aquinas, he concludes that the moral object is “the exterior act as it is proposed to the will as ‘a good apprehended and ordered by reason’”.<sup>7</sup> The moral object specifies the human or moral act morally.<sup>8</sup> The first subsection examines the exterior act as the material aspect of the moral

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<sup>6</sup> Martin Rhonheimer, “The Moral Object of Human Acts and the Role of Reason According to Aquinas: A Restatement and Defense of My View,” *Josephinum Journal of Theology* 18 (2011): 498.

<sup>7</sup> *Ibid.*, 499.

<sup>8</sup> *Ibid.*, 454. A moral act is a human act (*actus humanus*). Martin Rhonheimer, “The Perspective of the Acting Person and the Nature of Practical Reason: The ‘Object of the Human Act’ in Thomistic Anthropology of Action,” in *The Perspective of the Acting Person: Essays in the Renewal of Thomistic Moral Philosophy*, ed. William F. Murphy Jr., trans. Joseph T. Papa (Washington: The Catholic University of America Press, 2008), 199, citing ST I-II.1.3; PV 47. A human act should be distinguished from the act of a human (*actus hominis*), which is an

object. The second subsection examines the way in which reason gives form to the exterior act as the formal aspect of the moral object. The third subsection compares this form with the form derived from the further end of the moral act. Since each form derives from an end of the act, some attention is given to the way in which a person through intellect and will determines the moral object as the proximate end after the will intends the object of the will as the further end.

### 1.1. The Material Aspect of the Moral Object

Rhonheimer uses two very similar terms to mean two quite different things. An *external act* (*actus externus*) is a physical act performed by the powers of the body or soul apart from any consideration of reason.<sup>9</sup> Rhonheimer defines the term *physical* in what he calls the classical use of the term to refer not “to the corporeal, the bodily or the biological, but generally to the *ontological* or to *ontological* goodness, both corporeal and spiritual (such as being, life, knowledge, beauty, health, etc.) as differentiated from the level of *moral* goodness (such as justice, temperance, generosity, humility, brotherly love, faithfulness, etc.).”<sup>10</sup> An *exterior act* (*actus exterior*) is an act of the will (*usus*) that uses the powers of the body or soul to do the external act.<sup>11</sup> It is important to distinguish these terms because it is the exterior act and not the external act that refers to the material aspect of the moral object.

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act that does not originate from the use of reason. PM 52-53. For example, turning over in one’s sleep or mindlessly brushing away a fly are acts of a human.

<sup>9</sup> NL 418.

<sup>10</sup> Martin Rhonheimer, “A Nonexisting ‘False Theory,’” *National Catholic Bioethics Quarterly* 9 (2009): 13. Accord, Rhonheimer, “The Moral Object,” 470n59; Martin Rhonheimer, “Vital Conflicts, Direct Killing, and Justice: A Response to Rev. Benedict Guevin and Other Critics,” *National Catholic Bioethics Quarterly* 11 (2011): 522n5. Rhonheimer includes powers of the soul in addition to powers of the body in this definition of *physical* because some acts, such as understanding, feeling, and imagining, remain internal to the subject’s mind or “heart.” Rhonheimer, “The Moral Object,” 461n24.

<sup>11</sup> NL 417-18, PM 181.

Rhonheimer does examine whether the external act might not be the material aspect of the moral object. It has a natural end that materially identifies the act in a natural way. For example, the natural end of the act of the procreative or generative power is procreation, which identifies the act in its “natural-biological purposiveness.”<sup>12</sup> Persons share this power with animals. The act is good because it is an act of God’s creation, although it is not good in the moral sense because it lacks a reasoned will (*voluntas deliberata*).<sup>13</sup> However, if the reasoned will is what gives form to the material aspect of the object so that it is a moral object, there seems to be no reason that the external act as an act of the organs would not be sufficient to satisfy the definition of the material aspect of the moral object.

Nevertheless, Rhonheimer rejects this identification of the material aspect of the moral object with the external act. The material aspect involves something more. It is the inner act of the will commanding the outer act of a power of the body or soul, which he calls an exterior act.<sup>14</sup> “The inner act of the will and the outer *actus imperatus* are related to one another as form and matter, and form a single act.”<sup>15</sup> When this single act is viewed in abstraction from its being ordered by reason it constitutes the material aspect of the moral object.<sup>16</sup> If this material aspect of the moral object were rather the act of a power other than the will, this object “could seem simply to be the object of the power in question, one of the *finis naturales* of the various powers,

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<sup>12</sup> NL 416.

<sup>13</sup> NL 416-17.

<sup>14</sup> NL 418.

<sup>15</sup> NL 418.

<sup>16</sup> Rhonheimer indicates that the object of an action can be viewed “in abstraction from its ‘being willed,’ as an *actus exterior* ordered through the *imperium* by the *ratio*, that is, as the object of the (practical reason).” NL 419. When it is thus considered apart from reason, it loses its form as a moral object, because “the intentional identity of the action, and its moral identity as well, depend on the reason.” PM 181. “The formation by reason decides concerning the ‘what’ of action, its objective specification.” PM 182.



or even the ‘things’ that we seek for, use, distribute, take or steal.”<sup>17</sup> Rhonheimer claims that the definition of the material aspect of the moral object as external act is not supported by Aquinas’s texts because it suggests such a natural form rather than a moral form in the moral object.<sup>18</sup>

Therefore, the material aspect of the moral object, the act that relates to the inner act of the will as matter to form, is the exterior act.<sup>19</sup> The exterior act is an act of the will that uses (*usus*) another power to do the act of that power, which itself is the external act.<sup>20</sup> More precisely, the exterior act is not only the act of willing, but it is also the external act that is willed, that is, “the action of another power as it is commanded by the will” including such external bodily acts as “to walk, to speak, to kill, sexual acts, etc., as commanded by the will.”<sup>21</sup> This act of will is distinct from the elicited act of the will that “brings from itself” to give form; rather, it is “an act that the will achieves through the means of other powers and bodily organs.”<sup>22</sup>

When Rhonheimer speaks of the act of will as a command, it is not that he ignores the fact that for Aquinas it is strictly reason that has the character of command (something that orders and moves). He recognizes this fact.<sup>23</sup> However, the command of reason is embedded in the will as the form of the will and moves by being embedded in the will.<sup>24</sup> Thus, a complete definition of the exterior act, which is the material aspect of the moral object, is the use of the powers of the body or soul by the will commanded by reason to do the external act, but

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<sup>17</sup> NL 419.

<sup>18</sup> NL 419.

<sup>19</sup> NL 418.

<sup>20</sup> NL 418; PM 181.

<sup>21</sup> Rhonheimer, “Object of the Human Act,” 200n13.

<sup>22</sup> NL 418.

<sup>23</sup> Martin Rhonheimer, “The Cognitive Structure of the Natural Law and the Truth of Subjectivity,” *The Perspective of the Acting Person: Essays in the Renewal of Thomistic Moral Philosophy*, ed. William F. Murphy Jr. (Washington: The Catholic University of America Press, 2008), 178; PV 296.

<sup>24</sup> PV 296-98, citing ST I-II.17.1 and 4, and 371-73, citing ST I-II.17.5. The term “embedded” refers to the close symbiotic relationship between reason and will; it does not mean that the reason is part of the will.

abstracted from the act of reason that gives the exterior act its form. When one considers the exterior act as it is formed by this latter act of reason, it is no longer merely the material aspect of the moral object but rather the moral object itself.

There is a potential anomaly in the use of the term *exterior act*. According to Rhonheimer, Aquinas calls the moral object the object of the exterior act,<sup>25</sup> and he defines the object of the exterior act as “that on which the exterior action is brought to bear.”<sup>26</sup> On the other hand, Aquinas also states that the moral object, which gives the act its primary goodness,<sup>27</sup> is the exterior act as it is ordered by reason.<sup>28</sup> How can the object of the exterior act as that on which the exterior act is brought to bear be itself the exterior act ordered to reason? Rhonheimer says there is no anomaly because Aquinas is using *exterior act* in two different senses of the term. In the first sense above, the exterior act is the material aspect of the moral object as defined above—“a good, known and ordered by reason and as such ‘presented’ to the [choosing] will, which can also be considered, as such, in abstract.”<sup>29</sup> In the second sense above, the exterior act is the material aspect of the moral object informed by reason so that it is both the material and formal aspect of the moral object—the object that gives the act its primary goodness.<sup>30</sup> It is to the formal aspect of the moral object that we now turn.

## 1.2. The Formal Aspect of the Moral Object

This subsection first elaborates the meaning of the moral object in its formal aspect. Secondly, it discusses why Rhonheimer prefers not to describe the moral object as a thing,

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<sup>25</sup> Rhonheimer, “Object of the Human Act,” 210.

<sup>26</sup> Ibid., 200, quoting from ST I-II.18.6.

<sup>27</sup> Rhonheimer, “Object of the Human Act,” 200-01 & 211 & n48.

<sup>28</sup> Ibid., 203 & 209.

<sup>29</sup> Ibid., 210, 217.

<sup>30</sup> See *ibid.*, 209-11, where Rhonheimer discusses the meaning of *exterior act* in the two senses of the term.

although there is a reason why Aquinas sometimes refers to it as a thing. Thirdly, it examines the terminology used to describe the moral object as both form and matter.

The material aspect of the moral object is the exterior act abstracted from reason. The formal aspect is reason, which forms the exterior act as a species of good or evil in accordance with the rule of reason. Rhonheimer states that “what we should call the ‘moral object’ is precisely the exterior act conceived by reason as a good (a practical good, something to do).”<sup>31</sup> It “specifies a human act morally” as an “exterior act *presented to the [choosing] will* as a ‘good apprehended and ordered by reason.’”<sup>32</sup> Without reason providing the form of good or evil, there is no moral species.<sup>33</sup> When Aquinas says that the goodness of the exterior act derives from its “matter” and its circumstances, he means “precisely the elements that, according to reason, are or are not a ‘principal condition of the object that determines the action’s species.’”<sup>34</sup> This goodness derives from reason, which forms the exterior act.

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<sup>31</sup> Rhonheimer, “The Moral Object,” 466. See also *ibid.*, 467, quoting ST I-II.20.1.ad1.

<sup>32</sup> Rhonheimer, “The Moral Object,” 466. See Rhonheimer, “Object of the Human Act,” 204, where Rhonheimer states that “it is precisely the exterior act itself, in its intelligible essence, which shows itself to be ‘object’” and the object is what “confers on the sum of bodily movements of which the exterior act . . . is composed its primary and fundamental moral specification as a particular type of act.” Rhonheimer quotes Aquinas to say that “the exterior action is the object of the will, inasmuch as it is proposed to the will by reason, as a good understood and ordered by reason (*bonum apprehensum et ordinatum per rationem*).” Rhonheimer, “Object of the Human Act,” 206, quoting ST I-II.20.1.ad1; Rhonheimer, “The Moral Object,” 466, quoting ST I-II.20.1.ad1. It is “the act itself *insofar as it is subject to the command of the will*—and that means insofar as it is ordered by the reason as the *bonum rationis*.” NL 419. The “moral content (that is, the *objectum actus in genere moris*) is constituted through a ‘proportion to the reason’ (*proportio ad rationem*),” making it a “form conceived by the reason” (*forma a ratione concepta*). NL 90; Martin Rhonheimer, *The Ethics of Procreation and the Defense of Human Life: Contraception, Artificial Fertilization, and Abortion*, ed. William F. Murphy Jr. (Washington: The Catholic University of America Press, 2010), 17, citing ST I-II.18.10. [hereinafter EP].

<sup>33</sup> Rhonheimer, “The Moral Object,” 467, 490. See Rhonheimer, “Object of the Human Act,” 205, citing ST I-II.18.10.

<sup>34</sup> Rhonheimer, “Object of the Human Act,” 211, citing ST I-II.20.3 and 18.10; accord, Rhonheimer, “The Moral Object,” 468-70.

Reason forms the exterior act as a practical good to be chosen by the will.<sup>35</sup> The work of reason in this regard is called judgment, and more particularly the judgment of the choice of action.<sup>36</sup> The reason then presents the object to the choosing will.<sup>37</sup> The moral object that results

is what specifies human acts, considered as acts that proceed from a deliberate will. Properly considered, these moral objects are *ends* and *goods*. Under this formal aspect as objects, they are objects of a choice which is the act of a rational appetite; the act of choice commands the action proceeding from it. Thus, what is called the “moral object” must be some form of “good” that is an end for the choosing will and is embodied in the act proceeding from it. The good a human act aims at gives that act a definite moral species.<sup>38</sup>

In other words, the moral object is the act of the using will that proceeds from an act of the choosing will which forms the act of the using will. The will using the powers of the body or soul to do the external act is the material aspect of the moral act. The will directed by reason and choosing the act of the using will is what forms the material aspect so as to constitute it a moral object. The interior act of the will (the act of the choosing will or *actus elicited*) is the “command to the execution of the act” in the sense that the command of reason is embedded in this will.<sup>39</sup> The exterior act, formed by reason through the choosing will, gives species to the moral act.

In the example of stealing, the object of the moral act is called theft. The meaning of theft as a moral object involves an understanding of its formal as well as its material aspect:

In the order of execution, this object—which is a proposal of action, an *intentio voluntatis* directed to a way of acting, conceived by reason—confers on the sum of bodily movements of which the exterior act of the theft is composed its primary and fundamental moral specification as a

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<sup>35</sup> Rhonheimer, “Object of the Human Act,” 207, 210, 215.

<sup>36</sup> PM 139.

<sup>37</sup> Rhonheimer, “Object of the Human Act,” 202-03; accord, Rhonheimer, “The Moral Object,” 467.

<sup>38</sup> Rhonheimer, “The Moral Object,” 456.

<sup>39</sup> In PV 296-98, citing ST I-II.17.1, & 371-73, Rhonheimer speaks of reason embedded in the will that follows from the cognitive element of *electio* and precedes the will as *usus*.

particular type of act; and chosen in this way, the exterior act of “to take that which belongs to another against his will” causes a disorder of the will of the person who so chooses; it renders him unjust. The object causes such a disorder, obviously, because the *res aliena* is not “appropriate matter” for an act of taking it from someone against his will. We can say that materially considered this *res aliena* with all its related circumstances is the object of the act. But an object cannot be understood only materially; its formal part must be included as well.<sup>40</sup>

Rhonheimer emphasizes that it is only when the *res aliena* is taken under its formal aspect that it is truly the object of the moral object, which is the exterior act of theft morally specified by reason. The *res aliena* becomes inappropriate only “under its formal aspect of being a practical good, that is, a practical aspect, *to be indicated with a verb that expresses an action*” making the matter inappropriate.<sup>41</sup>

Thus, when speaking of the morally specifying object (moral object) of a human act by reference to its end, Rhonheimer prefers to refer to the end as “the end of a deliberately willed act” rather than “a deliberately willed end.”<sup>42</sup> If one uses the description of “a deliberately willed end,” one cannot distinguish between deliberate willing as “producing” (*poiesis*) or as acting (*praxis*).<sup>43</sup> For example, when money is the deliberately willed end, the deliberate willing could be the producing of the money by a counterfeiter, but the producing does not morally specify the act. On the other hand, the deliberate willing could be the enriching of oneself as a miser by the production of money, and the enriching would morally specify the act. Therefore, it is clearer to say that the end of the morally specifying object of a human act is “the end of a

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<sup>40</sup> Rhonheimer, “Object of the Human Act,” 204. A thing, such as a shoe, is an existential good in its being, but it is not a practical good. A practical good is something that is sought or realized by a concrete action, and it remains in, and changes, the agent himself. Martin Rhonheimer, “Menschliches Handeln und seine Moralität: Zur Begründung sittlicher Normen,” in *Ethos und Menschenbild: Zur Überwindung der Krise der Moral*, 52-53 (St. Ottilien: EOS Verlag, 1989).

<sup>41</sup> Rhonheimer, “Object of the Human Act,” 204-05.

<sup>42</sup> Rhonheimer, “The Moral Object,” 458.

<sup>43</sup> *Ibid.*, 458-59.

deliberately willed act.”<sup>44</sup> Rhonheimer points out that Aquinas differentiates between objects of acts of production (*poiesis*) and objects of *praxis* in the *Summa contra Gentiles* by qualifying the first as things and the second as actions.<sup>45</sup> Rhonheimer “would not deny that ‘physical nature’ has also a morally *determinative* role to play because it possesses an intrinsic value-content and both defines and delimits the possible range of further formal determinations by reason.”<sup>46</sup> However, he is wary of an overly physical description of the moral object.

Likewise, in the case of stealing, Rhonheimer states that if one focuses “only on the money itself, without including the intentionality relating to it,” it is impossible to understand the act as human, namely, as rationally determined to an end or good.<sup>47</sup> This is because “the morally specifying ‘object’ of a human act is properly the ‘exterior act’ as understood (or conceived) and ordered by reason and that the exterior act by itself has no additional morally specifying object.”<sup>48</sup> Rhonheimer warns that to reify the concept of the moral object risks reducing it to its natural genus, and it is a naturalistic fallacy to consider that the natural genus and the moral genus are derivable one from the other.<sup>49</sup> On this point Rhonheimer differs from Long.

When Aquinas refers to things as objects, it is “not because he holds that the moral species of a human act derives from the things to which it refers, but because sometimes a ‘thing’—for example, a human being—can be a *circumstance* which turns out to be a ‘principal

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<sup>44</sup> Ibid., 459.

<sup>45</sup> Ibid., 484, quoting *S.C.G.* III, cap. 2, n. 2; accord, PV 60.

<sup>46</sup> VC 55n40.

<sup>47</sup> Rhonheimer, “The Moral Object,” 457.

<sup>48</sup> PM 150.

<sup>49</sup> Martin Rhonheimer, “‘Intrinsically Evil Acts,’ and the Moral Viewpoint: Clarifying a Central Teaching of *Veritatis Splendor*,” in *The Perspective of the Acting Person: Essays in the Renewal of Thomistic Moral Philosophy*, ed. William F. Murphy Jr., trans. Gerald Malsbury (Washington: The Catholic University of America Press, 2008), 44.

condition of the object that is repugnant to reason’ or an ‘essential objective difference.’”<sup>50</sup>

According to Rhonheimer, “[t]his is why Aquinas does not properly speak of a morally specifying *object* of the exterior act; but rather he holds that the first moral goodness (or evil) of the exterior act derives from its ‘matter’ and ‘circumstances,’ which must be configured and understood by reason.”<sup>51</sup> A circumstance of a physical action process on the level of its natural genus becomes a constitutive element of the moral identity of an action on the level of its moral genus only when it is objectified by reason.<sup>52</sup>

Rhonheimer elaborates on the significance of circumstances by emphasizing that “basic intentionality can be formulated and acquire its moral significance only in relation to what we can call the ‘ethical context.’”<sup>53</sup> For example, the circumstance of ingesting a contraceptive does not have the moral significance it does when it is intended for contraception when it is done in “an act of self-defense, if done to prevent the procreative effects of a foreseeable rape; or a

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<sup>50</sup> PM 151, quoting ST I-II.18.10 and 5.ad4. Rhonheimer points to a key passage in Aquinas (ST II-II.18.2.ad1) which clearly seems to say that the moral object is a thing and which is used by many to say “that according to Aquinas moral objects are precisely ‘things,’ not in their natural goodness, but insofar as they relate to reason.” Rhonheimer, “The Moral Object,” 473-74. Rhonheimer explains that in his view Aquinas did not want to contradict St. Augustine in this passage, which is an answer to an objection that refers to St. Augustine. Nevertheless, Rhonheimer says, what Aquinas “seems to mean by ‘considering a thing as an object of an action’ is to consider how a thing is *used* in a determinate case and that considering things like this, they actually do specify human acts – that is, they enter into the moral specification of the act.” Ibid., 474. Otherwise, the thing in itself would be extrinsic to the act, and Aquinas has stated that “[t]he end is not altogether extrinsic to the act, because it is related to the act as principle or terminus.” Ibid., 475, quoting ST I-II.1.3.ad1. Rather, “the end is part of the action, that is, intrinsic to it as its principle and terminus; it properly belongs to its intelligible content.” Ibid. Rhonheimer advises that since Aquinas may be using “object” sometimes to refer to what determines the species of an action and sometimes to refer to what provides an indispensable element for such a determination, one should read his texts in a conceptual framework (philosophically rather than as a textual exegesis) in order to determine the sense in which he speaks. Ibid., 486. But see Lawrence Dewan, “St. Thomas, Rhonheimer, and the Object of the Human Act,” *Nova et Vetera* 6 (2008): 69-92, 111-12, who critiques Rhonheimer for not giving more credence to the constitutive role of the object as thing in his interpretation of Aquinas.

<sup>51</sup> PM 151.

<sup>52</sup> PM 386-87. By “constitutive” Rhonheimer means “in the sense that through them the eternal law is properly known and nature is rightly interpreted in its moral dimension.” Martin Rhonheimer, “The Moral Significance of Pre-Rational Nature in Aquinas: A Reply to Jean Porter (and Stanley Hauerwas),” in *The Perspective of the Acting Person: Essays in the Renewal of Thomistic Moral Philosophy*, ed. William F. Murphy Jr. (Washington: The Catholic University of America Press, 2008), 135.

<sup>53</sup> Rhonheimer, “Object of the Human Act,” 233.

therapeutic act, in the case of a woman who intends by doing so to regulate her rhythm; or it could be a measure taken by a woman athlete who wants to impede menstruation during the Olympics.”<sup>54</sup> Rhonheimer notes that this notion of ethical context does not lead to subjectivism or arbitrariness since it includes a rational valuation just like the rational valuation of the moral object “on the basis of the ends of the individual virtues (justice, temperance, courage, etc.), whose rule are the first principles of practical reason, known naturally, which are also called the ‘natural law.’”<sup>55</sup> Natural law is discussed in the next section.

Concerning the terminology used to refer to the moral object, the moral object is generally called the *materia circa quam*. The term *materia circa quam* means “matter concerning which.” It refers to the object not only in its material aspect but also as configured by practical reason, which gives form to the matter.<sup>56</sup> Rhonheimer supports this point by quoting Aquinas to say that the *materia circa quam* has “the character of form, to the extent that it gives

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<sup>54</sup> Ibid. It should be noted that Rhonheimer has also stated that the use of a condom to protect one’s wife from one’s own HIV infection is acting to prevent infection and that “[i]f conception is prevented, this will be an—unintentional—side-effect and will not therefore shape the moral meaning of the act as a contraceptive act.” Martin Rhonheimer, “The Truth about Condoms,” *The Tablet* (July 10, 2004): 11; Benedict Guevin & Martin Rhonheimer, “On the Use of Condoms to Prevent Acquired Immune Deficiency Syndrome: Argument of Martin Rhonheimer,” *National Catholic Bioethics Quarterly* 5 (2005): 40-48. For arguments in addition to Guevin’s against Rhonheimer’s position, see Luke Gormally, “Marriage and the Prophylactic Use of Condoms,” *National Catholic Bioethics Quarterly* 5 (2005): 735-49, and Christopher Oleson, “Nature, ‘Naturalism,’ and the Immorality of Contraception: A Critique of Fr. Rhonheimer on Condom Use and Contraceptive Intent,” *National Catholic Bioethics Quarterly* 6 (2006): 719-29, to both of which Rhonheimer responds in Martin Rhonheimer, “The Contraceptive Choice, Condom Use, and Moral Arguments Based on Nature: A Reply to Christopher Oleson,” *National Catholic Bioethics Quarterly* 7 (2007): 273-91. Even so, Rhonheimer “would try to help a couple in this situation to live in complete sexual abstinence” because to want to have sex without children is against moral virtue. Guevin & Rhonheimer, “On the Use of Condoms,” 47-48; accord, Martin Rhonheimer, “*The Perspective of Morality Revisited: A Response to Steven J. Jensen*,” *American Catholic Philosophical Quarterly* 87 (2013): 191. The case of condom use is not presented as an illustrative case in this chapter because Rhonheimer states that he has “publicly declared not to continue to defend disease-preventing condom use while leaving the judgment to competent Church authorities.” Rhonheimer, “A Nonexisting ‘False Theory,’” 15.

<sup>55</sup> Rhonheimer, “Object of the Human Act,” 233-34n107. Accord, VC 11-12; Martin Rhonheimer, Letter to the editor, *National Catholic Bioethics Quarterly* 12 (2012): 9; Rhonheimer, “The Moral Object,” 471-72.

<sup>56</sup> NL 91.



the act its species”<sup>57</sup> and “the species of moral acts are constituted by forms, as they are conceived by the reason.”<sup>58</sup> In other words, the form conceived by reason is the *materia circa quam*.<sup>59</sup> This form integrates with “a materiality proper to the ‘physical’ nature of the act [which] is also present, a materiality which enters into the constitution of the object.”<sup>60</sup> Rhonheimer agrees with Long on this point, quoting him to say that “[t]he moral object of the act is the act itself—inclusive of its essential matter or integral nature—under the *ratio* of its order to the end sought; it is not solely and simply that *ratio* apart from the essential matter or integral nature of the act.”<sup>61</sup>

There are places in Rhonheimer’s work where he uses the term *materia circa quam* with an exclusively-material definition, which he says is its traditional usage, but he is careful, when the term is so defined, to distinguish it from the moral object. For example, Rhonheimer states:

The object of the action . . . can in no way be reduced to “only what happened” or “the mere facts,” that is, to the mere “matter” of the action, which is traditionally called the *materia circa quam*. . . . The matter of the action is not yet the object of the action; the *form* of the action still has to be considered.<sup>62</sup>

Later in that same work he again uses the term to refer only to the matter and not the form of the moral object: “The realms [of action] form a *materia circa quam*, that is to say, a “matter concerning which” the action takes place, and the measuring of which through the reason

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<sup>57</sup> NL 91, quoting ST I-II.18.2.ad2.

<sup>58</sup> NL 90, quoting ST I-II.18.10.

<sup>59</sup> NL 90-91. Rhonheimer also points out that Aquinas uses the term *circa quod est actio exterior* in ST I-II.18.6, which means practically the same thing. NL 419.

<sup>60</sup> NL 241.

<sup>61</sup> Rhonheimer, “Object of the Human Act,” 241n120, quoting Long, “Brief Disquisition,” 50; accord, Rhonheimer, “A Nonexisting ‘False Theory,’” 12.

<sup>62</sup> PM 148.

constitutes the object of the action.”<sup>63</sup> Likewise, in another source he states that the moral object “is made up of *materia circa quam* and the formal part, which comes from reason.”<sup>64</sup>

Rhonheimer explains this matter-focused “traditional usage” of the term *materia circa quam* by the “lack of explicitness and clarity on St. Thomas’s part regarding what is the object of an act.”<sup>65</sup> According to Rhonheimer, Aquinas seems to suggest in various statements that the *materia circa quam* is not an act but rather the thing or reality toward which the act is directed.<sup>66</sup> So there is some justification for considering the *materia circa quam* only materially, that is as “a matter around which the action develops and which specifies it as a particular *type* of action.”<sup>67</sup> But, Rhonheimer emphasizes, this narrow meaning of the term cannot be equated with Aquinas’s concept of the moral object, because the thing itself cannot morally qualify a human act.<sup>68</sup> The moral object can only be “a ‘good understood and ordered by reason,’ presented by reason to the will as an objective datum, a practical proposal or good, already bearing moral significance, but, obviously, ‘une oeuvre de la raison,’ a ‘work of reason,’ a ‘forma a ratione

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<sup>63</sup> PM 221.

<sup>64</sup> Rhonheimer, “Truth of Subjectivity,” 180. See also, Rhonheimer, “The Moral Object,” 457, where he states that “[t]he end is extrinsic to the human act only insofar as it is something the action ‘is about,’ or a *materia circa quam*—for example, money. . . . But as a good for the will, thus considered *secundum rationem sui obiecti*, it is properly an intrinsic end of the action itself.” So, for example in the case of theft, it is an intrinsic end by defining the act as stealing money. Thus, what makes an act to be a particular species of action “is not merely the ‘thing’ it relates to or ‘is about’ (the *materia circa quam*), but also includes the *way* this ‘thing’ is related to.” Ibid., 462. Later in the same work, Rhonheimer again states that an ordering by reason is not inherent in the *materia circa quam* in itself: “only as object of the interior act of the will, and thus as a good apprehended and ordered by reason, does the *materia circa quam* specify morally; that is, it specifies precisely under a *ratio boni* which is not inherent in the *materia circa quam* itself, but existing only ‘in so far as the intention of the agent is fixed on it.’” Ibid., 493.

<sup>65</sup> Rhonheimer, “Object of the Human Act,” 198.

<sup>66</sup> Ibid., 198 and n8. In fact, Rhonheimer points out, Aquinas himself “distinguishes the consideration of the *materia circa quam* as merely relating to the exterior act, and as additionally relating to the interior act” in ST I-II.72.3.ad2. Rhonheimer, “The Moral Object,” 492. In that passage Aquinas states that “[o]bjects, in relation to exterior acts, have the character of matter ‘about which’; but, in relation to the interior act of the will, they have the character of end; and it is owing to this that they give the act its species.”

<sup>67</sup> Rhonheimer, “Object of the Human Act,” 210 and n47.

<sup>68</sup> Rhonheimer, “Object of the Human Act,” 198-99.

concepta.”<sup>69</sup> As a result, Rhonheimer appears to prefer the fuller definition of the term *materia circa quam*, which equates it with the moral object.

When Aquinas treats the moral object as the proximate end in relation to the further end, it is called alternatively the end of the act (*finis actus* or *finis operis*) or the proximate end (*finis proximus*). Rhonheimer points out that Aquinas equates the end of the act (*finis actus*) with the matter concerning which (*materia circa quam*) and with the object (*obiectum*).<sup>70</sup> As the end of the act (*finis operis*) it is what choice (*electio*) aims for.<sup>71</sup> It is the basic intentional content of the action, the “why” or “to what end” of the action—what is willed in the movement of the action or why we choose what we do, as distinguished from the further purpose or end, the end of the agent (*finis operantis*), for which this willing is done.<sup>72</sup> When it is distinguished from the end of the agent (*finis operantis*), it is also called the proximate end (*finis proximus*).<sup>73</sup>

Thus, the formal aspect of the moral object is reason, which forms the exterior act as a species of good or evil in accordance with reason. It configures the exterior act of the using will as a practical good to be chosen and thus formed by the choosing will before the execution of the using will takes place. Rhonheimer prefers not to describe the moral object as a thing because it risks confusing the act of acting (*praxis*) with the act of producing (*poesis*). It also risks reifying the moral object and confusing its natural genus with its moral genus. Nevertheless, Aquinas sometimes does refer to moral objects as things because a circumstance can be a thing that becomes an essential difference for the species derived from the moral object. The terminology used to describe the moral object refers to this matter, but only as it is configured by reason and

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<sup>69</sup> Ibid., 204n29.

<sup>70</sup> NL 91, citing to the *Commentary on the Sentences* II.36.1.5.ad4.

<sup>71</sup> NL 92.

<sup>72</sup> PM 104-05; Rhonheimer, “Intrinsically Evil Acts,” 61; Rhonheimer, “The Moral Object,” 457-58.

<sup>73</sup> Rhonheimer, “Intrinsically Evil Acts,” 62; EP 18.

thus formed. It is the matter about which (*materia circa quam*) the act takes place as it is understood and ordered by reason and chosen by the will. Therefore, it is also known by other names that designate the end of the act or proximate end. The distinction of this proximate end from the further end intended by the agent is the subject of the next subsection.

### 1.3. The Intentionality of the Moral Object and its Relation to the End

This subsection discusses the meaning of the intentionality that derives from the form of the moral object and relates it to the intentionality of the further end. Rhonheimer states that, according to Aquinas, all acts must tend toward something and therefore must include the intentional element of the *finis operis*.<sup>74</sup> It is related to the act as principle or terminus. Rhonheimer calls action at this lowest threshold of intentional structuring an *intentional basic action*.<sup>75</sup> The willing of an intentional basic action is *choice* of the means, while the willing of the further purpose for which the action is done is *intention* of the end, although Rhonheimer also uses intention in a less strict sense to identify both types of willing.<sup>76</sup>

An example is helpful. It illustrates the fact that the means that is willed as an intentional basic action is that which is ordered to an end and not the physical movement itself.<sup>77</sup> Assume that one lies in bed in order to get rest in order to finish one's work. The lying in bed is the physical movement or external act; the using of the bodily powers to lie in bed is the means or exterior act; the choosing of the use of the bodily powers to lie in bed for the purpose of getting rest makes the means the intentional basic action, that is, the proximate end or moral object; and

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<sup>74</sup> See Rhonheimer, "Object of the Human Act," 217, citing I-II.1.3.ad1 for the necessity of tending toward something.

<sup>75</sup> PM 103.

<sup>76</sup> PM 105.

<sup>77</sup> PM 106; accord, Rhonheimer, "Response to Jensen," 174.

the finishing one's work is the further end of the agent.<sup>78</sup> The lying in bed makes no sense unless there is a purpose. The immediate purpose here, without which it makes no sense, is the getting rest; so the lying in bed is *per se* ordered to getting rest. The getting rest describes the act with its *per se* end. The finishing one's work describes the end to which the means is *per accidens* ordered.<sup>79</sup> The whole thing is the moral act.

An action includes within its meaning its basic intentionality. It is the basic meaning-content derived from this intentionality that is the object of the action and stands before the reason as either good, evil or indifferent.<sup>80</sup> If it is good or evil, the object gives the action its moral species, such as just/unjust or moderate/immoderate; if it is indifferent, the object "cannot yet be objectified for the reason as good or evil" and therefore cannot be carried out as a human action without added intentional content.<sup>81</sup>

An indifferent action is an intentional action, but it is not a human action in itself because human actions are chosen on the basis that they are good or they are avoided on the basis that they are evil.<sup>82</sup> Rhonheimer states that the getting rest in the example above could be designated as an indifferent action.<sup>83</sup> It does not become a human action until added intentional content from the further end of the agent makes the action good or evil.<sup>84</sup> Although Rhonheimer does not pursue the analysis of this example further, it would seem that the further intention of finishing one's work could still leave the action indifferent. On the other hand, if finishing one's

<sup>78</sup> This example expands on the example given in PM 106.

<sup>79</sup> Rhonheimer, "Object of the Human Act," 218 and nn65-66.

<sup>80</sup> PM 144.

<sup>81</sup> PM 144-45.

<sup>82</sup> PM 144. "There is no human act which is not either good or evil in a moral sense." Rhonheimer, "Pre-Rational Nature," 136.

<sup>83</sup> PM 144. Another example is the raising of one's arm "*for itself* and *as such*," which is simply a bodily movement not yet described sufficiently with a goal to be pursued as the good, which would make it a human act that can be chosen. Rhonheimer, "Pre-Rational Nature," 152; Rhonheimer, "Object of the Human Act," 224-25.

<sup>84</sup> PM 144.

work is for a good purpose, such as to help someone who is in need, then the action can be designated a good action with this added intention and can be carried out as a human action.

Rhonheimer notes that, while an indifferent action is not a human action, it is also not a reflex or other unwilled action.<sup>85</sup> An indifferent action, involves a moral evaluation, which does not exist for a natural action devoid of reason.<sup>86</sup> Rhonheimer states that “[t]he objective indifference of a basic intentional action, by contrast, is an actual indifference *for the reason and in the judgment of reason*.”<sup>87</sup>

While indifferent actions need added intentional content to make the actions good or bad, there are some actions whose intentional content can be known by the physical action itself. The act, which is always bad, is said to be intrinsically evil or bad in its genus.<sup>88</sup> It is “bad *independently of any additional factors or intentions*.”<sup>89</sup> This does not mean that the physical nature of an act can give moral species. An intrinsically evil action is bad on the basis of its moral object.<sup>90</sup> It is “the object of a choice, and, therefore, the object of a judgment of reason.”<sup>91</sup> The reason why the intentional content of an intrinsically evil act can be known by the physical action itself is because it is a way of acting “that it is not possible to choose *reasonably* with *any* intention.”<sup>92</sup> The act is capable only of being informed by certain intentions. This is the case where “the intentionality directly, and necessarily, depends on a determinate natural pattern”

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<sup>85</sup> PM 144n80, 154. Aquinas calls such purely physical acts of nature acts that are *consideratio absoluta*; they are acts in their *genus naturae*. Rhonheimer, “Intrinsically Evil Acts,” 42n9.

<sup>86</sup> Rhonheimer, “The Moral Object,” 485.

<sup>87</sup> PM 154.

<sup>88</sup> NL 454 and 475; accord, Rhonheimer, “The Moral Object,” 500.

<sup>89</sup> PM 351, 371; Rhonheimer, “Intrinsically Evil Acts,” 52-53.

<sup>90</sup> Rhonheimer, “Object of the Human Act,” 234, 237.

<sup>91</sup> NL 236.

<sup>92</sup> Rhonheimer, “Object of the Human Act,” 238.

such as in the case of sexual intercourse.<sup>93</sup> Sexual intercourse by its naturally procreative meaning, involves an inherent intentionality to engage an act of a generative kind.<sup>94</sup> When two persons of the same sex attempt to engage in this act for the purpose of incarnating personal love and friendship, “it frustrates the goal naturally inscribed in the sexual faculty which is grasped, by natural reason, as a fundamental human good and therefore as an integral part of the order of reason and virtue.”<sup>95</sup> In other words, since the goal naturally inscribed in the sexual faculty, which is the transmission of human life, cannot be achieved due to the very nature of the act, sexual intercourse between a same sex couple cannot incarnate personal love and friendship. Only a love shaped through the procreative dimension of the sexual inclination can create a truly loving union of two persons engaging in sexual intercourse by serving the transmission of human life.<sup>96</sup>

Likewise, lying, which derives its moral evil from the will to state something false, is intrinsically, always and without exception, evil because “it is the ‘nature of language’ itself—the natural and necessary relationship between *vox* et *signum*—which makes every act of ‘saying what is false,’ performed with the will to say what is false, to be a lie, contrary to the virtue of truthfulness, and hence evil.”<sup>97</sup> So for Aquinas the objective structure of even an intrinsically

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<sup>93</sup> Rhonheimer, “Pre-Rational Nature,” 153.

<sup>94</sup> Ibid., 153-54.

<sup>95</sup> Ibid., 156.

<sup>96</sup> Ibid., 153-54.

<sup>97</sup> Rhonheimer, “Object of the Human Act,” 231n103. Speaking is by nature a communicative act within the communicative context of a social community. So, in the case of lying, a lie is defined as something that violates the virtue of truthfulness (communicative justice) and is absolutely prohibited as an evil (although, if the communicative context is missing such as in wartime, even some intentionally false statements are not lies in the moral context). NL 479; PM 363-66; Rhonheimer, “Pre-Rational Nature,” 154; Rhonheimer, “Object of the Human Act,” 230-32. Rhonheimer does not agree completely with Aquinas on his definition of the will underlying a lie. He asks whether it would not have been more logical for Aquinas, more in line with Augustine, to have considered the will to say what is false (*voluntas falsi enuntiandi*) together with the will to deceive (*intentio fallendi*) as a single intention of the will (*intentio voluntatis*), although the way Aquinas defines the *voluntas falsi enuntiandi* is still very close to the *intentio fallendi*. Rhonheimer, “Object of the Human Act,” 229-30 and n98.

evil act is not determined on the physical level, the level of the natural genus, but rather on the moral level, the level of the moral genus.<sup>98</sup> An intrinsically evil act is merely “one in which intentionality directly, and necessarily, depends on a determinate natural pattern” of morally determined behavior, such that whoever engages in the act intends the behavior.<sup>99</sup>

Beyond the basic intentionality of the act, there is the added intentionality from the further end of the agent (*finis operantis*), as mentioned above in the case of indifferent acts. This is the end that the agent sets for himself as a stretching toward, aiming at, or looking for something, and it exists for all human acts, indifferent or otherwise.<sup>100</sup> It is linked by the nature of the act to the moral object, but it is not the moral object.<sup>101</sup> Rhonheimer states that the two are related as form to matter, but the end of the agent is not the form of the moral object itself; the moral object has its own form.<sup>102</sup> The form of each end is related to a different aspect of the will. The will that intends the end of the agent is the intending will (*voluntas intendens*); the will that intends the end of the act is the choosing will (*voluntas eligens*).<sup>103</sup>

Rhonheimer characterizes the intentions of the choosing and intending wills as the souls of chosen actions, such that the choosing will ensouls the concrete action and the intending will ensouls the whole complex of the action. In reality the two are one: “Thomas tells us that the object of the choice of the action and the object of the intention really form a single object of the

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<sup>98</sup> NL 476.

<sup>99</sup> Rhonheimer, “Pre-Rational Nature,” 153-54. There is a second way in which the physical nature of an act could cause it to be in disaccord with the order of reason. It may be an act that is not capable physically of being informed by certain intentions. Rhonheimer, “Pre-Rational Nature,” 152. Rhonheimer gives the example of someone intending to survive by eating rubber or stones. The end simply cannot be accomplished by the means, and therefore the eating of rubber or stones “contain[s] an *indebitum* by being contrary to the order of reason.” NL 430; Rhonheimer, “Pre-Rational Nature,” 152-53.

<sup>100</sup> PM 46-47.

<sup>101</sup> NL 92. Rhonheimer warns against the mistake of confusing the exterior act as end (*finis operis*) with the end that the agent provides himself (*finis operantis*). He states that “it is not only the *intentio* that has a *finis* to aim toward, but also the *electio*.” NL 92.

<sup>102</sup> NL 430.

<sup>103</sup> NL 430; PM 109.



action (or a single object of the will).”<sup>104</sup> The end is not reached *through* the means as much as *in* it.<sup>105</sup> Thus, a married couple, who intend the end of the transmission of human life, may choose a means in which this end is reached—that is, may choose a marital act with objective meaning as an act of married love ordered toward the end of the transmission of human life. The intended end is reached in the means of the marital act.<sup>106</sup> Even a marital act by an unwillingly-sterile married couple who intend the end of the transmission of human life has itself objective meaning as an act of married love ordered toward the end of the transmission of human life.<sup>107</sup> In a physical sense, as a use of the procreative power, the act of the sterile couple is not ordered to the object of the intending will, which is the transmission of human life, but in a moral sense, as the object of a choosing will that is ordered to the object of the intending will, it is.<sup>108</sup>

Both the choosing will (whose object is the moral object) and the intending will (whose object is the further end) must be good for the moral act to be good.<sup>109</sup> Rhonheimer states that the objects of each of these wills form “one single object in which the intentional and elective objects relate to each other as form and matter.”<sup>110</sup> But if the elective object is bad, it is simply incapable of being formed by the intentional object, no matter how good the latter is.<sup>111</sup> As Aquinas states, “[i]f someone wills an evil in order to pursue something good, then this good is not the goal of the will, but only a goal that the agent has proposed to himself in a disordinate

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<sup>104</sup> PM 111; accord, PV 286, 291-93, 300, citing ST I-II.12.4 and *Commentary on the Sentences* II.38.1.4.ad1. Together these two objects form “one single object in which the intentional and elective objects relate to each other as form and matter.” NL 431; accord, PV 300.

<sup>105</sup> PM 112.

<sup>106</sup> See NL 432, where Rhonheimer interprets Aquinas to say that the *finis operis* is always a *finis operantis*, except occasionally where “the agent is acting with an intention that is different from the *finis* of the immediate act (or object),” such as “when someone pursues a further and final purpose above and beyond the meaningful content of a concrete action, or when the intention is contradictory to the meaning of the action.”

<sup>107</sup> NL 434.

<sup>108</sup> NL 434.

<sup>109</sup> NL 430-31; accord, PV 287.

<sup>110</sup> NL 431.

<sup>111</sup> PV 288, 301-02.

way.”<sup>112</sup> The classic example of an agent who does such an act is one who steals in order to give alms.<sup>113</sup>

With this integration of further end with moral object, the definition of a moral object within a moral act is complete. The exterior act is the will using (*usus*) the powers of the body or soul to do the external act. It is the material aspect of the moral object which is formed as the moral object by reason’s judgment (*iudicium*), which is imbedded in the choosing will (*electio*). The further end of the agent (*finis operantis*) is the object of the intending will (*intentio*) which is reached through the means which is an end (*finis operis*) in itself as the basic intentional action or moral object. These are the primary component parts of a moral act according to Rhonheimer’s interpretation of Aquinas. Each end as an end gives moral species, the end of the agent to the will and the end of the moral object to the moral act, unless the moral object is indifferent, in which case the moral act takes its species from the further end. On the other hand, some actions take the moral species of evil from the moral object itself regardless of the moral species derived from the end, in which case the act is said to be intrinsically evil. In any case, the two ends are both ends of the will and blend together as one in the sense that the further end is reached not as much through the means as in it. What remains to be done, and will be explored in the next section, is a more thorough explanation of how practical reason, whose object is to direct the will to the good, judges (*iudicium*) the exterior act to be good, and how this judgment results in the distinction between different moral species.

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<sup>112</sup> *Commentary on the Sentences* II.38.1.5.ad1, quoted by Rhonheimer in NL 432.

<sup>113</sup> NL 432n37.

## 2. The Cognition of Moral Species

According to Rhonheimer, Aquinas never explains in detail the role of reason in moral specification because Aquinas writes in a way that is not the last word but encourages further study and exposition.<sup>114</sup> So Rhonheimer seeks “to give a more integrated account of moral specification of human acts, practical reason, moral virtues, and natural law,” yet all the while “being faithful to the doctrine of the Master.”<sup>115</sup> This section examines his work in this regard. First, it distinguishes between speculative and practical reason to show the impact this distinction has on how one comes to know the good of the moral object. Second, it discusses the role that natural law plays in this process. Third, it discusses the role of the natural inclinations and how practical reason works within the natural inclinations to apprehend their human goods on the basis of which the different species of moral objects are determined.

Rhonheimer distinguishes the judgments of speculative reason from those of practical reason. Although Aquinas holds that a person has only one intellect that is both speculative and practical and that “[t]he speculative intellect by extension becomes practical,” he does not maintain that practical judgments derive from speculative judgments.<sup>116</sup> On this point Rhonheimer differs significantly from Long. Speculative judgments are about being; practical

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<sup>114</sup> Rhonheimer, “Moral Object of Human Acts,” 505.

<sup>115</sup> Ibid.

<sup>116</sup> Rhonheimer, “Truth of Subjectivity,” 177n52, quoting ST I.79.11.sc in Latin. While maintaining that “*practical judgments* are not derived from previous speculative *judgments* about the good to be pursued,” Rhonheimer does maintain “that practical principles, though not inferred, are actually ‘derived’ in a way from previous non-practical intellectual insight, which simply and speculatively refers to ‘being’ (after all, it is clear Thomistic doctrine that what first ‘falls’ into the intellect is ‘being’—*ens*—and not ‘the good.’” Martin Rhonheimer, “Natural Law and Moral Reasoning: At the Roots of Aquinas’s Moral Epistemology,” *Josephinum Journal of Theology* 17 (2010): 361n55. However, although “the theoretical grasp of being and the practical grasp of the good cannot be *separated*,” Rhonheimer states that the practical intellect “has its own starting point and its own principles” and “becomes practical in the moment, or as far as, it is under the influence of appetite, inclination, etc.” Rhonheimer, “Response to Jensen,” 181. This interrelationship is explained further on in this section.

judgments are about moral good; and “the moral good is not constitutive of man’s essential or substantial being.”<sup>117</sup> Moral good is added as an accident—as a perfection of human nature—to substantial being.<sup>118</sup> Therefore, “it is metaphysically impossible to identify ‘nature’ with the moral good or to simply want to derive the latter from the former.”<sup>119</sup>

This distinction between the speculative and practical aspects of the intellect has a direct impact on how one comes to know the moral good. One cannot derive knowledge of the good from the experience of being apart from the experience of “reason working in the context of / ‘embedded’ in desire, striving, aiming.”<sup>120</sup> What is needed is the truth of subjectivity. Rhonheimer defines the truth of subjectivity as that which appears to the reason, objectively through the precepts of the natural law particularly as it is conditioned by the natural inclinations, to be good for a person as the truth of the realization of that person’s own being.<sup>121</sup> This practical knowledge is a natural knowledge that is “*practically* constitutive for establishing the ends (or objects) of the virtues. . . . [and] does not presuppose theoretical knowledge of it (metaphysics).”<sup>122</sup> Although knowledge of what is good for animals follows from knowledge of animal nature, it is the other way around for human beings. Knowledge of human nature follows

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<sup>117</sup> PM 270, citing *De Veritate* 21.5.

<sup>118</sup> PM 270.

<sup>119</sup> PM 270. Rhonheimer does say that, since practical judgments are oriented towards intelligible truth, “acts of practical understanding can be called ‘speculative’ insofar as they really are directed to grasping aspects of reality—mainly the reality that we are ourselves, as constantly striving after some good, and the goods themselves *as the goals of this striving*.” Martin Rhonheimer, “Natural Law as a ‘Work of Reason’: Understanding the Metaphysics of Participated Theonomy,” *American Journal of Jurisprudence* 55 (2010): 55; accord, Rhonheimer, “Response to Jensen,” 179-80. When he uses the term “speculative” in this sense, it is used more broadly to embrace both theoretical intellection whose goal is knowledge and practical intellection whose goal is action. However, the term “speculative” in this dissertation is used more narrowly to refer to intellection whose goal is knowledge (what Rhonheimer sometimes refers to as theoretical intellection).

<sup>120</sup> Rhonheimer, “Truth of Subjectivity,” 272-74; PV 51; Rhonheimer, “Menschliches,” 63-64.

<sup>121</sup> Rhonheimer, “Truth of Subjectivity,” 251.

<sup>122</sup> Martin Rhonheimer, “Practical Reason, Human Nature, and the Epistemology of Ethics: John Finnis’s Contribution to the Rediscovery of Aristotelian Ethical Methodology in Aquinas’s Moral Philosophy: A Personal Account,” *Villanova Law Review* 57 (2012): 876-77 (attributing the key to understanding this position of Aquinas to *Quaestiones disputatae de Veritate*, 10.1, 10.9).

from knowledge of what is good for human beings as a practical fact uninformed by speculative principles.<sup>123</sup> This knowledge derives from two sources which bear further explanation. The first is “the naturally cognitive dynamics of the practical intellect—that is, the judgments of natural reason and their propositional contents—[which] are themselves constitutive of human nature from which springs what we call the ‘moral order.’”<sup>124</sup> The second is the natural inclinations on which the practical intellect operates.

As for the dynamics of the practical intellect, God structures practical reason to be “an active participation of the eternal law which unfolds and becomes effective through its judgments about good and evil.”<sup>125</sup> This moral order, which is found in a participated way in practical reason, is called the natural law, and it makes practical reason “properly ‘the image of the Divine mind.’”<sup>126</sup> It is practical reason operating through natural law that allows a person to know moral good in an original manner.<sup>127</sup> Practical reason through its own inherent operation not only apprehends external acts but evaluates them as good or evil by its own light of natural law.<sup>128</sup> This first and original grasp of the ends of human action, “is nothing other than what Aquinas calls the ‘constitution’ of the natural law.”<sup>129</sup>

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<sup>123</sup> Rhonheimer, “Truth of Subjectivity,” 267-70.

<sup>124</sup> Rhonheimer, “Pre-Rational Nature,” 134-35.

<sup>125</sup> Ibid., 135.

<sup>126</sup> Ibid., 134-35. In this way the eternal law really operates as first cause to rule the good and evil in our conduct as its measure, while the human intellect participates in this light of knowing as *imago*, as a second cause. NL 258, 262-63. That is why a person’s autonomy is a “participated theonomy” rather than a “theonomous autonomy.” Rhonheimer, “Truth of Subjectivity,” 278. Note that the direction to good and away from evil is a matter of persuasion and not coercion. Natural law is the prescriptive act itself of reason. NL 12. But it obliges in a persuasive manner—the persuasion of the good. Rhonheimer, “Natural Law as a ‘Work of Reason’” (2010), 63n57; Rhonheimer, “Natural Law and Moral Reasoning,” 377.

<sup>127</sup> NL 11-12. Pope Leo XIII in his encyclical letter *Libertas Praestantissimum* (1888) understood this concept of natural law when he stated that “it is *itself the human reason insofar as it commands the carrying out of right action and forbids wrongdoing*.” NL 11.

<sup>128</sup> NL 257-58, citing ST I-II.91.2 & 19.4; Martin Rhonheimer, “Natural Reason as a ‘Work of Reason’: Understanding the Metaphysics of Participated Theonomy,” in *Searching for a Universal Ethic: Multidisciplinary*,

According to Rhonheimer, Aquinas characterizes the relation of natural law to eternal law as the “rational creature’s participation of the eternal law,” but the key to understanding natural law is Aquinas’s definition of natural law as “the light of natural reason, whereby we discern what is good and what is evil.”<sup>130</sup> Natural reason does not perform its own creative, norm-setting activity,<sup>131</sup> nor does it operate by way of innate ideas.<sup>132</sup> On the other hand it is more than a mere capacity for thinking. It sheds light. Light needs something to illumine before the truth can be known. So Aquinas maintains that knowledge arises through the senses, which give the matter of knowledge, while the human intellect as a “light” gives the form of knowledge by making visible the intelligible truth of what is presented to sense perception.<sup>133</sup> This light is a “participation in the true light of the Word,”<sup>134</sup> which, as the eternal law, “really rules (*regulat*) the good and evil in our conduct.”<sup>135</sup> Thus, the practical intellect through natural law illumines the truth of the good of the acts we do.

Knowledge of the truth through natural law is not all spontaneous, and the speculative intellect does come into play subsequently at a philosophical level. Once a person cognitively possesses the principles of the natural law in a spontaneous moral experience based in the

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*Ecumenical, and Interfaith Responses to the Catholic Natural Law Tradition*, ed. John Berkman and William C. Mattison III (Grand Rapids: William B. Eerdmans, 2014), 274.

<sup>129</sup> Rhonheimer, “Natural Reason as a ‘Work of Reason’” (2010), 66.

<sup>130</sup> Martin Rhonheimer, “Review of Jean Porter’s *Nature as Reason: A Thomistic Theory of the Natural Law*,” in *The Perspective of the Acting Person: Essays in the Renewal of Thomistic Moral Philosophy*, ed. William F. Murphy Jr. (Washington: The Catholic University of America Press, 2008), 289n7; PV 539. Rhonheimer points out several sources where Aquinas uses the light metaphor, including ST I-II.19.4; ST I-II.91.2; *In psalmos Davidis expositio*; *Super Epistolam S. Pauli ad Romanos Lectura*, c. 2, lect. 3; *Super Evangelium S. Ioannis Lectura*, c. 1, lectio 3; and *In duo praecepta caritatis et in decem legis praecepta expositio* (*Opuscula Theologica*, vol. II), *Prologus*. Ibid., 289-91; EP 16; Rhonheimer, “Natural Law and Moral Reasoning,” 375-76. According to Rhonheimer, it is Aquinas’s core doctrine of natural law. Rhonheimer, “Review of Jean Porter’s *Nature as Reason*,” 289; EP 3; Rhonheimer, “Natural Law and Moral Reasoning,” 376.

<sup>131</sup> Rhonheimer, “Truth of Subjectivity,” 278-79; EP 7.

<sup>132</sup> NL 263; PV 527.

<sup>133</sup> NL 265-66; PV 527.

<sup>134</sup> NL 265.

<sup>135</sup> NL 258.

practical intellect, it is then possible to reflect on these principles and to reach an understanding of human nature as “a speculative account of what naturally constitutes a human person.”<sup>136</sup> Practical reason’s grasp of human goods “delivers, as it were, to theoretical reason the basic ‘material’ for its coming to understand ‘human nature’” and “leads to metaphysical anthropology, philosophical ethics and natural theology (enabling us to understand the natural law as a participation in the eternal law), which again refine our knowledge of the human good.”<sup>137</sup>

However, this speculative understanding is only subsequent to practical cognitive knowledge. It is an account or doctrine of natural law, not natural law itself.<sup>138</sup> Rhonheimer notes that some authors have difficulty making this distinction because they hold “that natural law, as an order of natural ends or teleology, is first and originally an object of theoretical reason, and only afterwards *applied* to practical thinking.”<sup>139</sup> Long’s concept of natural law falls within this type of thinking. However, according to Rhonheimer, practical principles are “the intelligible moving causes of praxis—that is, principles of praxis as such, and not simply normative assertions *about* it—and are thereby the foundation as well of the entire intelligibility of the concrete good that a judgment of action has for its object at any given time.”<sup>140</sup> More simply put, “the first notions of morality and the constitution of the acting subject as a *moral* subject are not derived from theoretical knowledge, but spring *naturally* and *immediately* from

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<sup>136</sup> Rhonheimer, “Pre-Rational Nature,” 135-36; accord, Rhonheimer, “Response to Jensen,” 179. In commenting on Rhonheimer’s work, Jensen thinks it is odd that “[w]e cannot derive an ought from an is, but somehow or other we can derive an is from an ought.” Steven J. Jensen, “Thomistic Perspectives?: Martin Rhonheimer’s Version of Virtue Ethics,” *American Catholic Philosophical Quarterly* 86 (2012): 143. As Rhonheimer explains it, it is not odd at all.

<sup>137</sup> Martin Rhonheimer, “Reply to Jean Porter,” *Studies in Christian Ethics* 19 (2006): 397-98.

<sup>138</sup> Rhonheimer, “Natural Law as a ‘Work of Reason’” (2010), 59.

<sup>139</sup> *Ibid.*, 61.

<sup>140</sup> PM 19.

basic insights of practical reason.”<sup>141</sup> In this way Rhonheimer distinguishes between “the ontological (or metaphysical, anthropological) and the epistemological (or methodological) viewpoints” for understanding the source of moral good.<sup>142</sup> The natural law “is not simply an ontological given, but a cognitive reality in the human soul” which itself is “an *intrinsic anthropological reality*, belonging to human nature.”<sup>143</sup> He states that a failure to recognize this distinction can have grave consequences for normative ethics.<sup>144</sup>

The judging of something to be good, which is making its goodness visible, occurs in two ways. Either the good is immediately apparent or it is discovered by a discursive/inventive process. The first is by natural cognition, called intellection or understanding, which provides the primary precepts of the natural law; the second is by way of reasoning, which provides the secondary precepts of the natural law.<sup>145</sup> Intellection or understanding is “the *natural mode* of reason’s grasping of reality” and is sometimes referred to by Aquinas as natural reason and sometimes as reason as nature, “reason working like nature: spontaneously and necessarily.”<sup>146</sup> It focuses on the ends of acts as the “irreducible starting points or *principles*” that are “intellectively cognized” by reason through the natural law by which reason orders human inclinations and actions.<sup>147</sup> Discursive reasoning starts with first principles, deliberates, and concludes with a judgment as to the secondary principles, which is an understanding or apprehension of the truth that is within the first principles but needed discovering in order to be

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<sup>141</sup> Rhonheimer, “Natural Law as a ‘Work of Reason’” (2014), 277.

<sup>142</sup> Rhonheimer, “Pre-Rational Nature,” 133.

<sup>143</sup> Rhonheimer, “Natural Law as a ‘Work of Reason’” (2014), 275, 278; accord, PV 129.

<sup>144</sup> Rhonheimer, “Natural Law as a ‘Work of Reason’” (2010), 71; Rhonheimer, “Natural law as a ‘Work of Reason’” (2014), 275.

<sup>145</sup> NL 267.

<sup>146</sup> Rhonheimer, “Review of Jean Porter’s *Nature as Reason*,” 289 and n6.

<sup>147</sup> PM 257, 260-62. The habitual knowledge of first principles is called synderesis. PV 427.



known.<sup>148</sup> The secondary principles further explicate the first principles by “grasping the principle *in* the concrete and particular and thereby attaining to a deeper and more nuanced grasp of the principle itself, on the basis of the experience of the particular.”<sup>149</sup>

Natural law in both its primary and secondary principles is one and the same for all human beings, and it does not change. There are some instances, such as in the case of returning a gun to an owner who intends to use it for murder, where it appears that an exception must be made to the governing precept of the natural law that deposits should be returned.<sup>150</sup> But Rhonheimer points out that these are not exceptions but rather cases where the subsequent formulation of the precept from the reasoning process is not adequate to the situation because of an impediment “that brings it about that the order of justice can no longer be preserved in the way that suits *this* command of the natural law.”<sup>151</sup> In the case of the gun, its return would not be an act of justice but an act of assisting murder because of the impediment that the fundamental rectitude of the will of the gun owner has changed.<sup>152</sup> It is the moral object that changes in this case—not the natural law.<sup>153</sup> Thus Rhonheimer points out that Aquinas says that if someone

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<sup>148</sup> NL 268-70. This discursive *inventio* is to be distinguished from the *adinventio* mentioned in ST I-II.91.2, where Aquinas states that the particular determinations called human laws are devised (*adinventae*) by human reason; it is also to be distinguished from the concretizing of the natural law *per modum determinationis* in ST I-II.95.2, where Aquinas says that those things derived from natural law as a determination, such as what punishment to administer for a particular crime, has no other force than that of human law. Martin Rhonheimer, “Practical Reason and the ‘Naturally Rational’: On the Doctrine of the Natural Law as a Principle of Praxis in Thomas Aquinas,” in *The Perspective of the Acting Person: Essays in the Renewal of Thomistic Moral Philosophy*, ed. William F. Murphy Jr. (Washington: The Catholic University of America Press, 2008), 117-18.

<sup>149</sup> PM 292; accord, Rhonheimer, “‘Naturally Rational,’” 116, 119-20.

<sup>150</sup> NL 496-97.

<sup>151</sup> NL 498-99, 517. Accord, Martin Rhonheimer, “Praktische Prinzipien, Naturgesetz und konkrete Handlungsurteile in tugendethischer Perspektive: Zur Diskussion über praktische Vernunft und *lex naturalis* bei Thomas von Aquin,” *Studia Moralia* 39 (2001): 151; Rhonheimer, “Menschliches,” 59.

<sup>152</sup> NL 499-500.

<sup>153</sup> NL 501-02.

does not return something to its owner, it is not theft “so long as the taking corresponds to what is right.”<sup>154</sup>

To understand better why this act is not an exception to the rule, Rhonheimer points out what was stated above as the difference between natural law and the account of natural law. Natural law is not a linguistic formulation (such as in the case of human positive law); it is a rational ordering which only after the fact upon reflection is formulated as a precept.<sup>155</sup> In fact, “the problem is with the formulation, because the formulation of the *principia propria* is oriented toward typical cases (*ut in pluribus*) and often leaves aside the explicit conditions that would express the absolute validity of the principle.”<sup>156</sup> In other words, it would be more correct to formulate the precept in the gun case as *deposits should be returned when they are due*. This precept would encompass the gun case. However, the key point is that it is not the formulated precept that governs. One may determine through reason that certain circumstances are morally relevant, and then such circumstances may become principal conditions of the object.<sup>157</sup> In the case of the return of the gun, the intention of the owner (to commit murder) becomes a principal condition that changes the moral object and removes it from the order of reason that directs the return of the gun.<sup>158</sup>

The role of practical reason acting through natural law to discern the good would not differ significantly from the role of speculative reason discerning the truth if it were not for the manner in which the discernment takes place. It is here that Rhonheimer emphasizes the

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<sup>154</sup> NL 506, citing ST I-II.100.8.ad3.

<sup>155</sup> NL 509-10, 518; PM 339-40; Rhonheimer, “Praktische Prinzipien,” 119.

<sup>156</sup> NL 519.

<sup>157</sup> NL 510, citing ST I-II.18.10.

<sup>158</sup> NL 519-20. Of course, while such changes are possible to some precepts, as in the case of the return of the gun, because of the contingent structure of actions, there are some objects dependent on the ontological structure of the human person that would require a change of human nature itself before a change in precept would be in order. Needless to say in such cases, there can be no change of precept. NL 510-11; PM 348-50.

importance that Aquinas gives to the natural inclinations as the basis for both practical discernment and the distinction of moral species. The natural inclinations in themselves exist apart from the natural order of reason. They are “rooted in the essential constitution of the person” before any operation of reason takes place.<sup>159</sup> In this sense they are pre-rational,<sup>160</sup> which is another way of saying that “practical reason is grounded in nature at the pre-rational level.”<sup>161</sup> Specifically, they “are natural and not acquired tendencies, [which] are directed by natural necessity—by a *determinatio ad unum*—toward a good that is proper to them.”<sup>162</sup> This good is particular to each natural inclination; it is not the human good to which the inclination is subsequently ordered by reason.<sup>163</sup> These inclinations exist by nature in the natural appetites of the concupiscible and irascible faculties as part of the essential constitution of a person.<sup>164</sup> They also exist in the natural appetite of the will.<sup>165</sup>

Aquinas describes natural inclinations on three different levels:

First, are those that belong to every entity on the basis of its substantiality, or the inclinations that belong to the “conservation of one’s own being, according to one’s nature” (*conservatio sui esse secundum suam naturam*). On the next level are those inclinations that man has in common with all living things, for which Thomas gives the examples of “the inclination toward the joining of male and female” (*coniunctionem maris et feminae*) and “the rearing of children” (*educationem liberorum*). Finally, there are specifically human tendencies that follow from the nature of the reason itself, such as the *inclinatio* toward knowing the truth, toward living in a community with others, and so on.<sup>166</sup>

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<sup>159</sup> NL 74.

<sup>160</sup> Rhonheimer, “Pre-Rational Nature,” 139.

<sup>161</sup> Ibid., 133.

<sup>162</sup> NL 74.

<sup>163</sup> NL 74-75; accord, PV 551.

<sup>164</sup> NL 74-76; accord, Rhonheimer, “Natural Law as a ‘Work of Reason’” (2010), 61.

<sup>165</sup> PM 275.

<sup>166</sup> NL 75, citing ST I-II.94.2; PV 552.

The three levels correspond to the being, the animal nature and the rational nature of a person. Rhonheimer states that the particular goods of these inclinations give one an experience of the good. For example, the inclination to sexual intercourse, which involves the handing on of life, gives “a certain natural solidarity in terms of what Thomas calls the ‘common good of nature’ (*bonum commune naturae*).”<sup>167</sup> Natural inclinations are a “passive participation in the *lex aeterna*”; they exist in all creatures as a “being measured-ness,” which exists by the creative reason of God.<sup>168</sup> In a human person, the natural inclinations also belong to the natural law—not as law itself, but as presuppositions for the natural law’s rational ordering process.<sup>169</sup> To this extent, “each natural inclination by its very nature possesses, in the context of the person as a whole and precisely as an inclination *belonging* to a human person, a meaningfulness which from the beginning transcends the mere ‘*genus naturae*.’”<sup>170</sup>

This personal meaning is why Rhonheimer maintains that the ends of the pre-rational natural inclinations are not pre-moral goods. Rhonheimer rejects the view that the object of the moral act is merely a physical object clothed with a relationship to a rule of morality that is imposed upon the object already constituted on the pre-moral level.<sup>171</sup> It is also why a sin is considered “most serious and shameful” when it is a sin against nature.<sup>172</sup> When the order of the natural inclinations is violated in such cases, as in the case of a direct sterilization, the act is a sin against nature because it takes away not only from the good of reason but also from the good of

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<sup>167</sup> NL 95-96; see also PM 279-81.

<sup>168</sup> NL 67, 109; EP 4n4.

<sup>169</sup> NL 109, 250. Accord, Rhonheimer, “Natural Law as a ‘Work of Reason’” (2010), 69; Rhonheimer, “Natural Law as a ‘Work of Reason’” (2014), 279.

<sup>170</sup> Rhonheimer, “‘Intrinsically Evil Acts,’” 48.

<sup>171</sup> See NL 420n16, citing ST I-II.18.8

<sup>172</sup> Rhonheimer, “Pre-Rational Nature,” 144-47, quoting ST II-II.154.12.

the appetite itself, thus causing a fundamental denaturing of the human act.<sup>173</sup> It is an offense “not simply against the ordering part of the soul (reason), but against what this ordering task naturally *presupposes* [in the natural inclinations].”<sup>174</sup> This is not to say that a transgression against that which is according to nature is always evil, but when the natural inclination is a presupposition of reason, it is evil in a most serious way.

The particular goods of the natural inclinations are called appetibles (*appetibilia*) and operate as principles that move practical reason:

[T]he principle of the practical intellect is the “seekable” (*appetibile*), the object of a striving. The “application to a task” (*extensio ad opus*) rests on a moving power (*motio*), which belongs to practical judgments by their own principle. This principle is the *appetibile*, or practical good, which “moves without being moved” and is the “first thing considered by the practical intellect” (*primum consideratum ab intellectu practico*; in *III De Anima*, lect. 15). As unmoved and yet moving principle, it is the starting point for the *consideratio* of the practical intellect, which thereby obtains its moving power, its *extensio*. As Thomas points out, “The practical intellect is said ‘to move’ for this reason, that its principle, the *appetibile* [or ‘thing sought-after’] moves it.”<sup>175</sup>

Thus the principle that moves the practical intellect to seek human goods is the particular good of the appetite. It is not the human good that results from the movement of the practical intellect. It is the good sought as the goal of an appetite in a natural inclination before one uses one’s reason to find a rational good.<sup>176</sup>

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<sup>173</sup> NL 94-95, 101-02, 104-08, 133, 135.

<sup>174</sup> Rhonheimer, “Pre-Rational Nature,” 141-42.

<sup>175</sup> NL 26-27.

<sup>176</sup> Rhonheimer states this another way:

And the first act of knowing obtains its information from a reality (*res*) that is present to it. This reality is in each case something previously given to the intellect, providing a natural field for its *apprehensio*. In the case of theoretical knowledge, the field is that of being itself; in the case of practical knowledge, the *primum consideratum* is an *appetibile*, which, since it is first, must be a “naturally sought” (*naturaliter appetibile*) to which a natural inclination (*naturalis inclinatio*) corresponds.

Although the appetites are moved to their particular goods as a matter of nature, human action does not take place before the movement of the practical intellect. Practical reason spontaneously grasps the content of the inclinations of the appetites and understands or apprehends the goals of the natural inclinations as human goods through natural law.<sup>177</sup> In this way practical reason converts the goals of the natural inclinations from particular goods to human goods. The natural inclinations, “the ‘seeds’ of the virtues,” become “the steady dispositions (*habitus*) of moral virtue” as a person follows these inclinations rationally as virtues over time.<sup>178</sup>

Not only are the natural inclinations the seeds of the virtues, but they are the only seeds of the virtues:

If virtue, then—as the “moral good” (*bonum morale*) in general—represents an “order of reason” (*ordo rationis*), so that virtue is constituted through the reason no less than the natural law that is itself formally oriented toward virtue, we are confronted with an *ordo* that is always realized *in* the natural inclinations, and not merely “occasioned” by them. This is why Thomas states that “to each natural inclination is ordered a special virtue,” since virtues perfect us by helping us to follow *rightly* (*debito modo*) the natural inclinations, which belong to the natural law.<sup>179</sup>

Thus, human action takes place only after practical reason’s apprehension of human goods or the ends of the virtues in the goals of the natural inclinations.

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<sup>177</sup> NL 73-76 and 250; PM 269. Virtue is “something between the faculty and the act: *habitus*, a stable inclination toward performing the faculty’s proper act perfectly, which is according to reason.” Martin Rhonheimer, “Norm-Ethics, Moral Rationality, and the Virtues: What’s Wrong with Consequentialism?,” in *The Perspective of the Acting Person: Essays in the Renewal of Thomistic Moral Philosophy*, ed. William F. Murphy Jr. (Washington: The Catholic University of America Press, 2008), 30; accord, PV 62. Contrary to the rigidity of a rule, moral virtue is “not uniform but malleable, and open to multiple options.” PM 374. Nevertheless, virtue is “grounded in rationally recognized principles . . . because moral virtue disposes affectivity according to reason.” PM 16, 374. The virtues include their proper structures of reasonableness called the “ends of the virtues,” and “those ends are identical with practical principles as established and pronounced by natural law.” Rhonheimer, “Norm-Ethics,” 30.

<sup>178</sup> NL 250.

<sup>179</sup> NL 250, quoting ST I.103.8.

Rhonheimer describes the process by which practical reason apprehends human goods through natural law as one that is embedded in the context of the natural inclinations:

Human reason, which is embedded in the context of the natural inclinations (which themselves are a passive participation of the eternal law), is not “creative” reason, *but a truth-attaining capacity of the human intellect*; it is an illuminating power of the soul, which by intellectually apprehending the goods involved in the natural inclinations, is able to understand the moral order established by the eternal law and to apply this understanding to moral reasoning and praxis.<sup>180</sup>

In other words, the light of practical reason advances beyond speculative knowledge of the particular goods of the natural inclinations to illumine the human goods to which the natural inclinations are ordered by the eternal law of God. Practical judgments are structured differently than speculative judgments. They are not “a mere ‘willing’ of the content of theoretical judgments, through the intervention of some act of the will, so that this content becomes related to the sphere of action.”<sup>181</sup> Rather practical judgments are the willing of appetibles, which are the practical reason’s starting points.<sup>182</sup>

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<sup>180</sup> Rhonheimer, “Natural Law and Moral Reasoning,” 357; accord, Rhonheimer, “Natural Law as a ‘Work of Reason’” (2014), 276.

<sup>181</sup> NL 26. As noted in chapter 1 section 2 above, Long disagrees. He states that “the *per se nota* truths of practical reason *presupposes* precisely this prior speculative knowledge, a knowledge that—given our appetitive nature—brings forth *inclination*,” that is, the inclination of rational appetite. Long, “Autonomous Practical Reason,” 170-75; Long, “Thomistic Reflections,” 201, citing ST I-II.19.3.ad2; Long, “Fundamental Errors,” 109.

<sup>182</sup> PV 511-12, citing *De anima*, Bk.3, Lect. XII, 821. Rhonheimer explains that understanding the ends of the natural inclinations as human goods cannot be a speculative act because the reason does not judge the natural inclinations by reference to some purportedly original principles of reasonableness; it is a practical act because a person, as a non-dualistic body-soul unity, knows the natural inclinations to be good by means of the very operation of reason itself which contains its own light, which is the natural law. NL 564-65, and Rhonheimer, “‘Object of the Human Act,’” 214-15. Reason neither receives the knowledge of goodness from sense experience nor creates it apart from sense experience, but rather makes visible what is already there. NL 266. Thereby, the reason objectifies “every originally nonspiritual natural inclination” to make it “a *practical good*, a new “form” at the level of spiritually formed personality.” NL 569. Rhonheimer emphasizes that when practical reason orders the natural inclinations to the good, it does not affirm “the naturally given appetitive goals, such that the shaping and ordering function of the reason is overlooked and its difference from the theoretical reason obliterated.” Nor does practical reason derive its concrete judgments of prudence “from principles of the *lex naturalis* in an infallible manner and without any recourse to experience.” Rhonheimer, “‘Naturally Rational,’” 98; accord, Rhonheimer, “Praktische Prinzipien,” 119. Nevertheless, there is a parallelism between proper goods (*bona propria*) and human goods (*bona humana*), because, as Rhonheimer quotes Aquinas to say, “just as the natural inclination is with respect to natural

Rhonheimer states that as practical reason through natural law forms the natural inclinations into their identity as human goods, it judges certain types of actions as good and others as evil, and this practical judgment informs the will which moves toward the good and avoids evil in these acts by the first principle of reason that directs the will.<sup>183</sup> This first principle of reason is a “*principle of praxis*” which “drives the subject to the good as such and as it were brings the nature of the good as that which is striven for to expression.”<sup>184</sup> It does not specify the good as such since particular goods are not deduced from the first principle, but “it ‘shows itself’ in the various specific principles and develops in them its foundational-practical effectiveness . . . as a *principle of movement*.”<sup>185</sup> This principle of movement “lies at the basis of all rational human action and forms its inner intelligible dynamism.”<sup>186</sup> Thus this principle is “the first principle of the practical reason,” which Aquinas formulates as “good is to be done and pursued, and evil to be avoided.”<sup>187</sup> Rhonheimer states that this first principle of practical reason is “the cause of the disjunction of the moral difference.”<sup>188</sup> In other words, it is the operation of practical reason through natural law as a principle of movement towards the good and away from evil that distinguishes the moral species of good and evil in acts.<sup>189</sup>

Rhonheimer then asks “how does this principle become further subdivided into specific areas of action.”<sup>190</sup> By this he does not mean how different species of good and evil can be

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reason, so the inclination of moral virtue is with respect to prudence.” PV 430, quoting *Commentary on the Sentences* III.33.2.3.

<sup>183</sup> PM 270-71, 280-81.

<sup>184</sup> PM 271, 274; PV 549-50.

<sup>185</sup> PM 274.

<sup>186</sup> PM 271.

<sup>187</sup> PM 269, quoting ST I-II.94.2.

<sup>188</sup> PM 281.

<sup>189</sup> “In distinction from theoretical affirmations and denials, the practical ‘affirmation’ is a ‘pursuing’ and a ‘doing,’ and the corresponding ‘denial’ is an ‘avoiding,’ a ‘fleeing from,’ and a corresponding ‘not-doing.’ This is precisely the logic of the first principle of practical reason: it *moves* to rationally guided action.” PM 273.

<sup>190</sup> PM 274.



deduced from the first principle. They cannot. Rather, he asks how the various specific principles operate when the first principle provides their “foundational-practical effectiveness . . . as a *principle of movement*.”<sup>191</sup> Rhonheimer indicates that reason distinguishes the moral species of good and evil acts by the different types of natural inclinations. Reason grasps the goals of the natural inclinations as human goods to be pursued, and it grasps what is opposed to these human goods as evil to be avoided.<sup>192</sup> Within each of these types of good and evil, each of the natural inclinations is “distinguished from one another, as they are not derivable one from the other, but are each fundamental in their specificity.”<sup>193</sup> In other words, the order of the specific principles of practical reason “goes according to the order of the natural inclinations,”<sup>194</sup> and “[e]ach basic intentional action defines the object of a specific virtue.”<sup>195</sup> Thus, the human good or evil that constitutes a moral object derives its species from the moral virtue or vice that reason grasps as the human good or evil of a specifically distinct natural inclination.

In sum, according to Rhonheimer, it is the practical intellect that plays the primary role for Aquinas in the cognition of moral species in the ends of a human act. The practical intellect moves into action when one’s appetites, in accord with the particular goods of their nature, incline toward or away from certain ends. At this point one uses one’s practical intellect to determine the human goods of these inclinations through natural law, the light of reason which is a participation in the eternal law of God. In this determination the practical intellect acts on its first principle of praxis to direct the will whose nature is to pursue the good and avoid evil.

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<sup>191</sup> PM 274.

<sup>192</sup> PM 274.

<sup>193</sup> PM 281. “A specific origin can be pinpointed for each inclination (a person inclines to self-preservation because he ‘lives’ or ‘is’; sexuality is rooted in the bodily/animal level of the human being: i.e., it is something that ‘nature has taught to all animals’; the remaining inclinations are *specifically* human, meaning that they are only possible through reason and arise from the ‘logic of the spirit’).” Ibid.

<sup>194</sup> PM 274.

<sup>195</sup> PM 287.

Since the natural inclinations are fundamentally distinct in their specificity and one uses one's practical reason to determine a specific human good or virtue or a specific human evil or vice for each inclination, the ends of moral acts, and particularly moral objects, are further specified into various moral species of good and evil by the virtue or vice associated with each inclination.

## **Part II**

### **Aquinas's Doctrine on the Moral Object**

## Chapter 3

### Precursors of the Moral Object in the Century before Aquinas

In order to get a sense for the scholarly environment within which Aquinas developed his concept of the moral object, it is helpful to examine the ideas of some of his precursors at the University of Paris. One can trace the development of the concept from an early notion of the genus of the act with a transmutable goodness to one that in many of its particulars was adopted by Aquinas. This chapter will examine briefly the work of six scholars and show how each work compares with the concept of the moral object elaborated by Aquinas. The discussion of Aquinas in this chapter is only for purposes of comparison. Chapter 4 will examine Aquinas's concept in greater depth.

The *Sentences* of Peter Lombard set the tone for most of those who discussed the moral object in Paris during the twelfth and thirteenth centuries. Lombard wrote the *Sentences* in the early to middle 1150s.<sup>1</sup> It was copied as early as 1158 and was glossed and commented on as early as the 1160s.<sup>2</sup> In the 1170s, teachers began to presuppose a knowledge of this work by students for understanding their teaching. William of Auxerre's *Summa aurea*, possibly written between 1222 and 1225 but no earlier than 1215 nor later than 1229,<sup>3</sup> and Philip the Chancellor's *Summa de bono*, written between 1228 and 1236,<sup>4</sup> were roughly modelled on the *Sentences*.<sup>5</sup>

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<sup>1</sup> Giulio Silano, "Introduction," in Peter Lombard, *The Sentences*, Book 1: *The Mystery of the Trinity*, trans. Giulio Silano (Toronto: Pontifical Institute of Mediaeval Studies, 2007), xiii.

<sup>2</sup> Ibid., xxix.

<sup>3</sup> Philip L. Reynolds, *Food and the Body: Some Peculiar Questions in High Medieval Theology* (Leiden: Brill, 1999) 150 & n2, citing Jean Ribaillier, general introduction to *Summa aurea*, William of Auxerre, ed. Jean Ribaillier (Paris: Centre National de la Recherche Scientifique, 1987), 16.

<sup>4</sup> Nikolaus Wicki, introduction to *Summa de bono*, pars prior, by Philippi Cancellarii Parisiensis, ed. Nikolaus Wicki 52\* (Bern: Francke, 1985). Nikolaus Wicki has found evidence that at least part of the work was written in 1228 and possibly one to two years earlier. Odon Lottin argues that the *Summa de bono* seems to have been written closer to 1235. Odon Lottin, "Le problème de la moralité intrinsèque d'Abélard à Saint Thomas

When Alexander of Hales was a master of theology at the University, he began the practice of lecturing on the *Sentences*, and his *Glossa* was composed between 1223 and 1227.<sup>6</sup> In the 1230s, it became the task of a bachelor of theology to give these lectures prior to inception as master.<sup>7</sup> In the early 1240s, Albert the Great lectured on the *Sentences* at the University before receiving his degree as master of theology in 1245,<sup>8</sup> although he did not publish his commentary until later.<sup>9</sup> It is in the context of this century of tradition that Aquinas himself lectured on the *Sentences* as bachelor of theology for four years in Paris from 1252 to 1256.<sup>10</sup>

The *Sentences* is a collection of patristic and biblical authorities posing problems for speculation and often leaving their solution for further speculation.<sup>11</sup> There was plenty of opportunity for theologians using and teaching from this work to contemplate the problems posed, dispute solutions with their students, and offer their own resolutions. Not the least of the problems considered was the intrinsic moral nature of the human act. Lombard devoted distinctions 34-41 in his second book to a discussion of this issue.<sup>12</sup> His concern was to reject the position of Peter Abelard, whom he believed had denied this intrinsic moral nature to the

d'Aquin," in *Psychologie et morale aux XII<sup>e</sup> et XIII<sup>e</sup> siècles: II.I Problèmes de morale* (Louvain: Abbaye du Mont César, 1948), 443n1.

<sup>5</sup> Stanley B. Cunningham, *Reclaiming Moral Agency: The Moral Philosophy of Albert the Great* (Washington: Catholic University of America Press, 2008), 52 & 64.

<sup>6</sup> James A. Weisheipl, *Friar Thomas d'Aquino His Life, Thought, and Work* (Garden City: Doubleday, 1974), 68-69.

<sup>7</sup> *Ibid.*, 69.

<sup>8</sup> *Stanford Encyclopedia of Philosophy*, s.v. "Albert the Great," rev. 2/25/2014, accessed August 31, 2015, <http://plato.stanford.edu/entries/albert-great/>.

<sup>9</sup> It appears that he did not publish his commentary until after March 25, 1249. Franklyn T. Harkins, "Filiae Magistri: Peter Lombard's *Sentences* and Medieval Theological Education 'On the Ground,'" in *Medieval Commentaries on the Sentences of Peter Lombard*, ed. Philipp W. Rosemann (Leiden: Brill, 2015), 59n104.

<sup>10</sup> His *scriptum* is "a carefully elaborated and edited version of questions discussed in the classroom, polished after the event." Weisheipl, *Friar Thomas*, 359.

<sup>11</sup> *Ibid.*, 68.

<sup>12</sup> Peter Lombard, *The Sentences*, Book 2, translated by Giulio Silano (Toronto: Pontifical Institute of Mediaeval Studies, 2008), dd. 34-44 [hereinafter *Sentences*]. The Latin edition is Petri Lombardi, *Sententiae in IV Libris Distinctae*, tom. I, pars II, liber II, 3<sup>rd</sup> ed. (Rome: Collegii S. Bonaventurae Ad Claras Aquas, 1971).

moral act. He advanced the idea that a human act could be good or evil in its genus regardless of the intention of the end. Lombard's position was widely adopted, advanced, and modified over the next century by theologians at the University of Paris. In the hands of Aquinas the concept of good or evil in the genus matured into the moral object.

This chapter examines the development of the moral object through these six theologians, starting with Abelard and Lombard, advancing through William of Auxerre, Alexander of Hales, and Philip the Chancellor, and concluding with Aquinas's teacher, Albert the Great. The purpose is to provide the intellectual context within which Aquinas came to understand the moral object as a development of the concept of genus and to show the impact that each theologian had on Aquinas. Two persistent questions addressed by these theologians were (1) what is the meaning of the genus of the act, and (2) is the good or evil in the genus of the act transmutable so that a good genus may become evil or vice versa. This chapter examines the progression of thought on these two questions to show the foundation on which Aquinas built his own theory.<sup>13</sup>

### 1. Peter Abelard (*Peripateticus Palatinus*)

Peter Abelard (1079-1142) wrote two works in which he expounds the key elements of his doctrine concerning the morality of a human act. His *Dialogue between a Philosopher, a Jew, and a Christian*<sup>14</sup> was probably written sometime between 1122 and 1128.<sup>15</sup> His *Ethics*<sup>16</sup>

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<sup>13</sup> References to pertinent passages in Aquinas will be brief since they are only for comparison and will be more fully explained in the next chapter.

<sup>14</sup> Peter Abelard, *Dialogue between a Philosopher, a Jew, and a Christian*, in *Ethical Writings: His Ethics or "Know Yourself" and His Dialogue between a Philosopher, a Jew, and a Christian*, trans. Paul Vincent Spade (Indianapolis: Hackett, 1995) [hereinafter *Dialogue*].

<sup>15</sup> M.T. Clanchy, *Abelard: A Medieval Life* (Oxford: Blackwell, 1997), 242.

<sup>16</sup> Peter Abelard, *Ethics*, in *Ethical Writings: His Ethics or "Know Yourself" and His Dialogue of a Philosopher with a Jew and a Christian*, trans. by Paul Vincent Spade (Indianapolis: Hackett, 1995) [hereinafter *Ethics*].

followed shortly thereafter sometime between 1128 and 1138/9.<sup>17</sup> In these works he expounds a doctrine of the morality of a human act that focuses on the intention of the agent as the determinant of the moral nature of that act.

Abelard states that the same deed can be done as good or evil and that the only thing distinguishing the two acts is the intention.<sup>18</sup> So, for example, there is no merit in almsgiving except in the intention with which it is done.<sup>19</sup> Intention is the mind with which one does something.<sup>20</sup> If one gives alms out of charity the intention is good, but if out of greed the intention is bad.<sup>21</sup> Likewise, even though hanging a criminal is “what is good to be done,” it is the intention with which it is done that determines whether the act is good or bad.<sup>22</sup> The act is bad if one does it out of hatred, good if one does it out of a zeal for justice. The act itself, absent intention, is neither good nor bad.

Now intention, which determines what is good or evil for Abelard, is not the mere willing of something as wanting to do it. It is the consenting to do something as knowingly doing it even when that something may not be wanted.<sup>23</sup> For example, one who is a slave escaping from a master who wants to kill him may kill his master to avoid his own death. Abelard says that what the slave wants is not to kill the master but to escape.<sup>24</sup> Nevertheless, the slave consented to kill the master, and this makes the act a sin.<sup>25</sup> This example indicates that a person can have an intention concerning the act itself apart from the willing of the end. Abelard also states that the

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<sup>17</sup> David E. Luscombe, ed., *Peter Abelard's Ethics*, xxx and n3 (Oxford: Clarendon Press, 1971).

<sup>18</sup> *Ethics*, 12 (56).

<sup>19</sup> *Ethics*, 12 (56).

<sup>20</sup> *Ethics*, 12 (57).

<sup>21</sup> *Ethics*, 12 (55-56).

<sup>22</sup> *Ethics*, 12-13 (58).

<sup>23</sup> *Ethics*, 10 (48) & 12 (54).

<sup>24</sup> *Ethics*, 4 (16).

<sup>25</sup> *Ethics*, 4 (16). Abelard uses the term *consent*, which he defines later as choosing to do something knowingly. *Ethics*, 10-11 (49 & 51).

“willing [of the end] isn’t to be condemned as bad,”<sup>26</sup> which suggests that he sees an intention in the end as well. Therefore, it appears that if Abelard had discussed the act itself of killing the master as the genus of the act, he would have distinguished it from the intention of the end.

However, Abelard muddies the waters when he also condones an evil act because the intention of the end is good. Drawing on the Book of Kings, he mentions the time when the Lord sent a lying spirit to deceive Ahab.<sup>27</sup> Despite the evil of the deception, Abelard says that “sometimes there’s even a good will when someone wants evil to be done by someone else, because he wants it with a good intention.”<sup>28</sup> In this statement Abelard appears to locate the source of good or evil in the intention of the end without regard to the good or evil of the act itself. It is such statements as these that lead to Lombard’s rejection of Abelard when Lombard states that an act that is evil in its genus makes the act evil despite a good intention of the end.

In fact, Abelard does not locate the source of evil only in the intention of the end. In addition to his discussion of such cases as the killing of the master, Abelard also states that the agent must do more than believe that what he is doing achieves the intended good end. It must be something that actually achieves it.<sup>29</sup> For example, “if one believes that what he is aiming at is pleasing to God, he [must] in addition not [be] deceived in his evaluation.”<sup>30</sup> Abelard points out that this type of false belief exists in the infidels who believe that through their deeds they are saved.<sup>31</sup> Therefore, the infidels do not have a good intention because their deeds do not achieve their intended good end. This expanded notion of intention apparently does not cover the case of

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<sup>26</sup> Ethics, 4 (15).

<sup>27</sup> Dialogue, 144-45 (408).

<sup>28</sup> Dialogue, 144 (407).

<sup>29</sup> Ethics, 23-24 (107-09). See Tobias Hoffmann, “Moral Action as Human Action: End and Object in Aquinas in Comparison with Abelard, Lombard, Albert, and Duns Scotus,” *The Thomist* 67 (2003): 76, confirming that the Abelardian notion of intention is objective as well as subjective.

<sup>30</sup> Ethics, 24 (109).

<sup>31</sup> Ethics, 24 (109).



deception, but it does introduce some objectivity into the term *intention* by requiring that the act achieve the end.<sup>32</sup>

Aquinas does not accept Abelard's idea that some acts, such as the act of deception, can be good despite the evil of the act itself. He does accept the idea that there is only one will that wills both the end and the means,<sup>33</sup> but he distinguishes the end from the means so that human acts "have a measure of goodness from the end on which they depend, besides that goodness which is in them absolutely."<sup>34</sup> In the case of the lying spirit sent to deceive Ahab, Aquinas states that God determines what is right and therefore "whatever is commanded by God is right."<sup>35</sup> Examples are God's command to Abraham to kill his son, His order to the Jews to purloin the vessels of the Egyptians, and His command to Hosea to take to himself a wife of fornications.<sup>36</sup> Therefore, Abelard's example does not prove his point. The act itself is not evil because the act is done by God. Thus, Aquinas rejects that part of Abelard's work that refuses recognition to the good in the genus of the moral act, which in Aquinas's parlance is the moral object.

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<sup>32</sup> Tobias Hoffmann points out that there are problems with this expanded notion of intention because "first, Abelard says little about what actions are in fact to be done or to be avoided; second, he overcharges the notion of intention by demanding that it not only consist of a good motivation, but that it also contain the right assessment of what is to be done, in accord with God's will." Hoffmann, "Moral Action," 76.

<sup>33</sup> ST I-II.12.4.

<sup>34</sup> ST I-II.18.4.

<sup>35</sup> ST I-II.94.5.ad2. See also, where Aquinas states that "since the order of nature is given to things by God; if He does anything outside this order, it is not against nature." ST I.105.6.ad1.

<sup>36</sup> ST I-II.94.5.obj2 & ad2.

## 2. Peter Lombard (*Magister sententiarum*)

Peter Lombard (1100-1160) rejects Abelard's emphasis on intention of the end to determine the moral nature of a human act.<sup>37</sup> He paves the way for Aquinas by maintaining that a human act derives goodness from its essence and from its genus, as well as from its cause and end.<sup>38</sup> The *essence* of a human act pertains to the good in its being, which always exists even if there is an evil will or action.<sup>39</sup> This is not a moral good because it involves the goodness inherent in the act abstracted from the voluntary nature of the act.<sup>40</sup> It is a natural good. The moral good in a human act derives from its genus and from its cause and end. Lombard presents the genus of the act as a source of moral good or evil distinct from the moral good or evil of the end.

The *genus* refers to the act itself.<sup>41</sup> Lombard says that according to St. Augustine some kinds of acts, such as theft, rape, blasphemy and false witness, are evil regardless of the end for

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<sup>37</sup> In an apparent reference to Abelard, he states that some say that "all actions are indifferent, so that they are neither good nor evil in themselves, but that every action is good from a good intention and evil from an evil intention." Sentences II.40.1.5. Lombard rejects this position on the authority of St. Augustine. Sentences II.40.1.7 & 1.12.

<sup>38</sup> Sentences II.36.6.5. This is a famous passage often quoted by succeeding theologians:

They [teachings and authorities] also add that some actions are good not only by essence, but also generically, as to feed the hungry, which is an action of the genus [or category] of the works of mercy. Some actions, however, they call absolutely and perfectly good, which are commended not only by essence or genus, but also by cause and end, as are those actions which proceed from a good will and achieve a good end.

Silano translates genus as category, although a better term may be "type."

<sup>39</sup> Sentences II.35.2.6.

<sup>40</sup> Sentences II.34.3.1 & 34.3.

<sup>41</sup> Compare Sentences II.36.6.5 (referring to the act of feeding the hungry as in the genus of works of mercy) with Sentences II.40.1.4-6 (referring to actions evil in themselves as opposed to evil in their ends). Lombard uses two Latin expressions for the *act in itself*. He calls such actions *actus in se* when he refers to actions that others feel are evil in themselves despite having a good cause. Sentences II.40.1.6. He calls such actions *per se peccata* when he refers to actions that Augustine says are sins in themselves despite their cause and intention. Sentences II.40.7. For Lombard, both expressions mean the same thing. Accord, Lottin, "Le problème de la moralité intrinsèque," 423-24.

which they are done.<sup>42</sup> For example, to steal from the rich in order to give to the poor may have a good cause but it is still an evil act.<sup>43</sup> When such actions take place, “the will is made depraved as a result of the action,” and the action is judged evil from its genus.<sup>44</sup> Other actions do not have this quality of evil in themselves. Citing Augustine for support, Lombard says that these “actions are to be judged good or evil according to intention and cause.”<sup>45</sup> Lombard does not call these actions indifferent, but he seems to imply that they are indifferent, because they are neither good nor evil in themselves and he had just finished discussing others who had called such actions indifferent.<sup>46</sup> Lombard’s successors will take up the issue whether such actions are indifferent in their genus.

Intention and cause are concerned with the end that is intended and is the cause of the act.<sup>47</sup> This end also is a source of moral good or evil. Lombard says that “those actions are simply and truly good which have a good cause and intention, that is, which are accompanied by a good will and tend to a good end.”<sup>48</sup> When Lombard refers to the end in this context he is referring to a specific type of end. In general “the end of the will is either that which we will, through which the will itself is fulfilled, or rather something else for the sake of which we will what we will.”<sup>49</sup> In other words, the will has two ends, one of which is the means to the further end. (Lombard leaves a question whether there is only one will that considers both the means and the end, but he does recognize that both ends exist for the will.) However, in the matter of

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<sup>42</sup> Sentences II.40.1.7, citing Augustine, *Contra mendacium*, c7 n18.

<sup>43</sup> Sentences II.40.1.7-8, quoting Augustine, *Contra mendacium*, c7 n18.

<sup>44</sup> Sentences II.40.1.11.

<sup>45</sup> Sentences II.40.1.7, citing Augustine, *Contra mendacium*, c7 n18.

<sup>46</sup> See Sentences II.40.1.5, where Lombard says that some say that all actions are of this type and thus indifferent. Lombard refuses to accept that all actions are of this type. Sentences II.40.1.7.

<sup>47</sup> Sentences II.40.1.2.

<sup>48</sup> Sentences II.40.1.2.

<sup>49</sup> Sentences II.38.4.2 & 4.6. Both ends are different but “the latter is referred to the former,” so that some hold that there is one will. Sentences II.38.4.7.

intention and cause, Lombard refers only to the further end. That through which the will itself is fulfilled is the means and the act itself; it refers to the genus of the act. That for the sake of which we will what we will is the further end and cause of the act; it refers to the intention and cause.

Thus, if either the genus of the act or the further end of the act is evil, the will is evil.<sup>50</sup> Both must be good (or at least not evil) in order to have a good act. Lombard states that according to St. Augustine “all actions are to be judged good or evil according to intention and cause, except for some which are so evil that they can never be good, even if they seem to have a good cause.”<sup>51</sup> In this way Lombard legitimizes the genus of the act as a source of moral good or evil in addition to the intended end of the act and paves the way for his successors at the University of Paris to examine the nature of the genus of the act more closely.

Aquinas builds on Lombard’s concept of the genus of a human act in order to construct his own theory of the moral object. He states that “the primary goodness of a moral action is derived from its suitable object: hence some call such action *good in its genus*” and “the primary evil in moral actions is that which is from the object,” and “this action is said to be *evil in its genus*.”<sup>52</sup> Hence he identifies the moral object with what some of his predecessors call the genus of the act, although not in all its particulars. He agrees that the good of this object is distinguishable from the good of the being of the act (which Aquinas also calls a genus of the act) as well as from the good of the further end.<sup>53</sup> He also agrees there are some objects that are

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<sup>50</sup> Sentences II.40.1.11-12.

<sup>51</sup> Sentences II.40.1.7, citing Augustine, *Contra mendacium*, c7 n18.

<sup>52</sup> ST I-II.18.2.

<sup>53</sup> Aquinas states that there is a fourfold goodness in a human act: “First, that which, as an action, it derives from its genus; because as much as it has of action and being so much has it of goodness . . . . Secondly, it has goodness according to its species; which is derived from its suitable object. Thirdly, it has goodness from its

always evil<sup>54</sup> and states that some objects are indifferent.<sup>55</sup> With regard to intention of the end, he agrees that “[t]he end, considered as a thing, and the means to that end, are distinct objects of the will,”<sup>56</sup> and he resolves Lombard’s question concerning the unity of the will by affirming that there is only one will that wills both the end and the means.<sup>57</sup> Thus, Aquinas accepts Lombard’s work as a foundation for his own work in expounding the moral object.

### 3. William of Auxerre (*Doctor subtilissimus*)

After Lombard, theologians generally accepted the notion that the moral good or evil of an act depends not only on the intention of the agent but also on the genus of the act.<sup>58</sup> However, this is not the case for every act. Some acts can be indifferent in their genus, and, after Lombard, the question remained as to which acts are indifferent. One argument for indifference claimed that an act could be indifferent in its genus if it were an ordinarily good act, such as giving alms, which could be evil if done for vainglory, and, conversely, that an act could be indifferent in its genus if it were an ordinarily evil act, such as killing, which could be good if commanded by

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circumstances, in respect, as it were, of its accidents. Fourthly, it has goodness from its end, to which it is compared as to the cause of its goodness.” ST I-II.18.4.

<sup>54</sup> Aquinas states with apparent approval that Aristotle rejects the erroneous view that virtue can exist in every action. He explains Aristotle’s reasoning:

Certain actions and passions by their very name imply vice: passions such as ill will, shamelessness, envy and actions such as adultery, theft, murder. All of these and their like are evil in themselves and not only in their excess or defect. Hence in such things a person cannot be virtuous no matter how he acts, but he always sins in doing them. . . . Without qualification sin is present whenever any of these is present, for each of them implies an act opposed to what is right.

Thomas Aquinas, *Commentary on Aristotle’s Nicomachean Ethics*, trans. C.I. Litzinger, rev. ed. (Notre Dame: Dumb Ox books, 1993), Bk. 2, Lect. VII, 329. Aquinas describes these objects as evil simply: “adultery is evil simply, because that which makes it contrary to charity belongs to its very species.” ST II-II.19.4.

<sup>55</sup> ST I-II.18.8.

<sup>56</sup> ST I-II.12.4.ad2.

<sup>57</sup> ST I-II.12.4.

<sup>58</sup> Lottin, “Le problème de la moralité intrinsèque,” 424.

God.<sup>59</sup> William of Auxerre (c. 1150-1231) rejects this notion of indifference in his *Summa aurea*.<sup>60</sup>

William divides the genus of an act into two different types. One type describes good or evil in the genus according to itself (*secundum se*), which genus is always and necessarily good or evil.<sup>61</sup> This would be the case of an act of charity, which is always good, or an act of fornication, which is always evil. This type of genus cannot be indifferent in any way. The other type describes good or evil in the genus in itself (*in se*), which genus is good or evil unless some extrinsic circumstance changes it.<sup>62</sup> This would be the case of giving alms which is good unless it is done for something bad, or the case of killing a person unless it is done for something good.<sup>63</sup> The latter type of genus (*in se*) is not indifferent in its quality as good or evil, as the argument for indifference claimed,<sup>64</sup> but it is indifferent between good and evil by its transmutability. In other words, the genus is always either good or evil, albeit it may be changed by an extrinsic circumstance.

Aquinas, like William, rejects the argument that, since an ordinarily good act such as giving alms can also be evil if done for vainglory, the act of giving alms must be indifferent and cannot be good in its genus. However, Aquinas does not accept William's counterargument that the genus of this act is transmutable from good to evil. There is no transmutability. Rather

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<sup>59</sup> William of Auxerre, *Summa aurea*, ed. Jean Ribailier (Paris: Centre National de la Recherche Scientifique, 1986), III.X.IV.5.1.sc (p. 159) [hereinafter SA]. *Altissiodorensis* appears to be a corrupted form of the town of Auxerre, known as Autessiodorum or Altisiodorum in Gallia Lugdunensis, which is 105 miles SSE of Paris. *The New Schaff-Herzog Encyclopedia of Religious Knowledge* (New York: Funk and Wagnalls, 1908), s.v. "Auxerre, Synod of."

<sup>60</sup> SA III.X.IV.5.1.solutio (p. 159), discussed in Lottin, "Le problème de la moralité intrinsèque," 426.

<sup>61</sup> SA III.X.IV.5.1.solutio (p. 159), discussed in Lottin, "Le problème de la moralité intrinsèque," 426.

<sup>62</sup> SA III.X.IV.5.1.solutio (p. 159), discussed in Lottin, "Le problème de la moralité intrinsèque," 426.

<sup>63</sup> SA III.X.IV.5.1.solutio (p. 159), discussed in Lottin, "Le problème de la moralité intrinsèque," 426.

<sup>64</sup> SA III.X.IV.5.1.solutio (p. 159): "sed secundum modum dare elemosinam est bonum in genere et non indifferens. Per hoc patet solutio ad preobiecta."

Aquinas maintains that the act of giving alms for vainglory is good in its genus and evil in its end.<sup>65</sup> An extrinsic circumstance cannot make good in the genus evil nor can it make evil in the genus good, but the extrinsic circumstance of the end, if it is evil, does make the act evil even if the genus is good.<sup>66</sup> Thus, Aquinas does not depend significantly on William's work.

#### 4. Alexander of Hales (*Doctor irrefragabilis*)

Alexander of Hales (1170-1245), an Englishman by birth who eventually entered the Order of the Friars Minor, joined the teaching staff of the Faculty of Theology at the University of Paris in 1220.<sup>67</sup> Sometime in the years 1223-1227 he was the first to substitute Peter Lombard's *Book of the Sentences* for the texts on Sacred Scripture that were commonly used as a basis for lectures; he also appears to have been one of the first, if not the first, to divide the *Sentences* into distinctions for the purpose of his teaching.<sup>68</sup> His discussion of good in the genus appears in the *Glossa* under Distinction 36 of Book II of the *Sentences*.<sup>69</sup>

Alexander defines the genus of an act as the essential form of the act provided by the will. He first distinguishes the act as an act of nature from the act as an act of the will. The

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<sup>65</sup> Aquinas states: "External actions may be said to be good or bad in two ways. First, in regard to their genus, and the circumstances connected with them: thus the giving of alms, if the required conditions be observed, is said to be good. Secondly, a thing is said to be good or evil, from its relation to the end: thus the giving of alms for vainglory is said to be evil. ST I-II.20.1.

<sup>66</sup> Aquinas states: "Now, since the end is the will's proper object, it is evident that this aspect of good or evil, which the external action derives from its relation to the end, is to be found first of all in the act of the will, whence it passes to the external action." ST I-II.20.1. In other words, "when a man wills to give an alms for the sake of vainglory, he wills that which is good in itself, under a species of evil; and therefore, as willed by him, it is evil." ST I-II.19.7.ad2.

<sup>67</sup> Raphael M. Huber, "Alexander of Hales, O.F.M. (ca. 1170-1245): His Life and Influence on Medieval Scholasticism," *Franciscan Studies* 5 (1945): 354.

<sup>68</sup> Ignatius Brady, "The Distinctions of Lombard's Book of Sentences and Alexander of Hales," *Franciscan Studies* 25 (1965): 95-99.

<sup>69</sup> Alexandri de Hales, *Glossa in Quatuor Libros Sententiarum Petri Lombardi* (Quaracchi: Collegium S. Bonaventurae, 1952), bk. II, 357 (6) [hereinafter *Glossa*]. It appears specifically at the place where Lombard begins the third part of chapter 6 with the words "Illud diligenter est adnotandum."

moral genus of an act pertains only to the latter.<sup>70</sup> This genus is good if the act is due or fitting (*debita*) and it is evil if the act is not due or fitting (*indebita*), and only voluntary acts are one or the other.<sup>71</sup> This form provided by the will at the level of its genus does not include the circumstances of the act.<sup>72</sup> Alexander states that “[t]he good in the genus is the good in actions considering themselves indifferently.”<sup>73</sup> This good is derived from the essence of an act as its formal cause.<sup>74</sup> Alexander distinguishes the good in the genus from the good derived from the circumstances by calling it a capacity (*potentia*) for meritorious good (*ad bonum meritorium*), as opposed to a capacity (*potentia*) that is properly ordered (*disposita*), which pertains to the good derived from the circumstances.<sup>75</sup>

Alexander uses this notion of capacity to solve the question concerning the genus of the act of giving alms, which can be either good or bad, depending on the circumstances.<sup>76</sup> He recognizes that some say that the good in the genus is twofold.<sup>77</sup> They say that if the act is universally good, such as an act of charity, it is good in the genus according to itself (*secundum se*),<sup>78</sup> and if the act is generally good unless deforming circumstances supervene, such as in the act of giving alms, it is good in the genus in itself (*in se*).<sup>79</sup> Alexander rejects this twofold split

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<sup>70</sup> Glossa II, 357 (13-18).

<sup>71</sup> Glossa II, 357 (13-18).

<sup>72</sup> Glossa II, 386 (2-3).

<sup>73</sup> Glossa II, 357 (10-11): “Bonum autem in genere est bonum in actionibus indifferenter se habentibus.”

<sup>74</sup> Glossa II, 357 (25-26).

<sup>75</sup> Glossa II, 358 (6-9). Alexander also mentions other aspects of good in the act. When the capacity is completed (*completam*), it becomes the good of grace. Glossa II, 358 (9-10). When the capacity is most completed (*completissime*), it becomes the good of glory. Glossa II, 358 (10-11).

<sup>76</sup> Alexander first considers this question in a gloss on his own text placed at the end of his discussion of Distinction 36. Glossa II, 359 (4-18). Since the *Glossa* is a composition of reportations of Alexander’s students, it is uncertain how much of the discussion of this question is truly Alexander’s. However, the solution to the issue provided in this gloss is later confirmed in the text itself at Glossa II, 385 (27) - 386 (3).

<sup>77</sup> Glossa II, 359 (6).

<sup>78</sup> Glossa II, 359 (6-7).

<sup>79</sup> Glossa II, 359 (7-10).



of the genus of the act.<sup>80</sup> The act of charity is good in the genus, but the good in itself (*in se*) depends on circumstances and is not the good in the genus.<sup>81</sup> The act of giving alms is the capacity for good or evil on the level of genus, and it becomes a capacity that is properly ordered or not (i.e., good or evil) when the circumstances are considered, but this latter capacity is not the capacity of genus.

From another perspective, Alexander does accept a twofold notion of genus. He cites Aristotle to justify the consideration of the natural genus of an act in addition to its moral genus.<sup>82</sup> Neither genus fully describes the genus of an act as a whole. Alexander combines the two and states that “the good in the genus is when the act is united with its fitting matter.”<sup>83</sup> In other words, the capacity for meritorious good is “the act existing in fitting matter, not clothed with circumstances.”<sup>84</sup> By combining form and matter in the definition of the good in the genus of an act, Alexander further refines the definition of genus and moves it significantly towards Aquinas’s later definition of the moral object as “the matter *about which* (something is done).”<sup>85</sup>

Alexander’s *Summa Theologica*,<sup>86</sup> called the *Summa Halensis* or *Halesiana*, supports what he says in the *Glossa* and adds further insight into his concept of the genus of the act. The work has an interesting history. Alexander started writing it in 1231 at the request of Pope

<sup>80</sup> Glossa II, 359 (10): “non valet argumentio.”

<sup>81</sup> Glossa II, 359 (16-17) & 385 (27) – 386 (3). The good *in se* is “when [the act] is clothed in all circumstances except the end.” Glossa II, 385 (27-28). The good *per se* is “when it is related to a good end.” Glossa II, 385 (28-29).

<sup>82</sup> Glossa II, 359 (11), citing to the following passage from Aristotle, *Metaphysics*, bk. 5, c. 28, 1024b(6-9): “The term genus, then, is used in all these senses: in one as the continuous generation of a species; in another as the primary mover of the same species; and in another as matter. For that to which the difference or quality belongs is the subject which we call matter.” Translation from Thomas Aquinas, *Commentary on Aristotle’s Metaphysics*, trans. John P. Rowan, rev. ed. (Notre Dame: Dumb Ox Books, 1995), 388.

<sup>83</sup> Glossa II, 359 (17-18): “bonum in genere quando actio coniungitur cum sua materia debita.”

<sup>84</sup> Glossa II, 386 (2-3).

<sup>85</sup> ST I-II.18.2.ad2.

<sup>86</sup> Alexandri de Hales, *Summa Theologica* (Quaracchi: Collegium S. Bonaventurae, 1930), t. 3, lib. 2, pars 2, inq. 1, tract. 3, q. 1.

Innocent IV,<sup>87</sup> and it was completed after his death primarily by his students, John of La Rochelle and William of Meliton.<sup>88</sup> It appears that Alexander received his title *Doctor irrefragabilis* from the praise of Pope Alexander IV in 1256 when he described the work as that in which “ranks of irrefragable sentences are arranged to crush the obstinacy of contentious falsehood with the weight of truth.”<sup>89</sup>

The *Summa* identifies genus as one of the three aspects of an act that can make it good or evil, the other two being circumstances and intention.<sup>90</sup> It affirms that evil in the genus occurs when the act has undue matter and no circumstance can make the act good (such as to commit adultery), just as good in the genus occurs when the act has due matter and no circumstance can make the act evil (such as to give alms out of charity).<sup>91</sup> Also, the good or evil that occurs from a circumstance or intention is not a good or evil in the genus.<sup>92</sup> This definition of genus is no different than the one in the *Glossa*.

However, the *Glossa* does not discuss the nature of the genus of an act when the act can or does become good or evil from a circumstance. The *Summa* states that such an act can still be good or evil in the genus as long as the circumstance that can change the act to good or evil does not exist.<sup>93</sup> For example, the Decalogue states that one should not kill, but it is licit for a soldier to kill an enemy soldier in war or for a judge or his minister to kill a guilty person in

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<sup>87</sup> Huber, “Alexander of Hales,” 361.

<sup>88</sup> Spencer E. Young, *Scholarly Community at the Early University of Paris: Theologians, Education and Society, 1215-1248* (Cambridge: Cambridge University Press, 2014), 78, 218, 227, 231. See the detailed discussion of the authorship of the *Summa* in P. Victorinus Doucet, “De ‘Summa Fratris Alexandri Halensis’ Historice Considerata,” *Rivista di Filosofia Neo-Scholastica* 40 (1948): 1-44.

<sup>89</sup> Huber, “Alexander of Hales,” 357-58 (with Latin text). The translation appears in Robert Prentice, “The ‘De fontibus paradisi’ of Alexander IV on the ‘Summa theologica’ of Alexander of Hales,” *Franciscan Studies* 5 (1945): 349.

<sup>90</sup> Hales, *Summa*, 36.

<sup>91</sup> *Ibid.*, 37 (solutio 1).

<sup>92</sup> Hales, *Summa*, 37 (solutio 2).

<sup>93</sup> *Ibid.*

punishment.<sup>94</sup> When such a circumstance does not occur, the act is evil in its genus. If such a circumstance does exist, the *Summa* states that “the evil is removed from its principle.”<sup>95</sup>

The *Summa* is not clear on what it means to remove the evil from its principle. What it appears to be saying is not that the killing is changed in its genus to good, a position that Alexander has already rejected, but rather that the killing is no longer a killing in its genus.<sup>96</sup> In other words, it is the matter of the act that has changed and not its form. Since Alexander has championed the understanding of genus as the union of form and matter, it is now possible to reinterpret what circumstances do to the genus of the act. They appear to affect the matter but not the form. However, the *Summa* does not state any of this. Furthermore, the *Summa* does not state whether an act of killing with a circumstance that makes the act licit has a genus that is good, evil or indifferent, although it appears to remain a capacity for an evil that was never realized.

Alexander paves the way for Aquinas by defining the good of the genus of an act as the union of form with matter, with the form deriving its goodness from the will. Aquinas similarly describes the moral object as an act deriving its measure of goodness from the will, although he stresses that this goodness depends on reason.<sup>97</sup> In a possible reference to Alexander, Aquinas remarks that “some call such an action *good in its genus*.”<sup>98</sup> Alexander rejects the transmutability of the genus of the act as does Aquinas. He also anticipates Aquinas when he distinguishes the good in the genus from the good derived from the circumstances and the

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<sup>94</sup> Ibid.

<sup>95</sup> Ibid.: “cum autem circumstantia additur quae bona est, trahitur malum extra rationem suam.”

<sup>96</sup> See *ibid.*, where Alexander states that in such a case one does not properly speak of a homicide: “Tamen non dicitur recte homicidium nisi extenso vocabulo; unde sequitur ibi: ‘Non mihi videntur ii homicidae dici.’”

<sup>97</sup> ST I-II.18.6 & 19.3.

<sup>98</sup> ST I-II.18.2.

intention,<sup>99</sup> although Aquinas defines the genus as the moral object and, contrary to Alexander, is clear that one of these can be evil at the same time that the other is good.<sup>100</sup> When discussing the act of killing, Alexander uses the same circumstances that Aquinas uses to show acts that are considered good in their circumstances.<sup>101</sup> Thus Alexander's work provides a significant advance in understanding the genus of an act as a precursor to the moral object expounded by Aquinas.

### 5. Philip (*Cancellarius Parisiensis*)

Philip the Chancellor (1160-1236) was most likely both a student and a teacher at the University of Paris.<sup>102</sup> He became chancellor of the Cathedral of Notre Dame in Paris in 1217 and granted teaching licenses to masters who taught in Paris, although the supervisory power of the office was greatly reduced by that time.<sup>103</sup> When the masters went on strike and left Paris with many of their students, he was successful in convincing them to return in 1231 and to reconvene their classes.<sup>104</sup> His *Summa de Bono* was composed during the last few years of his life, sometime between 1228 and 1236.<sup>105</sup> The work is contemporaneous with that of Alexander of Hales and offers a similar understanding of the genus of the act.

Philip distinguishes the genus of an act from its circumstances. Using almsgiving as an example, he defines good in the genus of an act (*bonum in genere*) as feeding the poor and good

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<sup>99</sup> ST I-II.18.4.

<sup>100</sup> ST I-II.18.4.ad3. Aquinas also states that an act must be good in all respects for the act to be good.

<sup>101</sup> ST II-II.64.7. Aquinas mentions "the case of the soldier fighting against the foe" and the case of "the minister of the judge struggling with robbers."

<sup>102</sup> Colleen McCluskey, "Philip the Chancellor," *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta (Stanford: Stanford University, Winter 2014), accessed January 7, 2016, <http://plato.stanford.edu/archives/win2014/entries/philip-chancellor/>.

<sup>103</sup> McCluskey, "Philip the Chancellor."

<sup>104</sup> Ibid.

<sup>105</sup> Nikolaus Wicki, introduction to *Summa de bono*, pars prior, by Philippi Cancellarii Parisiensis, ed. Nikolaus Wicki 52\* (Bern: Francke, 1985).

from the circumstances (*bonum ex circumstantia*) as giving to these poor what suffices for their need.<sup>106</sup> Good in the genus is good according to a material capacity (*potentia materialis*), and good from the circumstances is good according to an ordered capacity (*potentia disposita*).<sup>107</sup> Philip rejects the definition held by others that the good in the genus is “what in itself generally is good, unless some circumstance deform it.”<sup>108</sup> If this were true, the good in the genus would be transmutable by an added circumstance that opposes it, but circumstances do not affect the good of the genus.<sup>109</sup>

Philip also emphasizes the union of form and matter in the genus of the act. The good in the genus is not merely a form of the act, such as to have carnal knowledge, because one can have carnal knowledge of one’s own spouse and have carnal knowledge of one who is not one’s own spouse, one of which is good and the other evil.<sup>110</sup> Nor is it merely the matter about which (*materia circa quam*), such as a man, because one can save a man, which is good, or kill a man, which is evil.<sup>111</sup> Nor is it the matter from which (*materia ex qua*),<sup>112</sup> by which Philip appears to mean the one fed. Rather, Philip defines the good in the genus as that which comes “from the union of the form of the act with the matter of the act,”<sup>113</sup> which he calls the due matter of the act (*materia debita actui*).<sup>114</sup> The form is “to feed,” and the matter is “the hungry.”<sup>115</sup>

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<sup>106</sup> Philippi Cancellarii Parisiensis, *Summa de bono*, pars prior, ed. Nikolaus Wicki (Bern: Francke, 1985), 327 (5-6) [hereinafter SDB]: “Dicitur enim quedam actio bona in genere, ut reficere esurientem; dicitur etiam bona ex circumstantia, ut dare isti indigent quantum ei sufficit vel quanto indigent.”

<sup>107</sup> SDB 327 (10-15).

<sup>108</sup> SDB 328 (48-49): “quod in se generaliter est bonum, nisi aliqua circumstantia deformet ipsum.”

<sup>109</sup> SDB 329 (53-55): “bonum aliud est transmutabile per circumstantiam additam in oppositum, sicut pascere esurientem causa inanis gloriae.”

<sup>110</sup> SDB 329-30 (78-82).

<sup>111</sup> SDB 330 (83-85).

<sup>112</sup> SDB 330 (86).

<sup>113</sup> SDB 330 (97-98): “ex coniunctione forme actus cum materia actus.”

<sup>114</sup> SDB 330 (104-05):

<sup>115</sup> SDB 330 (98).

In his discussion of form, Philip again distinguishes genus from circumstances. To have carnal knowledge of someone not one's own pertains to the form of evil in the genus, whereas to have carnal knowledge of an unmarried person or of a married person pertains to the form of evil from the circumstances.<sup>116</sup> Carnal knowledge of an unmarried person and of a married person are both included within the carnal knowledge of someone who is not one's own.<sup>117</sup> Philip states that sometimes it is difficult to distinguish between genus and circumstances, such as in the case of fasting. Does fasting belong to the genus of the act or to its circumstances? However, even in this case Philip points out that one can see that fasting pertains to circumstances because it is the abstaining from food and falls within the genus of abstaining generally from food and other things.<sup>118</sup>

Philip's concept of the good in the genus agrees with that of Alexander of Hales, and in this respect he too provides a significant advance in understanding the genus of an act as a precursor to the moral object expounded by Aquinas. He elaborates further on the idea of form in the genus of the act but does not really add a deeper insight beyond that of Alexander. On the use of the term *materia circa quam* Philip does differ from Aquinas. Philip defines this term to mean matter without its moral form, whereas Aquinas uses it to refer to morally informed matter.<sup>119</sup> On the whole, however, Alexander and Philip provide a solid corpus of work from which Aquinas appears to have benefitted.

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<sup>116</sup> SDB 331 (134-37).

<sup>117</sup> SDB 331 (135-36).

<sup>118</sup> SDB 332 (149-52).

<sup>119</sup> This point is elaborated in the next chapter.

## 6. Albert the Great (*Doctor universalis*)

Albert the Great (c. 1200-1280) became the first Dominican master in theology of German origin at the University of Paris in 1245 when Aquinas arrived in Paris.<sup>120</sup> In the preceding two to four years he had lectured on the *Sentences* of Peter Lombard as *baccalaureus Sententiarum*,<sup>121</sup> and during the 1240s he composed his *Summa de bono*.<sup>122</sup> In 1248 when he went to Cologne to create the first *studium generale* in Germany, Aquinas joined him there to continue his studies under him for the next four years.<sup>123</sup> During this time, Albert lectured on the *Ethics* of Aristotle, which had been translated by Robert Grosseteste in 1246-1247, and he completed his commentary on the *Sentences* of Peter Lombard.<sup>124</sup> It was Albert who recommended Aquinas to become a *baccalaureus Sententiarum* in Paris in 1252 even though Aquinas was two years under the statutory age.<sup>125</sup>

Albert defines good in the genus in accord with Lombard as “what can become evil and good”<sup>126</sup> but rejects the suggestion that genus is merely the matter of an act which is transmutable into good or evil.<sup>127</sup> The genus is something already ordered to good or evil.<sup>128</sup> He calls it the matter about which (*materia circa quam*) the act exists.<sup>129</sup> Contrary to Philip who

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<sup>120</sup> Weisheipl, *Friar Thomas*, 40.

<sup>121</sup> Ibid.

<sup>122</sup> Cunningham, *Reclaiming Moral Agency*, 36, gives the dates as 1240-44; R.E. Houser, introduction to *The Cardinal Virtues: Aquinas, Albert, and Philip the Chancellor*, trans. R.E. Houser (Toronto: Pontifical Institute of Mediaeval Studies, 2004), 5, gives the dates as 1246-49.

<sup>123</sup> Weisheipl, *Friar Thomas*, 41, 47.

<sup>124</sup> Ibid., 46-47.

<sup>125</sup> Ibid., 49-50.

<sup>126</sup> Albert the Great, *Opera Magni*, v. 28: *De bono*, tr. 1: *De bono in genere* (Münster: Aschendorff, 1951), q. II, a. 4, p. 28 (lines 31-32) [hereinafter DB]: “quod male et bene potest fieri.”

<sup>127</sup> DB, 1.2.4, 28, lns. 32-46.

<sup>128</sup> DB, 1.2.4, 28, lns. 49-53: “Bonum autem in genere non dicit simpliciter primum in moribus, sed ordinatum magis ad unum contrariorum, scilicet ad bonum virtutis, sicut nec malum in genere simpliciter dicit primum in moribus, sed inclinatum magis ad vitium.”

<sup>129</sup> DB, 1.2.4, 29, lns. 53-61.

defines the *materia circa quam* merely as matter, Alfred defines it as something more. The matter about which is “the principle for knowing a thing, especially in acts of the soul, in which the matter is not only matter but also end.”<sup>130</sup> If the act is properly ordered to its matter as end, then it is considered good in the genus. In other words, the good in the genus refers to the act’s due proportion (*debitum proportionis*), which, if it is good, means “nothing more than the right proportion of the act to the matter in accordance with its nature.”<sup>131</sup> Feeding is in proportion to its matter if the one fed is hungry, as is teaching if the one taught is ignorant, and consoling if the one consoled is sorrowful.<sup>132</sup> If the genus is evil, the matter is not fitting because there is “a privation of this proportion.”<sup>133</sup>

The examples of feeding the hungry, teaching the ignorant and consoling the sorrowful suggest that Albert’s notion of genus refers only to a natural fittingness, that is, one that does not take the will or moral good into account.<sup>134</sup> However, this suggestion is controverted by Albert’s direct inclusion of moral good and evil in at least one type of genus. Albert distinguishes an act that keeps the form of the good (or evil) in its genus from an act that can take a different form from the good (or evil) in its genus.<sup>135</sup> Examples of the first type directly include moral good or evil. They are an act of charity, which is always good, and an act of adultery, which is always evil.<sup>136</sup> An act of this type is determined by its own end (*finis operis*) and not by the end of the

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<sup>130</sup> DB, 1.2.4, 29, lns. 58-61: “Sed materia circa quam frequenter est principium cognoscendi rem, praecipue in actibus animae, in quibus materia non tantum est materia, sed etiam finis.”

<sup>131</sup> DB, 1.2.4, 29, lns. 81-82 & 30, lns. 1-3: “nihil amplius importat quam rectam proportionem actus ad materiam secundum sui naturam.”

<sup>132</sup> DB, 1.2.4, 30, lns. 3-5: “. . . sicut reficere proportionatur esurienti et docere ignoranti et consolari tristanti et sic de aliis.”

<sup>133</sup> DB, 1.2.4, 30, lns. 5-6: “In malo autem in genere indebitum importat privationem huius proportionis.”

<sup>134</sup> See Cunningham, *Reclaiming Moral Agency*, 126, where he says that “the concept of *debitum* invoked here connotes a natural fittingness, a *proportion* between the act and its corresponding material target.”

<sup>135</sup> DB, 1.2.6, 32, lns. 39-51.

<sup>136</sup> DB, 1.2.6, 32, lns. 44-45.



agent (*finis operantis*).<sup>137</sup> Thus, when one commits adultery, it is a bad act from its own end and cannot become good even if the agent intends a good end.<sup>138</sup> Examples of the second type are an act of pity, which is good in its genus but can become evil when it affects the proper judgment of a person, and an act of sorrow from the prosperity of others, which is evil in its genus but can become good when it is directed towards the sins that the prosperity occasions.<sup>139</sup>

Albert considers an objection to the idea that genus has its own form by those who say that “circumstance is the form of the voluntary act; but good in the genus is removed from circumstances; therefore, it is removed from the form of the voluntary act.”<sup>140</sup> Albert, like his predecessors, does distinguish good in the genus from good from the circumstances,<sup>141</sup> but he states that “the good in the genus is not removed from every circumstance whatever, but only from those that determine the species of goodness.”<sup>142</sup> Therefore, the genus has its own form, and the circumstances that determine species have their own form.<sup>143</sup> Both give a measure of moral good to the act because they constitute the form of the voluntary act. The good in the genus is in capacity to the good from the circumstances that give species, which is why it is

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<sup>137</sup> DB, 1.2.6, 33, lns. 45-49. Albert uses *finis operis* to mean the end of the act rather than the act itself as an end. Cunningham, *Reclaiming Moral Agency*, 155.

<sup>138</sup> DB, 1.2.6, 33, lns. 49-51.

<sup>139</sup> DB, 1.2.6, 32, lns. 48-54.

<sup>140</sup> DB, 1.2.4, 28, lns. 38-40: “circumstantia forma est actus voluntarii; sed bonum in genere abstrahit a circumstantiis; ergo abstrahit a forma actus voluntarii.”

<sup>141</sup> DB, 1.2.3, 28, lns. 14-16.

<sup>142</sup> DB, 1.2.4, 29, lns. 67-69: “quod bonum in genere non abstrahit a quacumque circumstantia, sed tantum ab illa quae determinat speciem virtutis.” As for genus, see Cunningham, *Reclaiming Moral Agency*, 134-35, citing DB, 1.3.1.ad1, 38, lns. 24-32, where he states that, according to Albert, the what (*quid*) of the act appears to identify both the substance of the act, such as adultery, and the moral species to the extent that the what includes certain circumstances. As for species, see Cunningham, *Reclaiming Moral Agency*, 133, where he states that, according to Albert, the circumstances of the act “do not constitute the underlying physical substratum of the human act as such, but they do confer upon it a moral determination, its very moral being and specificity.”

<sup>143</sup> DB, 1.2.4, 29, lns. 72-74: “Et materia disposita in naturis non abstrahit a quacumque forma, sed ab illa quae specificat eam post dispositiones.”

defined as “what can become good or bad.”<sup>144</sup> However, the good in the genus still has its own form.

In his commentary on the second book of the *Sentences* discussing the last section of distinction 36, Albert affirms what he says in the *Summa de bono*. The good in the genus “is an act of the will compared to the matter about which it ought to be according to its nature, such as to feed the hungry.”<sup>145</sup> It is a first capacity in the sense that “it is what can become good and bad: because the first capacity in some genus is determinable to both contraries which will happen through the differences ordered to the capacity of the subject.”<sup>146</sup> When Lombard classifies the act of feeding the hungry under the works of mercy, he means the works of mercy in themselves and without considering their circumstances.<sup>147</sup> The reason that the genus is said to be good when it is a capacity to both good and evil is because “the good is considered as a proportional goodness, which is an ulterior capacity to the good of the circumstances.”<sup>148</sup> Albert explains that in this regard “it is as matter inclined to form, not having it [but] said to be good by analogy to the form to which it is proportioned: and this is an incomplete goodness, which is grounded in privation, yet with an order to the good.”<sup>149</sup>

Albert espouses the same idea as Alexander and Philip concerning the union of form and matter in the genus of the act. He takes it one step closer to Aquinas by defining this genus as

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<sup>144</sup> DB, 1.2.4, 30, lns. 22-25: “Ad id quod quaeritur de diffinitione illa, quod bonum in genere est, quod potest bene et male fieri, dicendum, quod si li ‘potest’ dicat potentiam ad speciem, tunc bona est diffinitio.”

<sup>145</sup> Albert the Great, *Opera Omnia*, vol. 27: *Commentarii in Secundum Librum Sententiarum*, ed. Émile Borgnet (Paris: Ludovicum Vivès, 1894), 592, 2.36.6 (*solutio*) [hereinafter CS]: “hoc autem in moribus est actus voluntatis comparatus ad materiam circa quam debet esse secundum suam naturam, ut reficere circa esurientem.”

<sup>146</sup> CS 592, 2.36.6 (*solutio*): “hoc idem intendunt dicere antiqui, quando diffiniunt bonum in genere, dicentes quod potest bene et male fieri: quia prima potentia in genere aliquo determinabilis est ad utrumque contrariorum confuturorum per differentias ordinatus ad potentiam subjecti.”

<sup>147</sup> CS 592, 2.36.6.ad1.

<sup>148</sup> CS 592, 2.36.6.ad6.

<sup>149</sup> CS 592, 2.36.6.ad6.

the matter about which (*materia circa quam*) an act is done, a move that Aquinas adopts when he calls the moral object by the same term.<sup>150</sup> Albert further defines the form of the genus as the act's fittingness of proportion (*debitum proportionis*), which, if it is good, is "the right proportion of the act to the matter in accordance with its nature."<sup>151</sup> Aquinas likewise defines the form of the moral object, when it is good, as "the due proportion" of the matter to the act.<sup>152</sup> Albert, like his two immediate predecessors and Aquinas, also rejects the transmutability of the genus. The genus has its own form apart from the form of the circumstances. However, Albert maintains that the species of an act derives from the circumstances of the act giving added form to the capacity of good in the genus. Aquinas disagrees with Albert on this point and maintains that the species of an act derives from the genus, which he calls the moral object.<sup>153</sup> According to Aquinas, circumstances are accidents from which a moral act can derive goodness, but they do not belong to the act's substantial form, the moral object, which gives it its species.<sup>154</sup>

Looking back at what each of Aquinas's predecessors had to say about the genus of the act, which becomes the moral object for Aquinas, one can see that a strong foundation was built for Aquinas's work. No doubt this was due to the system of teaching at the University of Paris, which encouraged its teachers of theology to ponder the issues raised in the *Sentences* of Peter Lombard as they used this work or taught it to their students. Aquinas himself was one of those bachelors and received his training from Albert who also lectured on the *Sentences*. The impetus

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<sup>150</sup> See ST I-II.18.2.ad2, where Aquinas states that "[t]he object is not the matter *of which* (a thing is made), but the matter *about which* (something is done)."

<sup>151</sup> DB, 1.2.4, 29, lns. 81-82 & 30, lns. 1-3: "nihil amplius importat quam rectam proportionem actus ad materiam secundum sui naturam."

<sup>152</sup> ST I-II.18.2.ad1.

<sup>153</sup> ST I-II.18.2. See Cunningham, *Reclaiming Moral Agency*, 135, where, speaking of Albert, he states that "[m]orality is something that accrues to an act, a supervenient quality added on to the nature of an external act [which] does not permeate and define the whole act as it does for Thomas Aquinas, for whom the 'human act' is through and through 'a moral act.'"

<sup>154</sup> ST I-II.18.3.

for discussion and debate over the genus of the act arose because Lombard believed that Abelard denied that the human act has an intrinsic moral nature. Lombard and his successors insisted that an act can be good or evil in its very genus. What remained to be done was to define the nature of this genus and to resolve such issues as whether this genus was transmutable between good and evil. Lombard and his successors worked through a number of these issues, but it was not until Aquinas that this analysis reached its perfected form and was presented as the moral object. The next chapter explores what Aquinas has to say on the subject.

## Chapter 4

### The Texts of Aquinas

This chapter turns to Aquinas in order to let his texts speak to the nature of the moral object in its material and formal aspects and to the way in which the intellect and the will work together in the constitution of the moral object which gives species to the moral act. In these two areas Long and Rhonheimer differ in their interpretations of Aquinas. The first section of the chapter examines the material and formal aspects of the moral object. The difference between Long and Rhonheimer in this regard is one of inclusiveness. Long believes that the material aspect of the moral object is the act itself and its integral nature, which nature is formed by the good of the *per se* end of the act itself.<sup>1</sup> He believes that the formal aspect of the moral object exists in the form of the good of the object of the will which relates to reason by being an appetible end.<sup>2</sup> Rhonheimer believes that the material aspect of the moral object is the act of will, abstracted from reason and therefore from form, using the powers of the body and soul to do the act itself. He believes that the formal aspect of the moral object exists in the form of the good of the object of the choosing will, to which good the reason directs the will. Rhonheimer does not include the appetible further end within the concept of the moral object as Long does. Therefore, this section examines what Aquinas has to say on the material and formal aspects of the moral object in order to lay a foundation for a later comparative analysis of Long and Rhonheimer.

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<sup>1</sup> Since the material aspect of the moral object thus contains a formal part, Long refers to this aspect as “relatively material.” TG 13.

<sup>2</sup> In a simple act, the form of the good of the object of the will is the appetible *per se* end of the act itself. In a complex act, the form of the good of the object of the will is the appetible further end of the moral act.

The second section of the chapter examines the way in which the intellect and the will work together in the constitution of the moral object which gives species to the moral act. The difference between Long and Rhonheimer in this regard relates to their understanding of Aquinas's concept of natural law. Long believes that the speculative intellect cognizes the good by finding it in the hierarchical nature of an act. Rhonheimer believes that the practical intellect cognizes the good by constituting it through its own operation. Therefore, this section examines what Aquinas has to say about the operation of the intellect and will in the constitution of the moral object and how this operation impacts the determination of the moral species of the act in order to lay a foundation for a later comparative analysis.

### **1. The Substance of the Moral Object**

Long designates the good of the *per se* end of the act itself as part of the material aspect of the moral object, and he designates the good of either the proximate end or the further end of the will as the formal aspect of the moral object. Rhonheimer designates only the good of the proximate end of the will as the formal aspect of the moral object. This difference raises the question whether Aquinas includes the notion of good in the material aspect of the moral object as Long suggests or includes it only in the formal aspect as Rhonheimer suggests. It also raises the question whether Aquinas includes the good of the further end of the will in the concept of the moral object as Long suggests or excludes it as Rhonheimer suggests. The following two subsections investigate each of these questions.

### 1.1. The Material Aspect of the Moral Object

Long and Rhonheimer, in accord with Aquinas, both affirm that an act with a natural end or object constitutes part of a moral act. There is no controversy on this point. Rhonheimer calls it the external act. Long calls it the act itself. Aquinas calls it the exterior act.<sup>3</sup> The terms are much the same. Long and Rhonheimer both identify this act with a natural end as part of the material aspect of the moral object. The difference between them is that Long defines the other part of the material aspect as the good of the act itself, whereas Rhonheimer defines the other part of the material aspect as the will that executes reason's command to move the powers of the soul and body to do the act. In other words, Long believes that the natural act (the act itself) and its natural end including a form of the good (what he calls the integral nature of the act) together constitute the material aspect of the moral object. Rhonheimer believes that the material aspect of the moral object is the act of the will using the soul or members of the body (*usus*) to do the natural act (the external act). This section uses the texts of Aquinas to show that the material aspect of the moral object is really only the exterior act—what Long calls the act itself and what Rhonheimer calls the external act. The section shows what it is, why it is important, and what it includes.

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<sup>3</sup> The translation of the *Summa Theologiae* by the Fathers of the English Dominican Province is “external act” but the Latin reads “actus exterior.” The translation shifts haphazardly back and forth between the English terms “exterior” and “external” when translating the Latin term “exterior,” (compare ST I-II.20.1.ad3 with ST I-II.20.1; also see the different translations within the text of ST I-II.19.8) and between “interior” and “internal” when translating the Latin term “interior” (compare ST I-II.18.6 with ST I-II.18.6.ad3; also see the different translations within the text of ST I-II.20.3). Since Latin has a word for external (*externus*) and since “exterior” is the opposite of “interior,” which Aquinas uses to describe the act of the will, we will use the term “exterior act” for “actus exterior” and adjust all the translations of this term accordingly.

Aquinas divides human acts that are voluntary into two types—the interior act of the will and the exterior act.<sup>4</sup> The interior act of the will is the very act of willing, which is an elicited act of the will.<sup>5</sup> Such acts of the will include intending with regard to the end, and consenting, choosing and using with regard to the means.<sup>6</sup> The exterior act is a voluntary act that the will commands, such as to walk or to speak.<sup>7</sup> It is “an effect of the will, and is subsequent to the will.”<sup>8</sup> Since the will commands the reason, such as in the act of prayer, the act of reason is also an exterior act in the sense of being exterior to the act of willing itself, even though it is an interior act (not of the will) in the sense of being interior to the mind.<sup>9</sup> Thus, the term exterior act refers to the type of voluntary act that concerns the operation on things by the powers of the soul or members of the body and is the result of an elicited act of the will rather than the elicited act of the will itself.

The object of the exterior act is “that on which the exterior action is brought to bear.”<sup>10</sup> It is the term or object of the exterior act, and “an action has its species from its object, as movement from its term.”<sup>11</sup> Therefore, one can identify the exterior act by its object. The question is what is this object of the exterior act. Aquinas maintains that the exterior act is

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<sup>4</sup> ST I-II. 1.1.ad2 & 18.6.

<sup>5</sup> ST I-II.1.1.ad2.

<sup>6</sup> ST I-II.8.pr. & 13.pr.

<sup>7</sup> ST I-II.1.1.ad2. Aquinas states that “[v]oluntariness applies not only to the interior act of the will, but also to [exterior] actions, inasmuch as they proceed from the will and the reason.” ST I-II.20.2.ad3.

<sup>8</sup> ST I-II.20.1.ad1.

<sup>9</sup> Aquinas distinguishes between interior and exterior acts of religion in the sense that the latter makes use of corporeal things. ST II-II.81.7. For example, he contrasts prayer as an interior act of the mind with those acts of religion that are exterior to the mind. ST II-II.83.3.ad3. This is not the sense of exterior act that is used here in contrast to the interior act of the will. Note that if exterior act were to be confined to acts that are external to the mind, then Aquinas would have distinguished three types of voluntary acts in ST I-II.18.6: the interior action of the will, the interior action of the soul’s powers other than the will, and the exterior act. However, Aquinas only distinguished human acts as two types of voluntary act.

<sup>10</sup> ST I-II.18.6: *id autem circa quod est actio exterior*.

<sup>11</sup> ST I-II.18.2.



voluntary inasmuch as it proceeds from the will and the reason,<sup>12</sup> but he also states that “[exterior] actions [do not have] any measure of morality, save in so far as they are voluntary.”<sup>13</sup> Thus, when they are abstracted from the will, they are not voluntary and their object cannot have any measure of morality. Therefore, the object that identifies the exterior act abstracted from the will must identify it according to its natural species and not its moral species. It is only when the exterior act takes its form from the will that the exterior act takes on moral species and then becomes the moral object.<sup>14</sup> Aquinas distinguishes the exterior act in its natural species from its moral species when he states that “the species of a human act is considered formally with regard to the end, but materially with regard to the object of the [exterior] action.”<sup>15</sup> Thus, the object of the exterior act is that on which the exterior act is brought to bear in its natural species.

For example, the act of pointing a gun at a person and pulling the trigger is an operation which, apart from any consideration of will, has the natural end or object of killing a person. The killing of a person identifies the act as a natural act that can be considered apart from morality. If the act were done by a non-rational animal, one would identify the act in the same way as a killing. Aquinas states that “a movement does not receive its species from that which is its terminus accidentally, but only from that which is its *per se* terminus,” and he concludes that “moral ends are accidental to a natural thing, and conversely the relation to a natural end is accidental to morality.”<sup>16</sup> Thus, when speaking of the natural act of shooting a person to kill him without justification, the natural end of shooting the gun at a person, which is killing, is the *per se* terminus, and the moral end, which is murder, is an accidental terminus. When speaking of

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<sup>12</sup> ST I-II.20.2.ad3.

<sup>13</sup> ST I-II.18.6.

<sup>14</sup> ST I-II.18.6 & ad1.

<sup>15</sup> ST I-II.18.6.

<sup>16</sup> ST I-II.1.3.ad3.

the moral act of shooting a person to kill him without justification, the natural end of shooting the gun at a person, which is killing, is an accidental terminus, and the moral end, which is murder, is the *per se* terminus.

The material aspect of the exterior act is important for distinguishing the species of moral actions in regard to their rational nature. It is true that the species of an exterior act formed by reason (the moral object) gives species to the moral act by its form because “a difference of objects causes a difference of species in actions, according as the latter are referred to one active principle,” which is reason.<sup>17</sup> Moral objects differ in reference to reason by whether they are suitable or unsuitable to reason, which makes them good or evil.<sup>18</sup> What is suitable or unsuitable to reason is what is suitable or unsuitable to a person’s nature.<sup>19</sup> For example, a person determines that to give alms to a person in want is a suitable object, whereas to appropriate what belongs to another is an unsuitable object.<sup>20</sup> However, it is the material aspect of the exterior act that is formed by reason as good or evil. It is the material aspect of the exterior act that is considered by a person through reason to be suitable or unsuitable to that person’s rational nature. Therefore, matter counts. It is a determining factor in what the reason grasps as good or evil. A change in matter of the exterior act can mean a change in its species between good and evil.

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<sup>17</sup> ST I-II.18.5.

<sup>18</sup> ST I-II.18.5.

<sup>19</sup> See ST I-II.54.3, where Aquinas states that “acts of virtue are suitable to human nature, since they are according to reason, whereas acts of vice are discordant from human nature, since they are against reason.”

<sup>20</sup> ST I-II.18.8. There are also objects that are neither suitable nor unsuitable; a person through reason determines these objects to be indifferent. Aquinas states that “it may happen that the object of an action does not include something pertaining to the order of reason; for instance, to pick up a straw from the ground, to walk in the fields, and the like: and such actions are indifferent according to their species.” ST I-II.18.8. This is not to say that the moral act defined by this species can be indifferent in its goodness. Every moral act must be good or bad at least in its final end because it proceeds from deliberate reason which can only be directed to a good or evil final end. ST I-II.18.9.

The material aspect of the exterior act is important also for distinguishing the species of moral actions in regard to the ends of operations. To explain this importance it is first necessary to look at what these operations are and the way in which species are distinguished in this regard. The operations are those of the powers of the soul, which are the intellect, the concupiscible power, the irascible power and the will. These powers are directed by reason through the will and therefore are not determined to any one mode of operation because reason ordains each of them as a mover moved to various things.<sup>21</sup> A distinction of species in this regard takes place in two ways. As for the first way, each power has a different active principle by which it operates in a different way than another power.<sup>22</sup> For example, the intellect differs by its operation of apprehension from the concupiscible appetite which operates by desire of pleasure and avoidance of pain. Aquinas calls this distinction of species in operations a generic diversity.<sup>23</sup> As for the second way, each power has various ways in which it is moved by the end of its act,<sup>24</sup> that is, one movement differs from another movement in a power by the difference in ends.<sup>25</sup> Aquinas states specifically that “if there be various motives (*motiva*), there are various species.”<sup>26</sup> He gives as an example a comparison between two acts involving the power of the will: “if one man were to take another’s property from where he ought not, so as to wrong a sacred place, this would constitute the species called sacrilege, while if another were to take another’s property when he

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<sup>21</sup> ST I-II.50.2-5 & 51.2. The will “moves to their acts all those other powers that are in some way rational.” ST I-II.56.3.

<sup>22</sup> ST I-II.54.2.

<sup>23</sup> ST I-II.54.1.ad1.

<sup>24</sup> See ST I-II.54.1, where Aquinas states that “a passive power is compared to the determinate act of any species, as matter to form: because, just as matter is determinate to one form by one agent, so, too, is a passive power determined by the nature of one active object to an act specifically one.”

<sup>25</sup> ST I-II.54.2.

<sup>26</sup> ST II-II.53.2.ad3.

ought not, merely through the lust of possession, this would be a case of simple avarice.”<sup>27</sup>

Aquinas calls this distinction of species by ends a specific diversity.<sup>28</sup>

Now it is true that the end as moral object formed by reason causes the distinction in species.<sup>29</sup> However, the moral object can be corrupted by false reason in the apprehensive part of the soul and by contrary vices in the appetitive part of the soul.<sup>30</sup> This corruption occurs when there is a corporal transmutation of the body, called a passion, through the sensitive appetites.<sup>31</sup> When this happens, the passion refers to objects in their natural attraction of the appetite. Aquinas affirms that “the passions of the different powers must of necessity be referred to different objects,” and the objects of these powers are *sensible* good and evil, either absolutely in the concupiscible appetite or relatively (as arduous) in the irascible appetite.<sup>32</sup> This makes the material aspect of the exterior act important in distinguishing the species of moral actions in regard to the ends of operations.

Thus the material aspect of the exterior act in its natural species plays an important role in providing matter that is suitable or unsuitable to reason as well as matter that attracts movements of the different rational powers of the soul. The question that remains is what is this matter. Certainly it includes the substance of the act itself. Aquinas defines the substance of an act as

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<sup>27</sup> ST II-II.53.2.ad3. Both these sins fall under the cardinal virtue of justice pertaining to the will. ST II-II.99 (sacrilege) and ST II-II.118 (avarice). Concerning the concupiscible appetite, Aquinas finds that the sins of intemperance and insensibility differ in species because “the *motive* in the sin of intemperance is love for bodily pleasures, while the *motive* in the sin of insensibility is hatred of the same.” ST I-II.72.8 (emphasis added). Both these sins fall under the cardinal virtue of temperance pertaining to the concupiscible appetite. ST II-II.142.1 (insensibility) and ST II-II.142.2 (intemperance).

<sup>28</sup> ST I-II.54.1.ad1.

<sup>29</sup> Aquinas states that in distinguishing powers “we must consider the object not in its material but in its formal aspect, which may differ in species or even in genus.” ST I-II.54.2.ad1.

<sup>30</sup> ST I-II.53.1.

<sup>31</sup> ST I-II.22.3 & 53.1.ad3. This is true even of “the intellect [when], in its act, [it] has need of the sensitive powers, which are impeded by corporal transmutation.” ST I-II.53.1.ad3.

<sup>32</sup> ST I-II.23.1.

what happens, such as washing someone by pouring water on that person.<sup>33</sup> Also, a condition of the cause of the act on which the substance of the act depends is part of the substance of the act, such as the condition that in a theft the object is another's property.<sup>34</sup> Also, the end that specifies an act is part of the substance of the act, such as the good of the virtue of fortitude for the sake of which a valiant person acts valiantly.<sup>35</sup> However, the matter that constitutes the material aspect of the exterior act extends beyond these aspects of the substance of an act to include circumstances as well. Aquinas maintains that a "circumstance is sometimes taken as the essential difference of the object, as compared to reason; and then it can specify a moral act."<sup>36</sup>

That a circumstance can be taken as an essential difference of the object is an oxymoron until Aquinas explains that he is referring to circumstances in their natural species and that they lose their quality of circumstances in their moral being. Aquinas defines circumstances as "whatever conditions are outside the substance of the act, and yet in some way touch the human act."<sup>37</sup> These are called accidents, and "nothing accidental constitutes a species, but only that which is essential."<sup>38</sup> Yet, "that which, in one action, is taken as a circumstance added to the object that specifies the action, can again be taken by the directing reason, as the principal condition of the object that determines the action's species."<sup>39</sup> In other words, Aquinas uses the term *circumstance* to describe a condition of the act in its natural species—a condition that is no longer a circumstance when it becomes part of the essence of the moral object of the act. By this

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<sup>33</sup> ST I-II.7.3.ad3.

<sup>34</sup> ST I-II.7.3.ad3.

<sup>35</sup> ST I-II.7.3.ad3.

<sup>36</sup> ST I-II. 18.5.ad4. He goes on to say that "it must needs be so whenever a circumstance transforms an action from good to evil; for a circumstance would not make an action evil, except through being repugnant to reason."

<sup>37</sup> ST I-II.7.1.

<sup>38</sup> ST I-II.7.1 & 18.5.

<sup>39</sup> ST I-II.18.10.

use of terminology, Aquinas emphasizes the materiality of the material aspect of the exterior act—a materiality that has its own natural form but also receives from reason a new form that makes it the moral object.

A circumstance of an act in its natural species becomes part of the essence of the moral object when it provides a motive that moves an appetite toward the moral object. For example, robbery and theft each have different circumstances that qualify the act of taking another's possession involuntarily. For robbery it is violence to the victim; for theft it is ignorance on the part of the victim.<sup>40</sup> Each of these circumstances provide a different motive for taking another's property involuntarily, because "the robber wishes to take a thing by his own power, but the thief, by cunning."<sup>41</sup> Therefore, they cause the acts of robbery and theft to differ in species by these different motives even though they are both an act of taking another's possession involuntarily.<sup>42</sup> Likewise, a difference in species exists between idolatry, divinatory superstition, and superstition of certain observances as a diversity of corrupt circumstances that differentiate the species of superstition.<sup>43</sup> In fact, the species of divinatory superstition itself is divisible even further into different species according to the different means by which it is done.<sup>44</sup>

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<sup>40</sup> ST II-II.66.4.

<sup>41</sup> ST II-II.66.4.ad2.

<sup>42</sup> Aquinas states that "wherever there is a special motive for sinning, there is a different species of sin, because the motive for sinning is the end and object of sin," and sometimes these different motives arise from the corruption of different circumstances. ST I-II.72.9.

<sup>43</sup> Aquinas states that "not every diversity of corrupt circumstances differentiates the species of a sin, but only that which is referred to diverse objects, for diverse ends." Within the vice of superstition, the three species of idolatry, divinatory superstition, and superstition of certain observances are referred to diverse objects for diverse ends. ST II-II.92.2.

<sup>44</sup> Divinatory superstition is divisible into necromancy, augury and sortilege, and each of these is further divisible into several species. For example, necromancy is divisible into prestigation, divination by dreams, necromancy, divination by pythons, geomancy, hydromancy, aeromancy, pyromancy, and aruspicy. ST II-II.95.3.

Two examples drawn from acts of eating food are also illustrative.<sup>45</sup> Eating food is an exterior act that draws the desire of the concupiscible appetite by its anticipated pleasure. In one example, the circumstance of the sumptuousness of the food may give a particular pleasure from the nature of the food. In the other example, the circumstance of the haste with which the food is consumed may give a particular pleasure by satisfying a rapid exhaustion of digestive humors. In either case, the circumstance of the exterior act provides a motive for the inclination of the concupiscible appetite. One motive comes from the pleasure of the sumptuousness of the food; the other comes from the pleasure of the satisfaction of one's hunger. Both exterior acts fall within the sin of gluttony if they are done to excess, but they divide into two species of gluttony by their circumstances which provide different motives for action. These circumstances in their natural species are not circumstances in their moral species because they become essential to the moral object, which is the exterior act formed by reason.

Thus, the material aspect of the moral object is the exterior act abstracted from reason as it is identified in its natural species. It is important to the moral object by its suitability to reason and by the ways in which it attracts movements of different rational powers of the soul and movements within each of these powers. It includes not only the substance of the exterior act, but also any circumstance in its natural species if this circumstance proves to be an essential part of the moral object and thereby loses its quality as a circumstance and becomes an essential condition of the moral object. The next section explores Aquinas's understanding of the formal

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<sup>45</sup> The discussion of these two examples in this paragraph is based on ST I-II.72.9 & II-II.148.4 & ad1 but expanded to include Aquinas's understanding of the moral object as developed to this point in the chapter. Aquinas states that "[t]he corruption of various circumstances causes the various species of gluttony, on account of the various motives, by reason of which the species of moral things are differentiated." ST II-II.148.4 & ad1. On the other hand, if there is no special motive connected with the circumstance, it does not cause a difference in species. For example, in the case of gluttony, "[p]lace and other circumstances include no special motive connected with eating, that can cause a different species of gluttony." ST II-II.148.4.ad2.

aspect of the moral object, which integrates with this material aspect to constitute the moral object.

## 1.2. The Formal Aspect of the Moral Object

Both Long and Rhonheimer maintain that the formal aspect of the moral object exists in the goodness (or evil) of an end of the will, but they differ over which end it is. Long believes that it is the appetible end, while Rhonheimer believes it is the moral object itself, which he calls the proximate end, as it is formed by reason. This section uses the texts of Aquinas to show that the formal aspect of the moral object exists only in the goodness (or evil) of the moral object as proximate end of the will, but that the goodness of the further end is the cause of the goodness of the proximate end. Thus, both ends play a formative role in the constitution of the moral object, even though only one of them is part of its definition.

In order to understand the form of the moral object, it is important first to understand that the moral object itself is the form or species of the moral act. An act realizes the fullness of its being in its species, which it has “from its object, as movement from its term.”<sup>46</sup> The moral object<sup>47</sup> is an end of the moral act. It is “the matter *about which* (something is done); and stands in relation to the act as its form, as it were, through giving it its species.”<sup>48</sup> The difference of

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<sup>46</sup> ST I-II.18.2.

<sup>47</sup> Aquinas uses the term *object* rather than *moral object*, but he refers to this object as the *object of the human action*. ST I-II.18.2.ad3. Since he states in ST I-II.1.3 that “moral acts are the same as human acts,” we use the term moral object to distinguish this object from the object of the interior act of the will.

<sup>48</sup> ST I-II.18.2.ad2. The Latin term is *materia circa quam*. Aquinas uses this term in ST I-II.72.3.ad2 to refer to the natural end of the act, the object of an act apart from any consideration of the will. In this case, the terminology is the equivalent of “that on which the exterior action is brought to bear” (*id autem circa quod est actio exterior*), which Aquinas uses to refer to the material aspect of the exterior act in ST I-II.18.6. However, in ST I-II.18.2.ad2, Aquinas uses this term to refer to the moral end of the act in both the material and formal aspects of the exterior act, which is the object of the will directed by reason. Since the will is drawn to the good, one might be inclined to question how the moral object, which draws the will, can include a material aspect. Aquinas answers that “since the species of an act is derived from its object, considered under its formal aspect, it follows of necessity



species is “good and evil [which are] predicated in reference to reason,”<sup>49</sup> and this “primary goodness of a moral action is derived from its suitable [i.e., moral] object.”<sup>50</sup>

By understanding the moral object as the form of the moral act dependent on reason, one can understand that the form of the moral object itself is dependent on reason. The form of the moral object, which depends on its order in relation to reason, is good, evil or the lack thereof.<sup>51</sup> It is true that Aquinas states that “[exterior] actions [have no] measure of morality, save in so far as they are voluntary.”<sup>52</sup> However, “[t]he will stands between the intellect and the [exterior] action: for the intellect proposes to the will its object, and the will causes the [exterior] action.”<sup>53</sup> Therefore, “the goodness or malice which the [exterior] action has of itself, on account of its being about due matter and its being attended by due circumstances, is not derived from the will, but rather from the reason.”<sup>54</sup>

The good or evil in the moral object is the primary good or evil in the moral act.<sup>55</sup> Aquinas says that it is the good or evil that is in the moral act absolutely.<sup>56</sup> However, this primary good or evil does not exist alone. It depends on a cause, which is the end of the moral act:

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that it is specifically the same act that tends to an aspect of the object, and that tends to the object under that aspect: thus it is specifically the same visual act whereby we see the light, and whereby we see the color under the aspect of light.” ST II-II.25.1. So when one says that the will tends to the *goodness of the act* as its object, it is the same thing as saying that the will tends to *the act under its aspect of goodness* as its object. The moral object thus preserves its material aspect in addition to its formal aspect as the form of the moral act.

<sup>49</sup> ST I-II.18.5.

<sup>50</sup> ST I-II.18.2. Aquinas states that since “[e]very action derives its species from its object, . . . it follows that a difference of object causes a difference of species in action.” ST I-II.18.5.

<sup>51</sup> ST I-II.18.8 & ad2.

<sup>52</sup> ST I-II.18.6.

<sup>53</sup> ST I-II.13.5.ad1.

<sup>54</sup> ST I-II.20.1. As for the relationship of the will to reason in this process, Aquinas states that “[exterior] actions [have no] measure of morality, save in so far as they are voluntary.” ST I-II.18.6. However, “[t]he will stands between the intellect and the [exterior] action: for the intellect proposes to the will its object, and the will causes the [exterior] action.” ST I-II.13.5.ad1.

<sup>55</sup> ST I-II.18.2.

<sup>56</sup> ST I-II.18.4.

[T]here are things the being of which depends on something else, and hence in their regard we must consider their being in its relation to the cause on which it depends. Now just as the being of a thing depends on the agent and the form, so the goodness of a thing depends on its end. . . . [H]uman actions, and other things, the goodness of which depends on something else, have a measure of goodness from the end on which they depend, besides that goodness which is in them absolutely.<sup>57</sup>

Thus, a moral act takes its species of good or evil from the moral object, but this good or evil has its cause in a further end which has its own measure of goodness. Aquinas states that the further end “belongs first and chiefly to the genus of final cause, since its object is the good, in which all ends are included.”<sup>58</sup> It is from this further end that the will takes its species “as from its own proper object.”<sup>59</sup> The intending will (to which this further end belongs) then moves the choosing will (to which the means to this further end belongs).<sup>60</sup> Yet before this movement takes place, the further end can exist without the means (which is the moral object) to this further end.<sup>61</sup>

The intending will moves the reason to consider the means to the end.<sup>62</sup> The reason then apprehends some aspect of the good in the means, and a person uses his or her will to choose that means freely.<sup>63</sup> This movement of the will to the means is part of the same movement that the

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<sup>57</sup> ST I-II.18.4.

<sup>58</sup> Thomas Aquinas, *On Evil*, trans. Richard Regan (Oxford: Oxford University Press, 2003), VI [hereinafter *De malo*]. Note that the cause is the final cause in this context because it is “that for the sake of which something comes to be . . . [and] answers the proposed question ‘why.’” Thomas Aquinas, *Commentary on Aristotle’s Physics*, trans. Richard J. Blackwell, Richard J. Spath, and W. Edmund Thirlkel (Notre Dame: Dumb Ox Books, 1999), II.5.181.

<sup>59</sup> ST I-II.18.6. When considering the end as the proper object of the will when there is both a further end and a proximate end, Aquinas states that “they are one and the same object.” ST I-II.12.4.ad2. In other words, “the movement of the will to the end and its movement to the means are one and the same thing.” ST I-II.12.4.

<sup>60</sup> *De malo* VI. Aquinas states that “the power to which the chief end belongs always moves to action the power to which the means to the end belongs.” *De malo* VI.

<sup>61</sup> See ST I-II.12.4.ad3, where Aquinas states that “we can have intention of the end without having determined the means which are the object of choice.” Intention is forward looking. It regards the object of the interior act of the will as the end in the sense “not only that we will have it, but that we will have it by means of something else.” ST I-II.12.1.ad4. An example is “when a man first wills to have health, and afterwards deliberating by what means to be healed, wills to send to the doctor to heal him.” ST I-II.8.3.

<sup>62</sup> ST I-II.16.4.

<sup>63</sup> ST I-II.13.6.

will makes to the further end when the movement is considered to the means for the sake of the further end.<sup>64</sup> In fact, Aquinas goes even further to say that the proximate and further ends, despite their being distinct objects, are nevertheless one and the same “in so far as the end is the formal object in willing the means.”<sup>65</sup> Therefore, the proper object of the will, when they both exist, is the proximate and further ends considered together.

Yet Aquinas distinguishes the proximate end from the further end in discussing the species of the moral act. A moral act takes its species of good or evil from the species of the proximate end, which is the moral object,<sup>66</sup> and not from the species of the further end, although the further end is the cause on which the species of the moral object depends.<sup>67</sup> So when a person steals in order to commit adultery, the species of the moral act is theft, not adultery.<sup>68</sup> Likewise, in the act of heresy for the end of glory, “the proximate end of heresy is adherence to one’s own false opinion, and from this it [the moral act] derives its species, while its remote end reveals its cause, viz. that it arises from pride or covetousness.”<sup>69</sup>

Aquinas explains the causal relationship between the proximate and further ends as one of cause and effect, but this relationship can exist in two different ways depending on whether the species of the proximate end is subordinate to the species of the further end.<sup>70</sup> If the species of the proximate end is subordinate to the species of the further end, the species of the proximate end is ordained to, contained under, and an essential determination of the species of the further

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<sup>64</sup> ST I-II.12.4. The further end is the cause or reason for willing the proximate end.

<sup>65</sup> ST I-II.12.4.ad2.

<sup>66</sup> ST I-II.18.2. Aquinas states that “[o]ne and the same act, in so far as it proceeds once from the agent, is ordained to but one proximate end, from which it has its species.” ST I-II.1.3.ad3.

<sup>67</sup> ST I-II.18.4.

<sup>68</sup> In ST I-II.18.6, Aquinas does cite Aristotle to say that “*he who steals that he may commit adultery, is, strictly speaking, more adulterer than thief*,” but this statement only confirms that the species of the moral act is caused by the further end. It does not change the fact that the species of the moral act is still theft.

<sup>69</sup> ST II-II.11.1.ad2.

<sup>70</sup> See ST I-II.18.7 & ad3, explained further by Aquinas in ST II-II.11.1.ad2.

end.<sup>71</sup> This makes the species of the further end the genus of the species of the proximate end because “the differences that divide a genus, and constitute the species of that genus must . . . divide that genus essentially.”<sup>72</sup> For example, when a person intends to take another person’s property by means of theft, the genus derived from the further end of taking another’s property may be divided in its essence into the species of the proximate ends of theft and robbery. Theft and robbery are both acts of taking another’s possession involuntarily, and they differ in species because of the differing circumstances of involuntariness on the part of the person whose property is taken.<sup>73</sup> The involuntariness of theft is due to ignorance; the involuntariness of robbery is due to violence.<sup>74</sup>

On the other hand, if the species of the proximate end is not subordinate to the species of the further end, the species of the proximate end is not ordained to, contained under, or an essential determination of the species of the further end. For example, in the act of theft committed for the sake of adultery, the proximate end of theft is not ordained to the further end of adultery. The moral species of theft is part of the vice of injuring one’s neighbor in his belongings, which is opposed to the virtue of justice.<sup>75</sup> The moral species of adultery is part of the vice of lust, which is opposed to the virtue of chastity.<sup>76</sup> Aquinas states that in this case of theft committed for the sake of adultery “the specific difference derived from the object is not an

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<sup>71</sup> ST I-II.18.7.

<sup>72</sup> ST I-II.18.7.

<sup>73</sup> ST II-II.66.4. Aquinas states that “where there is a different kind of involuntary, there is a different species of sin.” ST II-II.66.4.ad1.

<sup>74</sup> ST II-II.66.4. A similar difference in species exists between reviling and backbiting, for which Aquinas states that “the kind of sin is differentiated by the circumstances *secretly* and *openly*, because involuntariness itself is diversified by violence and by ignorance.” ST II-II.73.1 & ad1.

<sup>75</sup> ST II-II.66.3.

<sup>76</sup> ST II-II.154.8.

essential determination of the species derived from the end, nor is the reverse the case.”<sup>77</sup>

Therefore, “the moral action is contained under two species that are disparate, as it were.”<sup>78</sup> This is what Aquinas means when he says that “he that commits theft for the sake of adultery, is guilty of a twofold malice in one action.”<sup>79</sup>

Nevertheless, even though there is a twofold malice in the case of theft committed for the sake of adultery, the proximate end of theft still *assumes* the species of the further end of adultery as its cause. Aquinas states that “the act of a virtue or vice, that is directed to the end of another virtue or vice, assumes the latter’s species: thus theft committed for the sake of adultery, passes into the species of adultery.”<sup>80</sup> Likewise, lust, “by violating something pertaining to the worship of God, belongs to the species of sacrilege: and in this way sacrilege may be accounted a species of lust.”<sup>81</sup> What Aquinas means by the proximate end assuming or passing into the species of the further end is not that the proximate end loses the essence of its identity. Rather, the proximate end assumes the species of the further end by being caused by the further end.

Aquinas explains that the species of the further end in such a case takes on the character of a genus virtually as distinct from a further end that is the same species, which takes on the character of a genus by predication:

A thing is said to be *general* in two ways. First, by *predication*: thus *animal* is general in relation to man and horse and the like: and in this sense that which is general must needs be essentially the same as the things in relation to which it is general, for the reason that the genus belongs to the essence of the species, and forms part of its definition. Secondly a thing is said to be general *virtually*; thus a universal cause is

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<sup>77</sup> ST I-II.18.7.

<sup>78</sup> ST I-II.18.7.

<sup>79</sup> ST I-II.18.7.

<sup>80</sup> ST II-II.154.10.

<sup>81</sup> ST II-II.154.10. The essence of lust itself, which is a vice against temperance, has a different species than the essence of sacrilege itself, which is a vice against justice. See the divisions within which each of these two vices fall in ST II-II.99 & 153.

general in relation to all its effects, the sun, for instance, in relation to all bodies that are illumined, or transmuted by its power; and in this sense there is no need for that which is *general* to be essentially the same as those things in relation to which it is general, since cause and effect are not essentially the same.<sup>82</sup>

Thus, when theft is committed for the sake of adultery, the proximate end of theft has the further end of adultery as its cause. The end of adultery causes the end of theft as its effect. Likewise, when theft is committed for the sake of taking another's property, the proximate end of theft has the further end of appropriation as its cause. However, in this case the theft is also an essential determination of the appropriation. The appropriation is not just a genus virtually but rather a genus by predication.

An example of an end that can be either a genus by predication or a genus virtually is the end of legal justice. By having the essence of the good of particular acts directed immediately to the common good, legal justice is an end for those acts as a genus by predication.<sup>83</sup> By directing the acts of virtues of other species to its own end, legal justice is an end for those acts as a genus virtually.<sup>84</sup> The virtue of sacrifice is a similar example. By having the essence of the good of particular acts directed immediately to the reverence of God, sacrifice is an end for those acts as a genus by predication.<sup>85</sup> By directing the acts of virtues of other species to the reverence of God, sacrifice is an end for those acts as a genus virtually.<sup>86</sup>

Thus, in sum, the moral object, which is the proximate end and form of the moral act and is composed of both a material and formal aspect, finds its formal aspect in its own goodness.

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<sup>82</sup> ST II-II.58.6.

<sup>83</sup> ST II-II.58.7.

<sup>84</sup> ST II-II.58.6.

<sup>85</sup> Aquinas states that "there are acts that are not deserving of praise save through being done out of reverence for God: such acts are properly called sacrifices." ST II-II.85.3.

<sup>86</sup> Examples are "when a man gives alms of his own things for God's sake, or when a man subjects his own body to some affliction out of reverence for God." ST II-II.85.3.

This goodness is caused by the further end, which reason first apprehends and the will first desires as its own object. The species of the further end is the genus of final cause because its object is the good that moves the will to move itself to the means. Reason then apprehends as good the means, which is the proximate end, as part of the further end, and the will moves to the means for the sake of the end in one movement. The proximate end identifies the moral act. The further end, including the proximate end within it, identifies the interior act of the will. The further end is related to the proximate end as cause to effect in one of two ways. If the proximate end is an essential determination of the further end, the further end is a cause by predication. If it is not, it is a cause virtually. In the latter case, even though the proximate end is not ordained to, contained under, or an essential determination of the species of the further end, it is still a cause, and in this sense the proximate end assumes the species of the further end. This analysis of the formal aspect of the moral object shows that it is through the understanding of reason that the will desires the moral object as the proximate end to be done for the sake of the further end, but it leaves unanswered how the intellect works interactively with the will so as to cognize the good. This is the subject of the next section.

## **2. The Cognition of Moral Species**

The way in which the intellect interacts with the will is important for understanding how a person cognizes the good in a moral object. Long and Rhonheimer differ over the way in which the intellect and the will interact. For example, while both believe in accord with Aquinas that the object of the will is desired as good, Long believes that the desire for the object arises in the will after the speculative intellect has apprehended the object as good, while Rhonheimer believes that the desire arises in the appetite before the practical intellect has apprehended the

object as good. This section examines what Aquinas has to say about the interaction of the intellect and the will to form the desired object, to make it an intended object of the will, and to find and choose a means to accomplish it.

All moral action is caused by an object of desire.<sup>87</sup> This object is formed through two faculties operating according to their nature—the intellect and the will. The intellect apprehends the universal being and truth of an object, which contains the good, including the particular good of each power of a person, as a special aspect contained in the universal true.<sup>88</sup> However, the act of the intellect in the formation of the object of desire is simply an act of apprehension of the good as true, not of the good as desirable. Therefore, it is not a determinate act commanding the will,<sup>89</sup> nor need it be preceded by any act of will.<sup>90</sup> The intellect performs this act of apprehension as the speculative intellect.<sup>91</sup> It is the function of the speculative intellect to understand good as being and truth; it is not to move the will to act.<sup>92</sup>

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<sup>87</sup> Thomas Aquinas, *Commentary on Aristotle's De Anima*, trans. Kenelm Foster and Sylvester Humphries, rev. ed. (Notre Dame: Dumb Ox Books, 1994), Bk. 3, Lect. XV, 820-25 [hereinafter *De anima*]. Latin passages hereinafter provided are in Thomas Aquinas, *Sentencia libri De anima: Commentary on Aristotle's De Anima*, trans. Kenelm Foster and Sylvester Humphries (New Haven: Yale University Press, 1951), html ed. Joseph Kenny, accessed October 23, 2015, <http://dhsprpriory.org/thomas/DeAnima.htm#315L>.

<sup>88</sup> ST I-II.9.1 & ad3. The term “universal” in this context refers to the specific nature of the object “understood apart from the individuating principles.” *De anima*, Bk.3, Lect. XII, 784.

<sup>89</sup> ST I.82.4.ad1.

<sup>90</sup> ST I.82.4.ad3.

<sup>91</sup> The senses perceive material things as sense-objects from which images or phantasms arise in the imagination and become intelligible ideas in the potential intellect, whereby the active intellect understands or apprehends. *De anima*, Bk. 3, Lect. VI, 667 & Lect. VIII, 718 & Lect. X, 729. The awareness of the intellect occurs directly by the intellect—namely by the active intellect actualizing the potential intellect by forming intelligible ideas abstracted from the phantasms, which intelligible ideas are that by which the intellect understands the essence of intelligible realities. *De anima*, Bk. 3, Lect. VIII, 713 & 718; ST I.86.1. Aquinas explains that, inasmuch as colors are seen by the light, the phantasms are like colors, the potential intellect is like sight, and the active intellect is like light. ST I.54.4.sc. & 75.2.ad3.

<sup>92</sup> The speculative intellect “regards truth for its own sake and nothing else.” *De anima*, Bk. 3, Lect. XV, 820. The speculative intellect never moves the will to act. *De anima*, Bk. 3, Lect. XIV, 814-15. Aquinas states that “the apprehension of the true [does not move the will] without the aspect of goodness and desirability.” ST I-II.9.1.ad2. He cites Aristotle in *De Anima* iii. 9 and comments that “a merely speculative consideration, even of something practical, does not of itself move to action. As such the speculative intellect is in no way a motive power.” *De Anima*, Bk. 3, Lect. XIV, 815.



Once the speculative intellect apprehends the good of an object as contained in the universal true, this apprehension is not sufficient to move the will. The will does not move unless the object is also fitting.<sup>93</sup> The fitness of an object depends on the disposition of the person considering the object.<sup>94</sup> In other words, the person must be disposed in such a way that he or she yearns for the object, and not merely apprehends it. Only in this way does the object become fitting. Thus, if a person is under some passion<sup>95</sup> or affected by some vice<sup>96</sup> or ignorance,<sup>97</sup> the person may find fitting some particular good in an object apprehended by the intellect as contained in the universal true that it would not otherwise find to be fitting. If the object is fitting, the will tends as an appetite to this object as part of the common notion of good that it desires.<sup>98</sup> Although this tendency of the will is toward an object that is apprehended by the speculative intellect,<sup>99</sup> it is not directed by that intellect but rather is a natural tendency of the will, which Aquinas calls volition.<sup>100</sup> This apprehended good has the nature of an end perfecting some power as a particular good, which participates in the universal good, or perfecting the will

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<sup>93</sup> ST I-II.9.1.ad2 & 9.2.

<sup>94</sup> ST I-II.9.2. Aquinas quotes Aristotle to say: “According as a man is, such does the end seem to him.”

<sup>95</sup> ST I-II.9.2. Since a passion can change the disposition of a person so that the person finds an object fitting that the person would not otherwise find fitting, Aquinas can state that “in this way, the sensitive appetite moves the will, on the part of the object.” ST I-II.9.2.

<sup>96</sup> ST I-II.71.1.

<sup>97</sup> ST I-II.6.8.

<sup>98</sup> ST I.82.4.ad1.

<sup>99</sup> Aquinas says that “every movement of the will must be preceded by apprehension, whereas every apprehension is not preceded by an act of the will.” ST I.82.4.ad3, citing *Eudemian Ethics* vii.14.

<sup>100</sup> ST I-II.15.3. In *Prima Secundae* Aquinas affirms the independent act of the will when he states that “the first act of the will is not due to the direction of reason but to the instigation of nature, or of a higher cause.” ST I-II.17.5.ad3, citing I-II.9.4. In the cited passage, Aquinas states that “we must of necessity, suppose that the will advanced to its first movement in virtue of the instigation of some exterior mover.” ST I-II.9.4, citing *Eudemian Ethics* vii.14. He continues on to say that “the first principle of the natural movement [of the will] is from without, that, to wit, which moves nature.” ST I-II.9.4.ad1. In the passage in *Eudemian Ethics* vii.14 (which appears to be reported in viii.2), Aristotle affirms the independent act of the reason when he states: “as in the universe, so there, everything is moved by God; for in a manner the divine element in us is the cause of all our motions. And the starting-point of reason is not reason but something superior to reason. What, then, could be superior even to knowledge and to intellect, except God?” Aristotle, *The Eudemian Ethics*, trans. H. Rackham (Cambridge: Harvard University Press, 1935, 1952), viii.2.21-22. Aquinas also states in *De malo* VI, that, in accord with Aristotle’s *Eudemian Ethics*, “what first moves the intellect and the will is something superior to them, namely, God.”

as ordained to the universal good.<sup>101</sup> The will is moved as an appetite towards these goods because its own object is the universal good, “the end and the good in universal”<sup>102</sup> which is God, and the universal good includes particular goods within it.<sup>103</sup> The will desires this good as a matter of volition, which is a natural act of the will, but not yet as a matter of intention, which is a determinate act of the will.<sup>104</sup> Thus is formed the object of desire, an object that is apprehended by the speculative intellect and desired as fitting by the will without the intellect or the will moving the other.

Once the object of desire is formed by the operation of the intellect and the will, the practical intellect comes into operation.<sup>105</sup> Aquinas states that “it is clear that there is ultimately one mover, the object desired [which] both moves appetite [will] and affords a starting point for the practical intellect—the two motive-principles (*moventia*) which have been assumed.”<sup>106</sup> It is the function of the practical intellect to apprehend good for the purpose of action. The practical intellect is a motive principle “relat[ing] its knowledge of truth to some deed to be done.”<sup>107</sup> Aquinas states that “as *being* is the first thing that falls under the apprehension [of the speculative reason] simply, so *good* is the first thing that falls under the apprehension of the practical reason, which is directed to action.”<sup>108</sup> The apprehension of the object desired by the practical intellect is the beginning of practical or moral action, also known as human action.<sup>109</sup>

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<sup>101</sup> ST I-II.9.1 & 9.6. Aquinas states that “nothing else can be the cause of the will, except God Himself, Who is the universal good: while every other good is good by participation, and is some particular good, and a particular cause does not give a universal inclination.” ST I-II.9.6.

<sup>102</sup> ST I-II.1.2.ad3.

<sup>103</sup> ST I-II.9.1.

<sup>104</sup> ST I-II.12.1.ad4 & ST I.82.4 & ad1.

<sup>105</sup> *De anima*, Bk. 3, Lect. XV, 821.

<sup>106</sup> *De anima*, Bk. 3, Lect. XV, 823: “Sic igitur apparet, quod unum est movens, scilicet appetibile; hoc enim appetitum movet, et est principium intellectus, quae duo ponebantur moventia.”

<sup>107</sup> *De anima*, Bk. 3, Lect. XV, 820.

<sup>108</sup> ST I-II.94.2. This does not mean that the speculative and practical intellects are two different powers. Aquinas states that they are the same intellect because “to a thing apprehended by the intellect, it is accidental

At this point the practical intellect apprehends the particular good of the desired object as either a universal good or not.<sup>110</sup> God has instilled the imprint of His Divine light on each person as “natural reason, whereby we discern what is good and what is evil.”<sup>111</sup> If the will’s volitional inclination is toward a good that tends toward God and not merely toward the end of a particular power, the practical intellect apprehends the good as a universal good, that is, an end tending toward the universal good, which is God and worthy of pursuit; if not, the practical intellect apprehends the good as evil, an end to be avoided.<sup>112</sup> Thus, the particular good of the concupiscible appetite<sup>113</sup> might incline the will toward sexual intercourse, but the practical intellect would apprehend this particular good as evil if it were aimed at a person other than one’s spouse. The natural inclination of the will to the particular good of sexual intercourse with a person other than one’s spouse, which belongs to the natural inclination of the concupiscible appetite, does not govern the natural inclination of the practical intellect to the universal good of sexual intercourse because it is missing an important circumstance that is necessary to make it good for the person as directed to God.

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whether it be directed to operation or not, and according to this the speculative and practical intellects differ.” ST I.79.11.

<sup>109</sup> Aquinas says that “moral acts are the same as human acts.” ST I-II.1.3. Actions, such as scratching one’s beard without thinking, are called acts of a man, but they are not properly human acts. ST I-II.1.1 & ad3.

<sup>110</sup> The term “universal good” is used here in the same sense as it is used in ST I-II.84.1.ad2 to mean a good that tends toward God rather than toward a particular good with a temporal end.

<sup>111</sup> ST I-II.91.2. Natural reason functions as natural law in this respect.

<sup>112</sup> I-II.94.2.

<sup>113</sup> The concupiscible and irascible appetites have their own natural inclinations which belong to the natural law insofar as they are ruled by the practical intellect. ST I-II.94.2.ad2. Aquinas considers them two species or powers of the sensitive appetite called sensuality. ST I.81.2. The concupiscible is the one “through which the soul is simply inclined to seek what is suitable, according to the senses, and to fly from what is hurtful,” while the irascible is the one whereby one “resists these attacks that hinder what is suitable, and inflict harm.” ST I.81.2. These appetites differ from the appetite of the will because they are “not swayed by the good or bad in general, but only by this or that particular good, pleasant to the sense, or, by this or that particular evil, unpleasant to the sense.” *De anima*, Bk. 3, Lect. XII, 771. Nevertheless, the practical intellect can exercise some control over the dispositions of these appetites, ruling them by a politic power. ST I.81.3 & ad1. It moves them “not, indeed, *by a despotic sovereignty*, as a slave is moved by his master, but by a *royal and politic sovereignty*, as free men are ruled by their governor, and [they] can nevertheless act counter to his commands.” ST I-II.9.2.ad3, and explained further in ST I.81.3.ad2.

The practical intellect apprehends the good that is directed to God through its own innate principle of operation, which is the natural law.<sup>114</sup> God has imprinted on the practical intellect a natural law that reflects the Divine light of His Eternal Reason and through which one has natural inclinations in one's practical intellect to one's proper act and end.<sup>115</sup> Natural law is "the light of natural reason, whereby we discern what is good and what is evil, which is the function of natural law."<sup>116</sup>

Natural law is not a habit of the practical intellect because its principles are not that by which the practical intellect measures its operation but rather that by which the practical intellect operates.<sup>117</sup> In addition to providing knowledge of good and evil through its operation by the principles of natural law, the practical intellect directs a person to the good and away from evil. The first principle of the natural law by which the practical intellect operates is that good is to be done and evil is to be avoided.<sup>118</sup> Therefore, when the practical intellect apprehends that the particular good of the will in the desired object is directed to a universal good, it orders the will to do it as an end. Each such direction is a precept of the natural law.<sup>119</sup> When the practical intellect apprehends that the particular good of the will in the desired object is not directed to a universal good, it orders the will to avoid it as an end.

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<sup>114</sup> ST I-II.91.2 & 94.2.

<sup>115</sup> ST I-II.91.2.

<sup>116</sup> ST I-II.91.2.

<sup>117</sup> ST I-II.91.2. These principles are contained in the habit of synderesis only in the sense that we possess these first principles of human action habitually. ST I.79.12 & I-II.94.1 & ad2-3. See also Thomas Aquinas, *Quaestiones Disputatae de Veritate*, ed. Joseph Kenny, trans. James V. McGlynn (Chicago: Henry Regnery Co., 1953), 16.1, where Aquinas states that "just as there is a natural habit of the human soul through which it knows principles of the speculative sciences, which we call understanding of principles, so, too, there is in the soul a natural habit of first principles of action, which are the universal principles of the natural law. This habit pertains to synderesis."

<sup>118</sup> ST I-II.94.2.

<sup>119</sup> ST I-II.94.2 & ad2.

Aquinas orders the precepts of the natural law according to the order of “all those things to which man has a natural inclination, [which] are naturally apprehended by reason as being good, and consequently as objects of pursuit, and their contraries as evil, and objects of avoidance.”<sup>120</sup> These inclinations are according to (1) the nature one has in common with all substances, such as self-preservation, (2) the nature one has in common with other animals, such as sexual intercourse and education of offspring, or (3) the nature of one’s reason, such as to know the truth about God and to live in society.<sup>121</sup>

For example, the pleasures of food, drink and sleep, to which the concupiscible appetite naturally inclines as to particular goods, pertain to the preservation of the self, to which the being of a person in common with the being of all things naturally inclines.<sup>122</sup> Practical reason apprehends these pleasures and the preservation of the body as universal goods tending toward God.<sup>123</sup> This links the natural law precept—to eat, drink and sleep in order to preserve oneself—to the first class of natural inclinations. Sexual intercourse, also an object of the concupiscible appetite, pertains to the preservation of the species, to which a person’s animal nature naturally inclines, and to which practical reason inclines as a universal good tending to God.<sup>124</sup> This links the natural law precept—to have sexual intercourse with one’s spouse in order to bear children—to the second class of natural inclinations. An example of a particular good to which the rationally-guided will naturally inclines is the avoidance of “offending those among whom one

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<sup>120</sup> ST I-II.94.2.

<sup>121</sup> ST I-II.94.2. See also ST I-II.10.1, which mentions the knowledge of truth as a particular good of the intellect and “to be and to live and other like things which regard natural well-being.”

<sup>122</sup> ST I-II.31.7 & 94.2.

<sup>123</sup> ST I-II.94.2.

<sup>124</sup> ST I-II.31.7 & 94.2.

has to live.”<sup>125</sup> This good pertains to the furtherance of living in society, and its natural law precept—to avoid such offense—links to the third class of natural inclinations.<sup>126</sup>

When the practical intellect operates by the principles of natural law to direct the will to the universal good, the will does not necessarily comply. The will complies if it is focused on the universal good because the universal good is its natural object. However, the will moves in accord with the fittingness of the particular good of the desired object according to the nature of a person, and a person’s nature may be corrupted so that “something which is not natural to man, either in regard to reason, or in regard to the preservation of the body, becomes connatural to this individual man, on account of there being some corruption of nature in him.”<sup>127</sup> Therefore, the will may be inclined to follow this particular good despite a contrary indication by the practical intellect. Such may be the case when the will follows a passion and moves the practical intellect to consider only the particular aspect of the good in that passion that tends toward the universal good.<sup>128</sup> Nevertheless, Aquinas states that, if the passion has not entirely engrossed the will, the will still has the power “*not to act or not to will*, and in like manner *not to consider*; for the will can resist the passion.”<sup>129</sup> In other words, “the judgment of reason retains, to a certain extent, its freedom: and thus the movement of the will remains to a certain degree,” so that the will “does

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<sup>125</sup> ST I-II.94.2.

<sup>126</sup> ST I-II.94.2.

<sup>127</sup> ST I-II.31.7.

<sup>128</sup> The passion causes the person to feel the particular good as fitting and prods the will to tend as an appetite to the particular good of the sensitive appetite, contrary to what the will would do if the person were not affected by the passion. ST I-II.9.2. Even the will itself, which is not a passion, by its own nature as an appetite can resist the practical intellect’s command of the will by choosing to love a lesser good to the detriment of a greater good. ST I-II.78.1. The will, in turn, moves the practical intellect in this direction and, even if the desired object is not universally good as a whole, the practical intellect can still offer it back to the will as something that is universally good in some particular aspect although not from every point of view. ST I-II.10.2. & ad2.

<sup>129</sup> ST I-II.6.7.ad3. On the other hand, sometimes a movement of the sensitive appetite can occur without reason and cause an act over which a person has no control. ST I-II.17.7 & ad2.

not necessarily follow the passion.”<sup>130</sup> In either case, both will and intellect work together so that in the end the practical intellect either directs to the universal good (real or apparent) that the will finds fitting or directs away from an evil that the will finds not fitting.<sup>131</sup>

So in the case of sexual intercourse with someone other than one’s spouse, a person contemplating this act may experience a strong emotion of sexual desire which makes the object fitting and pushes the person to consider the aspect of intimate union that appears to tend to the universal good but to ignore the aspect that it must be with one’s spouse in order to tend actually to the universal good. This emotion can hinder the practical intellect from a full apprehension of *the natural law precept* that sexual intercourse be only with one’s spouse,<sup>132</sup> and it can also hinder the practical intellect from a full apprehension of *a particular aspect of the desired object*, such as the fact that the other person is not one’s spouse.<sup>133</sup> In either case the practical intellect offers to the will the desired object as a good that tends toward the universal good when it really does not. It is in fact only an apparent good whose apprehension under the natural law has been perverted by an emotion.<sup>134</sup>

Once this combined action of intellect and will causes the person to understand that the desired object is good, the intellect directs the will to intend the desired object.<sup>135</sup> Both faculties

<sup>130</sup> ST I-II.10.3.

<sup>131</sup> Neither the practical intellect nor the will are moved of necessity by an object that may be either true or false, good or evil. ST I-II.10.2 & ad2. When they work together they mold each other so that they agree.

<sup>132</sup> Aquinas states that “whenever one power is intent on its act, another power is hindered or completely turned away from its act . . . [so that] if there should be a strong desire, whether anger or some such thing, human beings are prevented from considering what they know.” *De malo* III.9. Thus, a person may be diverted by the emotion seeking pleasure to ignore the applicability of the natural law precept to the situation at hand involving one other than one’s spouse.

<sup>133</sup> Aquinas states that “universal knowledge is the source of acts only as connected to particulars . . . [so that] even if a person who is constituted in a state of intense emotion should in some way consider regarding the universal, the person’s consideration is nonetheless hindered regarding the particular.” *De malo* III.9.

<sup>134</sup> Aquinas states that the natural law can be perverted in the hearts of some as to certain matters “so that they esteem[] those things good which are naturally evil.” ST I-II.94.5.ad1.

<sup>135</sup> ST I-II.12.1 & ad3.

play a role in this intention, so Aquinas can say that people “have dominion over their actions through their free-will, which is the *faculty of will and reason*.”<sup>136</sup> Intention is the *interior act of the will*, operating by the direction of practical reason, and the desired object now becomes the *object of the will*.<sup>137</sup> Intention is more than the simple volition by which the will initially desired the object. It is now the willing to have the object “by means of something else.”<sup>138</sup> This something else will prove to be the moral object.<sup>139</sup>

The intending will moves the practical intellect to find the means through the intellect’s act of taking counsel. Aquinas states that in this capacity the intending will is a motive (*motivum*) “because it is from willing the end, that man is moved to take counsel in regard to the means,”<sup>140</sup> the end being “the principle in practical matters: because the reason of the means is to be found in the end.”<sup>141</sup> Reason, the deliberative aspect of the practical intellect, then institutes an inquiry into the various means by which the end can be accomplished.<sup>142</sup> Through this process of analysis, it considers things singular and contingent, that is, things that can be done, in order to accomplish the end,<sup>143</sup> and it employs a practical syllogism whereby each singular is related as a particular proposition to a rule of reason as a universal proposition in order to derive a judgment about the good or evil of the singular.<sup>144</sup>

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<sup>136</sup> ST I-II.1.2.

<sup>137</sup> ST I-II.18.6.

<sup>138</sup> ST I-II.12.1.ad4.

<sup>139</sup> Note, as was mentioned earlier, that the moral object, once it is determined, becomes one with the end that is intended as the object of the will, and the two together become the object of the will.

<sup>140</sup> ST I-II.14.1.ad1.

<sup>141</sup> ST I-II.14.2. Aquinas uses the term *principle* to mean what moves the will. He states that “the principle of voluntary movements must be something naturally willed,” which is the desired further end and a good. ST I-II.10.1.

<sup>142</sup> Aquinas states that “the reason must of necessity institute an inquiry before deciding on the objects of choice.” ST I-II.14.1.

<sup>143</sup> S I-II.14.3 & 5.

<sup>144</sup> ST I-II.76.1. Aquinas states that it is reason that employs this syllogism.



Here again the will can influence the way in which the reason operates. For example, if one's will is properly disposed, a person may judge the evil of "an act of parricide, by the knowledge [which is a universal proposition] that it is wrong to kill one's father, and [by the knowledge which is a particular proposition] that this man is his father."<sup>145</sup> However, if one's will is not properly disposed, one may allow oneself to ignore one of these propositions so that one commits the act of parricide.<sup>146</sup> So both will and intellect operate together until the former consents to the judgment of the latter on the means to achieve the desired object, and this consent is the choice of the moral object.<sup>147</sup> It is the final step in the process by which the intellect and the will first form the desired object and then interact to intend it as a further end and to find and choose the means to accomplish it—the process by which a person comes to cognize the good in the moral object.

Thus, to recap Aquinas's concept of the moral object, the material aspect is the exterior act abstracted from reason as it is identified in its natural species. It is important to the moral object by its suitability to reason and by the ways in which it attracts movements of different rational powers of the soul and movements within each of these powers. It includes not only the substance of the exterior act, but also any circumstance in its natural species if this circumstance proves to be an essential part of the moral object and thereby loses its quality as a circumstance and becomes an essential condition of the moral object.

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<sup>145</sup> ST I-II.76.1.

<sup>146</sup> ST I-II.76.1.

<sup>147</sup> ST I-II.14.1 & 15.3 & ad3. Consent is the sense experienced by the will when it is in union (*consensus*) with the choice. Aquinas states that "since the act of an appetitive power is a kind of inclination to the thing itself, the application of the appetitive power to the thing, in so far as it cleaves to it, gets by a kind of similitude, the name of sense, since, as it were, it acquires direct knowledge of the thing to which it cleaves, in so far as it takes complacency in it." ST I-II.15.1.

The formal aspect of the moral object is the goodness of the exterior act as apprehended by reason and desired by the will. The moral object is the proximate end to be done for the sake of the further end, and its goodness is caused by the further end, which reason first apprehends and the will first desires as its own object. The species of the further end is the genus of final cause because its object is a good that moves the will to move itself to the means. Reason then apprehends the means, which is the proximate end, as part of the further end, and the will moves to the means for the sake of the end in one movement. The proximate end identifies the moral act. The further end, including the proximate end as one with itself, identifies the interior act of the will. The further end is related to the proximate end as cause to effect in one of two ways. If the proximate end is an essential determination of the further end, the further end is a cause by predication. If it is not, it is a cause virtually. In the latter case, even though the proximate end is not ordained to, contained under, or an essential determination of the species of the further end, it is still a cause, and in this sense the proximate end assumes the species of the further end.

The dynamic by which the reason and the will operate to form a moral object starts with a desired object. The speculative intellect and the will each contribute to forming an object that is desired as both good and fitting. Once the object is formed, the practical intellect operating through its principles of natural law judges the particular good of the desired object from a universal perspective for the purpose of action. The will can pervert this judgment if it is not properly disposed, and it can move the practical intellect to make an improper judgment based on a limited aspect of the universal good or a limited aspect of the desired object so that the object accords with what the will desires as fitting. The practical intellect then orders the will to seek the desired object as an end if it appears to be universally good or to avoid it if it is not. If it

appears to be universally good, the will intends the desired object by directing the practical intellect to seek a means by which the desired object can be achieved. Again the practical intellect and the will interact to seek and to choose a means that appears to be universally good. This means is the moral object.

The analysis of the texts of Aquinas in this chapter provides a foundation on which to compare the interpretations of his concept of the moral object by Long and Rhonheimer in the next part. Each of these interpreters contributes insights into the nature of the moral object in its material and formal aspects and into the dynamic by which the intellect and the will operate together to form the moral object. The next part examines each of these interpreters in turn in order to determine the validity of each account, the compatibility of the two accounts, and the insights each has to offer on Aquinas's concept of the moral object.

## **Part III**

### **Evaluation of the Rival Accounts in Light of Aquinas's Texts**

## Chapter 5

### Evaluation of Long's Interpretation of Aquinas

Steven Long's interpretation of Aquinas's concept of the moral object has been challenged for his understanding of the definition of the moral object and for his understanding of the function of reason in discerning the good. This chapter will examine these challenges and evaluate the validity of Long's interpretation in light of the texts of Aquinas.

#### 1. The Definition of the Moral Object

Aquinas defines the moral object as a multi-faceted concept involving the use of several terms. This first section addresses the problem of terminology. The first subsection illustrates how two interpreters can get into a dispute over understanding the moral object when in fact it is a question of using the correct terms. It also examines the validity of Long's interpretation of *per se* end, proximate end, and object of the exterior act. The second subsection investigates Long's understanding of the end that specifies the good of the moral object—what is the intended end, what lies outside it as *praeter intentionem*, and what lies within it as a specific difference. Long's understanding of the end offers a new teleological grammar by which to understand Aquinas, and this second subsection explores how well it expounds Aquinas's texts.

##### 1.1. *Per Se* End, Proximate End, and Object of the Exterior Act

Kevin Keiser states that when an act is *per se* ordered to an end the species of the act “is *still* set by the exterior act's object,” which is to say that “the exterior act as chosen, that is, the

proximate end, sets the species.”<sup>1</sup> He then goes on to say that “[t]his Long denies, saying the exact opposite.”<sup>2</sup> The problem here is not that Long says the opposite but rather that he attributes a different meaning than Keiser to “*per se* end,” “proximate end,” and “object of the exterior act.”<sup>3</sup>

Keiser defines the object of the exterior act as the *materia circa quam* or matter upon which the exterior act bears.<sup>4</sup> Keiser says it is not identical with the exterior act itself; in fact it is a nonaction.<sup>5</sup> By nonaction he appears to mean the thing that the act seeks to achieve, that is, the end of the act, such as the end of an act of theft being theft. The end is not only the object of the act in its natural state but also “the object of the will insofar as such an object is perceived as a good to which the subject must be united by means of the action of the bodily members and/or the powers of the soul that are imperated by the will.”<sup>6</sup> The will in this case is the “interior act of choice or election, which bears upon that which is perceived as a good insofar as it [is] ordered to another end.”<sup>7</sup> Therefore, that which is perceived as good in this context is the more immediate end.

Keiser’s statement that the object of the exterior act is also the object of will suggests that the object of the will is also a nonaction, a thing, but Keiser states that “the object of the act of

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<sup>1</sup> Kevin F. Keiser, “The Moral Act in St. Thomas: A Fresh Look,” *The Thomist* 74 (2010): 278n160.

<sup>2</sup> Keiser, “The Moral Act,” 278n160.

<sup>3</sup> It is interesting that Long makes the same mistake of misunderstanding Keiser’s terms in his reply to Keiser when he states that Keiser “seemingly confuses [the exterior act’s object] with the exterior act’s *end*.” Long, “Engaging Thomist Interlocutors,” 291.

<sup>4</sup> Keiser, “The Moral Act,” 242.

<sup>5</sup> Ibid.

<sup>6</sup> Ibid., 242-43. As an object of the will, the exterior act must include “any ‘circumstances’ that reason sees as entailing a certain fittingness or disorder, *primo et per se*.” Ibid., 255. Keiser states that “any circumstance that does entail a special fittingness or repugnance *primo* and *per se* (i.e., on the supposition of no other disorder) is, as it were, the specific difference establishing another kind of willing, all the way down to the *species specialissima*. And as such, it is no longer considered as a circumstance, but as an object specifying the will.” Ibid., 251.

<sup>7</sup> Ibid., 243.

choice [choice meaning will] is precisely the exterior act itself in those actions that involve bodily members” and “this object of the choice (the exterior act) is what people usually mean when they refer to ‘the moral object,’” otherwise called the proximate end.<sup>8</sup> This statement that the object of the will is both the exterior act and the object of the exterior act is not an oxymoron. Keiser explains that “in the intention of the agent, the action is sought more than just the thing, since the agent cannot be united to the thing except by some operation.”<sup>9</sup> Therefore, the moral object encompasses the action itself. However, “the goodness that [the agent] seeks, even in the action, accrues to it from the thing.”<sup>10</sup> Therefore, the thing that is the nonaction part of the object of the will or moral object is what actually gives the action its species.<sup>11</sup>

When Keiser states that an act *per se* ordered to an end still takes its species from the exterior act’s object, Keiser indicates that he is referring to a *per se* further end—not to the moral object or proximate end. He states that “when the act *is so per se* ordered [to the end], the *species specialissima* (i.e., that which most of all accounts for what the act is) is *still* set by the exterior act’s object (e.g., even if an act of fortitude is informed by an act of charity, it still remains essentially and substantially an act of fortitude . . . ).”<sup>12</sup> In his example he refers to the act of charity as setting the further end to which the moral object defined by the act of fortitude is directed.

According to Long, the proximate end, which is willed by the voluntary act of choice,<sup>13</sup> is called the object of the external act, which object is the act itself in its integral nature.<sup>14</sup> This is

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<sup>8</sup> Keiser, “The Moral Act,” 243 & 258-59.

<sup>9</sup> Ibid., 269.

<sup>10</sup> Ibid.

<sup>11</sup> Ibid., 270.

<sup>12</sup> Ibid., 278n160.

<sup>13</sup> TG 28-29.

not the moral object according to Long. The object of the external act has an immediate *per se* end, called the *finis operis*.<sup>15</sup> The two are distinct. Long states that “in simple acts, as intimate as the object and end of the external act are, they are not identical.”<sup>16</sup> In a simple moral act, the moral object is both this object and this end, the former in relation to the latter.<sup>17</sup> The moral object is the *materia circa quam*.<sup>18</sup> The moral object gives form to the act as a whole by giving it its species,<sup>19</sup> although, more accurately, “it is the end of the exterior act that determines the species.”<sup>20</sup>

Thus, Long’s concept is one that sees the act itself in its integral nature (the object of the external act, proximate end) as having an immediate end (*per se* end, *finis operis*) that is an object of the will, and he calls the simple act in relation to this end the moral object (*materia circa quam*) which gives species, and he calls this end the part of the moral object that gives the species. Keiser’s concept is one that sees the act itself in its integral nature (the exterior act) as having an immediate end (object of the exterior act, *materia circa quam*, nonaction) that is an object of the will, and he calls the act in relation to this end the moral object (proximate end) which gives species, and he calls this end the part of the moral object that gives the species. Therefore, Keiser and Long espouse the same theory of the moral object as having an end that gives species, but they use different terminology. If Long were using Keiser’s terminology he would probably agree that, when an act is *per se* ordered to an end, the species of the act is set by

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<sup>14</sup> TG 12n12.

<sup>15</sup> See Long, “Natural Law, the Moral Object,” 289-90, describing the *per se* end of the act chosen by the agent as the *finis operis*.

<sup>16</sup> Long, “Natural Law, the Moral Object,” 302-03. Long reiterates this point in his reply to Keiser. Long, “Engaging Thomist Interlocutors,” 291.

<sup>17</sup> TG 11-13.

<sup>18</sup> TG 11.

<sup>19</sup> TG 11.

<sup>20</sup> Long, “Engaging Thomist Interlocutors,” 291.



the exterior act's object, which is also to say that the proximate end sets the species. However, Long does not use Keiser's terminology, and the more important question is whether Long captures the sense of Aquinas's meaning by his use of these terms.

As for the meaning of the term *per se end*, Long derives his understanding from Aquinas's passage in ST I-II.18.7 where Aquinas states that "[t]he object of the exterior act can stand in a twofold relation to the end of the will: first, as being of itself (*per se*) ordained thereto . . .; secondly as being ordained thereto accidentally (*per accidens*)," and, if the former, the object is an essential determination of the end and its species will be contained under the end.<sup>21</sup> Long states that in the *per se* case, "the most formal, containing, and defining moral species is derived from the end," and "to know the fundamental *type* or *moral species* of any particular action, we must *first* know whether the object is, or is not, naturally (*per se*) ordered to the end."<sup>22</sup> Aquinas does not use the term *naturally*. Long interprets *per se* to mean *naturally* in the sense that *per se* order exists "if the achievement of one thing is absolutely required for the achievement of the other, or if one thing simply by its nature tends toward the achievement of another."<sup>23</sup>

On a first reading, Long appears to interpret *per se* in a physicalist sense as referring to being. According to Long, an act is *per se* ordered to an end if it is required to do the end or naturally results in it. However, the word *natural* for Long includes not only the idea of nature as being but also the idea of nature as good. This becomes evident when he treats differently two acts with essentially the same structure in their being—self-defense and craniotomy. Long states

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<sup>21</sup> TG 25.

<sup>22</sup> TG 25.

<sup>23</sup> TG 28.

that “this act [of craniotomy] has the same structure as that of private lethal defense with one significant difference: to harm or kill one who is unjustly assailing an innocent is not an act under negative precept; whereas directly and deliberately to harm or kill an innocent child is under negative precept.” The *per se* end of the act of craniotomy is harming the child, whereas the *per se* end of self-defense is saving one’s life. Therefore, the natural *per se* end includes both the idea of nature as being and nature as good.<sup>24</sup> According to Long, there is no dichotomy between nature and good.<sup>25</sup>

Long’s interpretation is helpful to understand Aquinas concerning the relationship between object and *per se* end as referring to the essential nature of the act whereby the most formal, containing, and defining moral species is derived from the end. However, his conflation of nature with good opposes Aquinas’s distinction between the two. Aquinas states that “a movement does not receive its species from that which is its terminus accidentally, but only from that which is its *per se* terminus,” and in this regard “moral ends are accidental to a natural thing, and conversely the relation to a natural end is accidental to morality.”<sup>26</sup> For example, when

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<sup>24</sup> Romanus Cessario remarks in this regard that Long “articulates the manner in which man’s passive participation in the eternal law [i.e., natural law] through the teleological structuring of his nature provides reasons to do and not to do for his active rational life” and thus avoids reducing natural law “to either deontological or purely logical structures.” Romanus Cessario, “Human Action and the Foundations of the Natural Law,” *Nova et Vetera* 8 (2010): 185.

<sup>25</sup> TG 9-10. Long states that “the act of lethal defense is one whose natural proportion to the end of defense must be shown, that is, that it is an act required by and ordered to the protection of innocents, [but] it also must be shown not to threaten undue harm to other innocents, nor to use force or inflict damage exceeding what is required for an effective and sure defense.” Long, “Brief Disquisition,” 66n30. Jensen recognizes this feature of Long’s theory when he notes that, while Long speaks of *per se* order to the end of an act as present if the means are necessary to the end or there is a disposition of the means to the end, this *per se* order can be destroyed if the act itself is evil, such as in the case of a craniotomy. Steven J. Jensen, “The Role of Teleology in the Moral Species,” *Review of Metaphysics* 63 (2009): 8 (citing TG 27), 12-14. However, Long is not convinced. He states that when Jensen assimilates the cutting open of a chest for cardiac health to the cutting open of a chest as a victim offering, Jensen misses the moral aspect: “Jensen thinks in this way because he bifurcates the intentional and the natural, whereas moral thought requires a hylemorphic understanding of their relation.” Long, “Engaging Thomist Interlocutors,” 292n21.

<sup>26</sup> ST I-II.1.3.ad3.

speaking of the natural act of shooting a person to kill him without justification, the natural end of shooting the gun at a person, which is killing, is the *per se* terminus, and the moral end, which is murder, is an accidental terminus. When speaking of the moral act of shooting a person to kill him without justification, the natural end of shooting the gun at a person, which is killing, is an accidental terminus, and the moral end, which is murder, is the *per se* terminus. Therefore, Long's attempt to define the essence of an act by an end that the object is required to do that naturally results from the object is not meaningful unless the term *naturally* is understood in Aquinas's terms to mean *naturally and morally*.

Long also uses the term *per se* end to refer to the more immediate end (*finis operis*) and not to a further end (*finis operantis*) because if the further end is *per se*, then it is in fact the immediate end (*finis operis*). When the two are the same, it is the case of a simple act; if they are different, the act is complex.<sup>27</sup> Keiser disagrees and states that "even if an act of fortitude is informed by an act of charity, it still remains essentially and substantially an act of fortitude,"<sup>28</sup> even though the act is *per se* ordered to charity as well. Neither Keiser nor Long are in accord with Aquinas's texts on this point. Aquinas does allow that an act can have a *per se* order to two different ends, but Keiser's example does not illustrate this *per se* order.

Aquinas allows that an act can have a *per se* order to two different ends when he explains the causal relationship between the proximate and further ends as one where the further end takes on the character of a genus by predication inasmuch as the genus belongs to the essence of the species of the object.<sup>29</sup> For example, when a person intends to take another person's property by

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<sup>27</sup> TG 26-27.

<sup>28</sup> Keiser, "The Moral Act," 278n160.

<sup>29</sup> Aquinas states that:

means of theft, the genus derived from the further end of taking another's property may be divided in its essence into the species of the proximate ends of theft and robbery. Theft and robbery are both acts of taking another's possession involuntarily, but they differ in species because of the differing circumstances of involuntariness on the part of the person whose property is taken.<sup>30</sup> The involuntariness of theft is due to ignorance; the involuntariness of robbery is due to violence.<sup>31</sup> Yet "theft and robbery derive their sinful nature, through the taking being involuntary on the part of the person from whom something is taken."<sup>32</sup> Therefore, the object of the act is still ordered *per se* to the end of taking another's possession involuntarily, even though the species of the act is derived from the more specific act of theft or robbery.<sup>33</sup>

Keiser's example of fortitude and charity is an incorrect application of this principle because the end of charity gives the genus virtually but not by predication. Fortitude is not an essential division of the virtue of charity but it is caused by charity in certain acts. Aquinas discusses the relationship between fortitude and charity in the act of martyrdom and says "[w]e may speak of an act of virtue in two ways"—in one way "with regard to the species of the act,"

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A thing is said to be *general* in two ways. First, by *predication*: thus *animal* is general in relation to man and horse and the like: and in this sense that which is general must needs be essentially the same as the things in relation to which it is general, for the reason that the genus belongs to the essence of the species, and forms part of its definition. Secondly a thing is said to be general *virtually*; thus a universal cause is general in relation to all its effects, the sun, for instance, in relation to all bodies that are illumined, or transmuted by its power; and in this sense there is no need for that which is *general* to be essentially the same as those things in relation to which it is general, since cause and effect are not essentially the same.

ST II-II.58.6.

<sup>30</sup> ST II-II.66.4. Aquinas states that "where there is a different kind of involuntary, there is a different species of sin." ST II-II.66.4.ad1.

<sup>31</sup> ST II-II.66.4.

<sup>32</sup> ST II-II.66.4.

<sup>33</sup> Cf. ST I-II.12.3 where Aquinas states that "if [two things] be ordained to one another . . ., a man can intend several things at the same time . . . including both the proximate and last end; as the mixing of a medicine and the giving of health."

which in the case of martyrdom is the endurance of death which falls within the virtue of fortitude, and “in another way, in comparison with its first motive cause, which is the love of charity.”<sup>34</sup> The motive cause which exists in the love of charity has the character of a genus virtually to the proximate cause of the endurance of death.<sup>35</sup>

As for the term *proximate end*, Keiser defines it as the moral object while Long defines it as the act itself in its integral nature. Keiser’s definition is more in accord with Aquinas’s texts. Aquinas states that “[o]ne and the same act, in so far as it proceeds once from the agent, is ordained to but one proximate end, from which it has its species,”<sup>36</sup> and “an action has its species from its object, as a movement from its term.”<sup>37</sup> These two passages indicate that for Aquinas the proximate end is the moral object. Long denies this by defining the proximate end as the act itself in its integral nature (the object of the external act) and by distinguishing it carefully from its end. As stated above, Long says that “in simple acts, as intimate as the object and end of the external act are, they are not identical,”<sup>38</sup> and, in a simple moral act, the moral object is both this object and this end, the former in relation to the latter.<sup>39</sup>

As for the term *object of the exterior act*, Long defines it as the act itself in its integral nature, while Keiser defines it as an end that is an object of the will. Neither of these definitions do justice to what Aquinas seeks to express. Aquinas states that “the object of the exterior

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<sup>34</sup> ST II-II.124.3.

<sup>35</sup> Cf. ST I.104.2 where Aquinas uses the term *per se* to describe how a thing keeps another in being “directly and *per se*, by the fact that on it depends the other’s being, as the being of the effect depends on the cause,” and this describes God as first cause even though there are secondarily a number of other causes that follow the first cause before the effect takes place. In this context *per se* refers to the quality of cause as principal cause and not to the fact that it is the immediate cause of the effect.

<sup>36</sup> ST I-II.1.3.ad3.

<sup>37</sup> ST I-II.18.2.

<sup>38</sup> Long, “Natural Law, the Moral Object,” 302-03. Long reiterates this point in his reply to Keiser. Long, “Engaging Thomist Interlocutors,” 291.

<sup>39</sup> TG 11-13.

action, is that on which the action is brought to bear.”<sup>40</sup> It is not the exterior act itself. It is that from which the exterior act takes its species and with regard to which the act is considered materially.<sup>41</sup> Therefore, even though Aquinas does not call the object of the exterior act an end, one could say that it is the natural end of the act considered in its being but not as an end of the will.<sup>42</sup> Keiser defines the term as an end that is an object of the will and misses its significance as a natural end of the act considered in its being. Long defines the term as the act itself in its integral nature which is distinct from the end of the exterior act, and furthermore he defines the act itself in its integral nature as having its own goodness or malice “in respect of due matter and circumstances” and as such “depends on the reason” or else it would be “a placeholder standing for we know not what.”<sup>43</sup> In other words, according to Long, the end of the act itself in its integral nature is an end that is also an object of the will.<sup>44</sup>

Part of the problem for Long in defining the object of the exterior act may lie in an overly narrow interpretation of will as the intending will when Aquinas says that “that which is on the part of the will is formal in regard to that which is on the part of the external action.”<sup>45</sup> Long appears to define the exterior act in this passage as something already formed by the choosing will and therefore having an end that is an object of the will. However, Aquinas does not distinguish between the intending will and the choosing will in this passage. In fact, when he

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<sup>40</sup> ST I-II.18.6.

<sup>41</sup> ST I-II.18.6.

<sup>42</sup> This total absence of reference to reason or will is probably why Aquinas rarely uses the term object of the exterior act.

<sup>43</sup> TG 12n12.

<sup>44</sup> Perhaps this is why Long calls “the act itself in its integral nature (and per se ordering)” the “relatively material part” of the moral object. TG 13.

<sup>45</sup> ST I-II.18.6.

mentions that “the will uses the limbs to act as instruments,”<sup>46</sup> he makes specific reference to the use of the will that results from an act of choice. Then he states: “nor have external actions *any* measure of morality, save in so far as they are voluntary.”<sup>47</sup> In other words, the object of the exterior act, whose end is the object of the exterior act, is not related in any way to an act of will. The exterior act informed by the interior act of the will called choice becomes voluntary and only then receives a measure of morality as an accident to its being.

Thus, Long’s definition of the three terms, “*per se* end,” “proximate end,” and “object of the exterior act,” do not raise the problems suggested by Keiser because Long gives different definitions to these terms and actually says much the same thing as Keiser when these differences are taken into account. However, Long’s definition of these terms does differ from Aquinas’s definition due to his conflation of nature with good in the definition of *per se* end, his restriction of *per se* end to the immediate *per se* end, his use of *proximate end* to refer to the act itself in its integral nature rather than to the moral object, and his use of *object of the exterior act* to refer to the act itself in its integral nature rather than to the natural end of the act considered in its being and not as an end of the will. The most important difference is the conflation of nature with good, which not only appears in Long’s definition of *per se* end but also makes it possible for him to define the *object of the exterior act* as having some type of form. The second section of this chapter will return to this difference when it examines Long’s concept of the derivation of good from nature. In the meantime the next subsection explores various aspects of the intended end.

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<sup>46</sup> ST I-II.18.6.

<sup>47</sup> ST I-II.18.6 (emphasis added).

## 1.2. Intended End, *Praeter Intentionem*, and Specific Difference

In a debate extending over eight years, Steven Long and Steven Jensen disputed the role of the *end* in the concept of the moral object.<sup>48</sup> The debate started in 2003 when Long took issue with what he perceived as errors in the work of John Finnis, Germain Grisez, and Joseph Boyle concerning the role of the *end* in giving moral species.<sup>49</sup> These latter authors argued that the crushing of a baby's skull is a permissible means to save the life of the mother because the moral species derives from the intent of the agent to save the mother, and the killing as a means to this end is outside the intent—at least as they understood Aquinas in his discussion of self-defense.<sup>50</sup> Long rejects this point of view. According to Long, the moral object has two aspects: “the aspect that makes it preferred by the agent (its relation to the end sought) and the integral nature or essential matter of the act without which there is no act.”<sup>51</sup> Even though the intent may be to save the life of the mother, the means is still part of that moral object “as one of the essential causal elements in determining the moral species.”<sup>52</sup> Therefore, the crushing of the baby's skull is wrong despite the intention to save the mother's life. Jensen agrees with Long that the crushing of the baby's skull is wrong, but he disagrees with the way in which Long interprets

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<sup>48</sup> The debate occurs in five articles: Steven A. Long, “A Brief Disquisition Regarding the Nature of the Object of the Moral Act according to St. Thomas Aquinas,” *The Thomist* 67 (2003): 45-71; Steven Jensen, “A Long Discussion Regarding Steven A. Long's Interpretation of the Moral Species,” *The Thomist* 67 (2003): 623-43; Steven A. Long, “Response to Jensen on the Moral Object,” *Nova et Vetera* 3 (2005): 101-08; Steven J. Jensen, “The Role of Teleology in the Moral Species,” *Review of Metaphysics* 63 (2009): 3-27; Steven A. Long, “Engaging Thomist Interlocutors,” *Nova et Vetera* 9 (2011): 267-95.

<sup>49</sup> The work to which Long refers is an article that argues that the crushing of the skull of a fetus in a craniotomy can be licit. John Finnis, Germain Grisez, and Joseph Boyle, “‘Direct’ and ‘Indirect’: A Reply to Critics of Our Action Theory,” *The Thomist* 65 (2001): 1-44.

<sup>50</sup> Long, “Brief Disquisition,” 47.

<sup>51</sup> Long, “Brief Disquisition,” 49-50.

<sup>52</sup> *Ibid.*, 48-49.



Aquinas to arrive at this conclusion.<sup>53</sup> He takes issue in particular with Long's definition of intended end, *praeter intentionem*, and specific difference.

As for the definition of *intended end*, Jensen raises a number of concerns. First, he rejects Long's claim that intention concerns only the end and states that according to Aquinas it concerns the means as well as the end.<sup>54</sup> He draws support from two articles of Aquinas that he says Long ignores.<sup>55</sup> One states that intention is always of the end but not necessarily the ultimate end, and the other states that intention is not only of the ultimate end but also of the proximate end.<sup>56</sup> Furthermore, Jensen states that "Aquinas repeatedly affirms that the species of human actions come from the proximate end rather than the remote end."<sup>57</sup> Jensen states that a mediate end may also be called *ad finem*, which is usually translated as means.<sup>58</sup>

This dispute is one of semantics rather than a real difference in interpretation. Jensen knows that Long recognizes that "the action chosen as a means has its own object and its own natural order to some end, from which it receives its species" and that this object is distinct from the end intended by the agent.<sup>59</sup> Long reaffirms this in his reply when he states that "[i]n cases wherein the object is naturally ordered to the end, the defining and containing species is derived

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<sup>53</sup> Jensen, "Long Discussion," 623, 630-31.

<sup>54</sup> *Ibid.*, 630-31.

<sup>55</sup> *Ibid.*, 631.

<sup>56</sup> ST I-II.12.2 & 3, quoted in Jensen, "Long Discussion," 632.

<sup>57</sup> Jensen, "Long Discussion," 634-35, citing ST I-II.1.3, 107.1, and II-II.111.3.ad3, as well as *De malo* II.6.ad9.

<sup>58</sup> Jensen, "Long Discussion," 632.

<sup>59</sup> Jensen, "Long Discussion," 626. Long defines the term *intended end* to refer to the end of the means as well as the further end in a complex act. A complex act is one where the means is not naturally ordered to the further end. Long, "Brief Disquisition," 59. Rather, the act consists of two (or more) different simple acts, each with its own end and species. Long, "Brief Disquisition," 59. Long clarifies this point when he states that "complex acts are only intelligible at all insofar as their *separate component individual acts* are first defined and placed in their separate moral species derived in relation to their separate ends." Long, "Response to Jensen," 104 (emphasis his).

from the end.”<sup>60</sup> This end is no different than the proximate end to which Jensen refers in his critique as the means.<sup>61</sup> In this regard, both Jensen and Long are in accord with Aquinas. Therefore, Jensen appears to be concerned primarily with Long’s refusal to call this end the means.

However, the semantics are important for Long because the term *means* does not highlight the real cause of the species in an act. It is always the end to which the act itself in its integral nature is naturally (*per se*) ordered that gives species to the act. The term *means* can refer to the act itself, such as a killing, but there can be more than one end to which this act is naturally ordered. Long sees the killing in a craniotomy as naturally ordered to murder, whereas in self-defense it is naturally ordered to saving. Long wants to emphasize that it is the end that matters.<sup>62</sup>

Jensen also criticizes Long for the “gaping hole” left by “the problem of determining when an action is naturally ordered to an end.”<sup>63</sup> This is more a criticism of Aquinas than Long. Jensen claims that the passage in Aquinas<sup>64</sup> on which Long bases his interpretation is unclear. It

<sup>60</sup> Long, “Response to Jensen,” 103.

<sup>61</sup> Thus Jensen is wrong to state that in Long’s meaning of *praeter intentionem* “not only must the means be beyond intention; the proximate end must be as well.” Jensen, “Role of Teleology,” 17. According to Long, *praeter intentionem* addresses precisely the means other than what Jensen calls the proximate end. Long’s definition of *intended end* also answers Jensen’s second difficulty with Long’s concept of intended end, which is that “Long ignores the fact that the proximate end is the most important in determining the species.” Jensen, “Long Discussion,” 631. Long considers what Jensen calls the proximate end the most important in determining the species.

<sup>62</sup> See Long, “Response to Jensen,” 103-04, where Long states that “intention is used of the means only secondarily and derivatively, and that primarily and most formally it pertains to the end that is the proper object of intention.” Of course this pertains to a simple act. When Jensen argues that intention can pertain to the means in Aquinas for a complex act, Long states that “Jensen fails to see that no complex act is properly understood apart from prior understanding of the separate acts with their own ends and moral species.” *Ibid.*, 104. In other words, complex acts are only intelligible at all insofar as their *separate component individual acts* are first defined and placed in their separate moral species derived in relation to *their separate ends*.” *Ibid.* It is the end that matters.

<sup>63</sup> Jensen, “Long Discussion,” 629.

<sup>64</sup> ST I-II.18.7.

suggests “an inherent natural teleology between an action and some further end” but gives no guidelines for this teleology except “the single example of fighting well being ordered to victory.”<sup>65</sup> Jensen’s criticism of Long is that he attempts to provide “a clearer, more objective, standard for identifying actions,” but despite this attempt “one cannot escape the sense that the purported standard is no standard at all, and that we have not escaped the dangers of intuitionism.”<sup>66</sup>

By *intuitionism* Jensen seems to be alluding to an understanding of natural order to an end that is self-evident, making the critique the fact that this order cannot be derived from formulaic guidelines. In fact, Aquinas states that the first principles by which one apprehends both being and the good are indemonstrable principles.<sup>67</sup> The critique of Long rather should be that he attempts to provide any guidelines at all, particularly guidelines that are based on an order that includes the natural order of being.<sup>68</sup>

As for the definition of *praeter intentionem*, Jensen states that “when Aquinas says that what is *praeter intentionem* is *per accidens* and hence does not give species to an action, [Long interprets Aquinas to be] referring to a general intention, to which the means are outside intention, just as a general intention to go to Chicago need not include any determinate means of getting there.”<sup>69</sup> This comment appears to refer back to an earlier comment by Jensen in which he states that “Long’s position, it seems, reduces to a morality of intention, an Abelardianism in

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<sup>65</sup> Jensen, “Role of Teleology,” 8, 15.

<sup>66</sup> Ibid., 8, 10. Jensen refers to the two guidelines that Long gives to define *per se* order (“present in necessary means . . . [or] present in some actions that have a disposition to tend toward some end”) and remarks that “the intuitionism inherent in ‘conceptual necessity’ seems to be reborn in ‘essentially necessary means.’” Ibid.

<sup>67</sup> ST I-II.94.2.

<sup>68</sup> For a critique of Long’s inclusion of the natural order of being in his definition of the natural order to a moral end, see the first subsection above.

<sup>69</sup> Jensen, “Long Discussion,” 636, referring to Aquinas’s discussion of self-defense in ST II-II.64.7.

which only a person's goals determine the good or evil of her actions, the actions themselves never playing a role in morality."<sup>70</sup> Long replies that in such a case as this, where the object is naturally ordered to the end, he does not exclude the species derived from the object (the object being what Jensen refers to as means) from being contained within the species derived from the end, but rather "the species derived from the object is *essentially defined* by the species derived from the end, *and not the other way around*." In other words, in Jensen's terms, Long specifically includes the means within the end, but it is outside intention in the sense that intention refers to the end that gives species to the act, not to the object that does not give species to the act.

This is not Abelardian because it does not look to the intention of the agent's end but rather to the intention of the end to which the object is naturally ordered. When Long interprets the case of a deliberate killing in self-defense in Aquinas's article on self-defense, he is not saying that the end of self-defense is intended because the agent intends it but rather because the object of killing is naturally ordered to the end of self-defense. If he had interpreted Aquinas to condemn the deliberate killing of any human being in self-defense, he could just as easily have interpreted the object of killing in this case to be naturally ordered to the unlawful killing of a human being,<sup>71</sup> in which case the only thing that would remain outside intention would be an unforeseeable killing. The negative precept against the unlawful killing of a human being would not be determined by the agent but rather by the natural order that the killing has to its end.

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<sup>70</sup> Jensen, "Long Discussion," 626.

<sup>71</sup> Jensen attributes Long's position to his "*a priori* assumption that Aquinas must think it is legitimate to choose to kill in order to defend oneself." Ibid., 637. This makes sense. It demonstrates that Long had to look for what Aquinas believed was the negative precept governing this situation before Aquinas could determine what natural *per se* end would give this act its species.

Jensen maintains in any case that Long's use of the term *praeter intentionem* does not correspond with that of Aquinas because Aquinas uses the term almost exclusively to refer to a consequence or side effect of an action.<sup>72</sup> Aquinas may use the term in this way, but, as Jensen himself states, "[i]t is not impossible, of course, that in *STh* II-II, q. 64, a. 7, Aquinas is using *praeter intentionem* to exclude the means from giving species."<sup>73</sup> The important question is whether Long's interpretation makes sense in light of Aquinas's texts. Long makes his case by first pointing out that it is the end "according to which moral actions receive their species,"<sup>74</sup> and in the case of a simple act where the object is naturally ordered to the end, there is no other species from the object to define the act.<sup>75</sup> Of course, this refers to moral species. The object does have a natural species. Aquinas says that "the species of a human act is considered . . . materially with regard to the object of the exterior action."<sup>76</sup> In other words, the species of the object is the species attributable to its nature as being, with a natural (considered in its being) end giving it its species. In this regard, Aquinas states that "the relation to a natural end is accidental to morality."<sup>77</sup> It is accidental because it is not voluntary; in particular, it is not intended. This fits Aquinas's definition of *praeter intentionem* when he says that "moral acts take their species according to what is intended, and not according to what is beside the intention (*praeter intentionem*), since this is accidental."<sup>78</sup> Thus, Long's definition of *praeter intentionem* makes sense in light of Aquinas's texts, even though his own definition of natural differs from that of Aquinas.

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<sup>72</sup> Jensen, "Long Discussion," 631, 636.

<sup>73</sup> *Ibid.*, 637.

<sup>74</sup> Long, "Response to Jensen," 102.

<sup>75</sup> *Ibid.*, 102-03.

<sup>76</sup> *ST* I-II.18.6.

<sup>77</sup> *ST* I-II.1.3.ad3.

<sup>78</sup> *ST* II-II.64.7.

Dewan provides an interesting twist to this debate by including the killing in self-defense in the material part of what is intended but not the moral part, and making the killing *praeter intentionem*. He says that, contrary to Long, “[t]he intending will is the mover of the choosing will,” and, once a choice is made, “the intention is perfect, and intends the means which are the matter of choice.”<sup>79</sup> Therefore, choice must be taken into account when considering the intention in the act of a killing in self-defense. This choice includes the physical act of killing.<sup>80</sup> However, the moral aspect of the killing is not intended in the choice because it is a necessary consequence. Dewan states that “[t]he private agent intends as an end his own survival, and the external act of force is the one necessary to effect that result,”<sup>81</sup> and he quotes Cajetan who says that “that which is a necessary consequence of the end does not fall within the intention, but arises as remaining outside the intention.”<sup>82</sup>

Long replies that choice is not included within the definition of intention according to Aquinas.<sup>83</sup> One of the key points in Long’s explanation of the moral object is that, while “the act itself and its integral nature are always included in the object of a moral act,” the moral object is chosen under, and derives its species from, the *ratio* of the end to which it is *per se* ordered.<sup>84</sup> Therefore, in a case “in which a *deliberately and per se lethal means is chosen because it alone is proportionate to the end of moderate defense*,” Long states that “this is fundamentally a defensive act and the difference (accidental with respect to this fundamental species from the

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<sup>79</sup> Lawrence Dewan, “St. Thomas, Steven Long, and Private Self-Defense,” *Nova et Vetera* 8 (2010): 195. See *ibid.*, 192-93 where he indicates that this opposes Long.

<sup>80</sup> Dewan states that when lethal force is necessary for self-defense, “[i]t is chosen, not as a killing act, but as an appropriate use of force in self-defense.” *Ibid.*, 204.

<sup>81</sup> *Ibid.*, 203.

<sup>82</sup> Cajetan, *Commentaria Cardinalis Caidetani*, super ST II-II, q. 64, a. 7 (para. 1), in Sancti Thomae Aquinatis, *Opera Omnia*, T. 9, p. 74, quoted in Dewan, “St. Thomas, Steven Long,” 201.

<sup>83</sup> Long, “Engaging Thomist Interlocutors,” 271.

<sup>84</sup> TG 50.

end) which is introduced by the object is homicidal or lethal; this is a defensive homicide.”<sup>85</sup> In other words, the material aspect of the moral object, the act itself and its integral nature, is the killing, which is only materially part of the moral object. The formal aspect is the relation of the killing to the *per se* end of self-defense, which gives the moral object its species. The killing itself merely adds a further accidental specification to the species of self-defense.<sup>86</sup> Even though the killing involves an act of will called choice, the act takes its species from the *per se* end of self-defense, which involves an act of will called intention, and choice is not intention.<sup>87</sup> Thus, such a killing is “*praeter intentionem* and accidental with respect to the species of the act.”<sup>88</sup>

This dispute is over the meaning of choice rather than a real difference in interpretation of the moral object. Both Dewan and Long maintain that, in a killing in self-defense, the act of killing is the material aspect of the moral object and self-defense is the formal aspect, which gives species.<sup>89</sup> They differ over whether the material aspect may be considered within the intention. For Dewan, intention includes choice which includes the material aspect of the moral

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<sup>85</sup> TG 50. Two colons, which appear to be typos in the last quote, have been removed, and the second has been replaced with a semi-colon.

<sup>86</sup> TG 51.

<sup>87</sup> TG 51.

<sup>88</sup> TG 51.

<sup>89</sup> Long believes that there is another difference between them, which is that “Fr. Dewan wants to say that the killing is physically but not morally present,” whereas Long “would say that the killing is physically and morally present, but purely as a *defensive* homicide.” Long, “Engaging Thomist Interlocutors,” 277. Long explains that it is not morally present for Dewan because Dewan allows the foreseeable act of killing by “describ[ing] it in such a way that the will in no way moves toward the killing as a means.” Ibid., 274. Yet Dewan states explicitly that the agent “intends the lethal means only as self-saving” and again “the chosen means [are] designed precisely for what is intended by the interior act of the will, namely the saving of myself.” Dewan, “St. Thomas, Steven Long,” 204. Thus, the killing act is as much morally present for Dewan as it is for Long. If there is another difference between them, it lies in the fact that Dewan bases his conclusion that the act is a defensive homicide on the fact that the means is a necessary consequence, while Long bases it on the fact that the natural *per se* end of the act is self-defense. In this regard, Long is more in accord with Aquinas because his basis requires the existence of natural law in the determination of the end which is a good, whereas Dewan’s basis is purely one of physical fact. Long’s interpretation of Aquinas on the relation of natural law to the moral object will be discussed in the second section of this chapter.

object, whereas for Long intention is only of the end, choice is of the material aspect of the moral object, and intention does not include choice.

Dewan appears to have the more correct view with regard to the meaning of choice according to Aquinas's texts. It is true that Long's separation of choice from intention is supported by the fact that Aquinas states that "[t]he movement of the will to the end and to the means can be considered . . . as the will is moved to each . . . absolutely and in itself."<sup>90</sup> However, Aquinas also allows that the movement of the will to each "may be considered accordingly as the will is moved to the means for the sake of the end: and thus the movement of the will to the end and its movement to the means are one and the same thing." This movement is properly called intention since it embraces the end, which is the cause of the means.

Furthermore, Aquinas explicitly states that "it is not lawful for a man to intend killing a man in self-defense."<sup>91</sup> Long defines the term "intend" in this passage to refer to a will that is ordered to the end of killing rather than to the end of self-defense.<sup>92</sup> In other words, the intention is for the sake of killing rather than for the sake of defending oneself. However, it appears that Aquinas actually uses the term "intend" in this passage to refer to the end of self-defense because he later agrees with Augustine who states that one is not free of sin who is "guilty of taking a man's life for the sake of" the life of his own body.<sup>93</sup>

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<sup>90</sup> ST I-II.12.4.

<sup>91</sup> ST I-II.64.7.

<sup>92</sup> TG 46-47.

<sup>93</sup> ST II-II.64.7.obj.1-2 & ad 1. In support of Long, McNerny raises the point that in STII-II.64.7.ad4, when Aquinas states that the act of self-defense is "directed to the preservation of one's own life . . . whence sometimes (*quandoque*) results the taking of a man's life," the *quandoque* does not refer to a *per accidens* death but rather "refers to the fact that moderate self-defense does not always end in a killing." Daniel McNerny, "Commentary on Steven A. Long's *The Teleological Grammar of the Moral Act*," *Nova et Vetera* 8 (2010): 212. In other words, he thinks that Aquinas recognizes in this passage that there will be times when a person knowingly kills in legitimate self-defense. However, in this passage Aquinas is distinguishing killing from fornication and adultery.



As for the definition of *specific difference*, Jensen takes issue with Long's interpretation of Aquinas concerning the species of a killing necessary for self-defense. Jensen sees Long as saying that "the killing, which provides the narrower species, does not give species, since it is *per accidens* in relation to the more general species from the end."<sup>94</sup> Jensen argues that it does give species—a more determinate species—and therefore it cannot be *per accidens* since Aquinas says that "[t]hat which is outside intention is *per accidens* so that it cannot be a specific difference."<sup>95</sup> Rather, it is what gives species to the act because Aquinas says that "[a] difference that divides some genus, and *constitutes* the species of the genus, *per se* divides it."<sup>96</sup>

What Long says is that, in a simple act (the *per se* case of human action, which he identifies with the act of a necessary killing in self-defense), "the species of the object is contained within that derived from the end, but the defining and containing species is indeed *from the end*, and object is not the end."<sup>97</sup> The species derived from the object gives a "further specification" to the act.<sup>98</sup> Elsewhere, Long states that "the object-species is as a difference adding determinacy, act, perfection, to the end-species as genus."<sup>99</sup> Yet, "the species derived from the object is only, in the *per se* case of human action, an *accidental modification* of the

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The latter are never permitted as a means, whereas the former is permitted to the extent Aquinas indicates in the *respondeo* of the article. Whether this includes a knowing killing in legitimate self-defense depends on one's interpretation of the *respondeo*. This dissertation is not concerned to determine whether Aquinas allows a knowing killing in legitimate self-defense unless it helps to interpret Aquinas's concept of the moral object. For an argument that texts in Aquinas can be found going both ways, see Joseph Boyle, Jr., "*Praeter Intentionem* in Aquinas," *The Thomist* 42 (1978): 654, where Boyle states that for Aquinas "what is *praeter intentionem* lacks an order to the end" (citing ST I-II.102.1), whereas the "means necessarily involve such an order" (citing ST I-II.12.4), although one text (*Summa Contra Gentiles* 3, 6) appears to contradict this conclusion by suggesting that the means to the end of an act can be *praeter intentionem*.

<sup>94</sup> Jensen, "Role of Teleology," 19, citing TG 43.

<sup>95</sup> Ibid., 19-20, quoting ST II-II.110.1 in his own translation.

<sup>96</sup> Ibid., quoting ST I-II.18.7 in his own translation.

<sup>97</sup> TG 43.

<sup>98</sup> TG 43.

<sup>99</sup> Long, "Engaging Thomist Interlocutors," 295.

most formal, defining, and containing species *which is derived from the end*,” where the term *per accidens* does not mean “*per accidens* relative to choice, but *per accidens* relative to *the moral species derived from the end*.”<sup>100</sup>

To determine how these views accord with Aquinas, let us examine his texts. Aquinas states that “when the object is not of itself ordained to the end, the specific difference derived from the object is not an essential determination of the species derived from the end.”<sup>101</sup> This is the case of an untruth, which is found in the passage quoted by Jensen, in regard to which Aquinas affirms that the essential notion of an act is taken from its form.<sup>102</sup> Aquinas states that “if one says what is false, thinking it to be true, it is false materially, but not formally, because the falseness is beside the intention of the speaker so that it is not a perfect lie, since what is beside the speaker’s intention is accidental for which reason it cannot be a specific difference.”<sup>103</sup> The act of telling an untruth is not ordained to the end of telling a truth so that the specific difference derived from the object, which is telling an untruth, is not an essential determination of the species derived from the end, which is to tell a truth. Therefore, the specific difference of telling an untruth in this case cannot be a specific difference for the act because it is only the material aspect of the act and lacks the proper form.

From these texts it appears that Jensen is correct that in the case of a killing that is ordained to the end of self-defense, the specific difference derived from the object (killing) is an essential determination of the species derived from the end (self-defense), but he mistakes what *specific difference* means. It does not mean that the species of the killing defines the nature of

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<sup>100</sup> TG 43.

<sup>101</sup> ST I-II.18.7.

<sup>102</sup> ST II-II.110.1.

<sup>103</sup> ST II-II.110.1.

the act. The species of the killing defines the material aspect of the act (killing in its natural form as being), but this material aspect takes the form of the species of self-defense as one way in which self-defense is differentiated in its species.<sup>104</sup>

Long is correct that in the case of a killing that is ordained to the end of self-defense, the species of the object is contained within, and defined by, the species derived from the end, but he confuses the reader by saying that the object gives a “further specification” to the act and yet is an “accidental modification of the species derived from the end.” If by “further specification” he means (and I believe he does) that it adds a different specification in its natural species from that which the end has in its moral species, then his statement is an accurate interpretation of Aquinas.<sup>105</sup> However, “further specification” sounds too much like a further division of the self-defense into other species, much like theft and robbery are further specifications of the species of taking property from another involuntarily.<sup>106</sup> If by “accidental modification” he means (and I believe he does) that the species of the object in its natural species is accidental to the species of the end in its moral species, then his statement is an accurate interpretation of Aquinas.<sup>107</sup> However, “accidental modification” sounds too much like a change in the species derived from the end—something which the material aspect of an act cannot effect in the formal aspect.

Furthermore, the use of the term “accidentally” in this context, even if used correctly, is

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<sup>104</sup> Keiser makes the same mistake concerning the meaning of *specific difference*. He says that when Long maintains that the moral species derived from the end is most defining and that the moral species derived from the object is a specific difference of that species, he is using “speech that fails to signify.” Keiser, “The Moral Act,” 277n160. The reason, Keiser says, is that “most defining” means “most specific.” Keiser would be correct if “specific difference” referred to the species of the object, what Keiser says is “that which signifies how a thing is what it is.” Ibid. It does not. It refers to a determination of the species of the end.

<sup>105</sup> See ST I-II.18.7.ad1, where Aquinas states that “an action which, as to its substance, is in one natural species, considered in respect to the moral conditions that are added to it, can belong to two species.”

<sup>106</sup> See ST II-II.66.4 & ad.2, discussing the species of theft and robbery as a difference of proximate ends in relation to the more remote end of taking property from another remotely.

<sup>107</sup> See ST I-II.1.3.ad3, where Aquinas states that “moral ends are accidental to a natural thing, and conversely the relation to a natural end is accidental to morality.”

misleading because it is too easy to confuse it with the same term, which Aquinas uses to describe the opposite situation where the object is not of itself ordained to the end and thus lies outside the intention of the end so as to be accidental to the end.<sup>108</sup>

Long is also correct with regard to the meaning of the term *specific difference*. He states that “Thomas compares the species derived from the end in this case [where the object is by its nature ordered to the end] to a *genus* and the species derived from the object to a *specific difference*—but the specific difference is contained within the genus.”<sup>109</sup> In accord with Aquinas, he does not equate the species derived from the object with a *specific difference*. The species derived from the object as such refers to the material aspect of the moral object. Rather, Aquinas says that, if the species of the object is one of the essential differences by which the species (considered as genus) of the end is divided, it is a specific difference of the species of the end and is contained under that species.<sup>110</sup> In other words, the object, which is the material aspect of the moral act defined as such by its own species, is formed by the species derived from the end to which the object is *per se* ordained, and thus the object becomes a specific difference in the sense that it determines the species of the end to a specific operation. Long is in accord with Aquinas on this point, so that, even though he denies that the object-species gives species to the moral act, he can say that “[b]ecause the moral species of objects are essential determinations

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<sup>108</sup> ST II-II.110.1, discussed above, where Aquinas states as much with regard to the case of telling an untruth without the intention that it be an untruth. Long speaks of a difference between his case of an object *per se* ordained to an end and the case in ST II-II.110.1, but he appears to mistake the latter as involving an object’s partial motion toward the end rather than an object’s failure to be *per se* ordained to the end. Long, “Engaging Thomist Interlocutors,” 290n20.

<sup>109</sup> Long, “Brief Disquisition,” 58.

<sup>110</sup> ST I-II.18.7.

of the defining species derived from their proper or natural ends, it is most formally quite true to say that moral acts receive their species from that which is intended.”<sup>111</sup>

Thus, with regard to his interpretation of Aquinas, Long’s definition of the three terms, “intended end,” “*praeter intentionem*,” and “specific difference,” fares better than his definition of the three terms in the first subsection. It is true that Long differs with Aquinas in his definition of choice, but this difference does not really engender a real difference in the interpretation of the moral object. On the other hand, his differences with Aquinas are more significant with regard to the function of reason in discerning the good, which is discussed in the section below in contrast to Rhonheimer’s view on this issue.

## 2. The Function of Reason in Discerning the Good

There are two points on which Long has major differences with Rhonheimer concerning the interpretation of Aquinas’s concept of the moral object. He believes that the matter of the act contains its own form of good, and he attributes the discernment of the good to the speculative intellect. This section will examine whether these points are in accord with Aquinas.

Rhonheimer states that “it is metaphysically impossible to identify ‘nature’ with the moral good or to simply want to derive the latter from the former.”<sup>112</sup> Long counters that “the naïve insistence upon a dichotomy between nature and the good, between ‘fact’ and ‘value’ is a philosophically unsustainable position”—one which Aquinas never held.<sup>113</sup> According to Long, the teleology of nature is “inclusive of the unified hierarchy of ends, as divinely constituting the passive participation in the eternal law upon which our active, rational, perceptive participation

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<sup>111</sup> Long, “Brief Disquisition,” 60.

<sup>112</sup> PM 270.

<sup>113</sup> TG 9-10.

is based.”<sup>114</sup> God creates the hierarchy of ends and endows nature with them in such a way that one can actively perceive them through one’s reason. These ends “exhibit an intelligible order” which “orients the compass of human persons with respect to the definition of the good life.”<sup>115</sup>

According to Long, this intelligible order is a fact of nature, an objective good. In the case of human acts, it manifests itself in the natural inclinations, such as self-preservation, sexual intercourse, and the desire to know the truth. These inclinations “first order the human person to the ends which perfect him as appetibles, adequating the mind *sub ratione veri* [under the aspect of truth] to these ends as true perfections, thus enabling volition to occur *sub ratione boni* [under the aspect of good].”<sup>116</sup> Of course, one must contemplate these natural inclinations in terms of what is perfecting for the human person. Long states that the “sub-rational inclinations . . . must be placed in the wider rational framework of the universal good through contemplation before they are ethically directive because only so does one know their ends as integrated within the hierarchy of ends that defines the good for man.”<sup>117</sup> Nevertheless, knowledge of this good is derived from nature as a fact that one observes as truth. The “is” of nature is the “ought” of morals because in nature one finds the being of the “ought” that perfects appetite.<sup>118</sup>

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<sup>114</sup> TG xix.

<sup>115</sup> TG 2-3.

<sup>116</sup> Long, “Minimalist natural law,” 250-51.

<sup>117</sup> Long, Teleology—Thoughts,” 263n2.

<sup>118</sup> Long, “Natural Law, the Moral Object,” 289. Jensen espouses this same view that good is defined in terms of inclination, and he criticizes Rhonheimer for not recognizing that one can move from an “is” to an “ought.” Jensen, “Thomistic Perspectives,” 151-54. John Rziha expresses a similar view as well. He explains natural law as the participation of the person in the eternal law, “the ultimate exterior principle of action,” which moves in two ways, namely as a principle of motion and cognitively. John Rziha, *Perfecting Human Actions: St. Thomas Aquinas on Human Participation in Eternal Law* (Washington DC: Catholic University of America Press, 2009), 98. The participation in the eternal law as a principle of motion is that by which “the eternal law moves humans to actions through the interior principles of the powers of the soul by means of their natural inclinations.” Ibid. 64, 98. The natural inclinations are to the particular goods of the powers of the soul. The participation in the eternal law cognitively is the person’s “ability to recognize the inclinations and determine the proper norms that flow from them.” Ibid. 104.

Rhonheimer rejects this interpretation. He states that “the moral good is not constitutive of man’s essential or substantial being.”<sup>119</sup> Moral good is added as an accident—as a perfection of human nature—to substantial being.<sup>120</sup> It is added by the work of the practical intellect. Therefore, one cannot derive knowledge of moral good from the experience of being in itself. Moral good is constituted by “the naturally cognitive dynamics of the practical intellect—that is, the judgments of natural reason and their propositional contents [which operate on the natural inclinations and which] are themselves constitutive of human nature from which springs what we call the ‘moral order.’”<sup>121</sup> These judgments operate objectively by the precepts of the natural law within practical reason as it is conditioned by the natural inclinations; they do not merely find moral order in the natural law of the inclinations.<sup>122</sup> They constitute the moral order in their very act and thus provide knowledge of the moral order in an original manner.<sup>123</sup> In this way God structures practical reason to be “an active participation of the eternal law which unfolds and becomes effective through its judgments about good and evil.”<sup>124</sup>

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<sup>119</sup> PM 270, citing *De Veritate* q. 21, a. 5.

<sup>120</sup> PM 270.

<sup>121</sup> Rhonheimer, “Pre-Rational Nature,” 134-35.

<sup>122</sup> Matthew Levering states that a key point for Rhonheimer is that “the practical reason must establish the norm for the natural inclinations, rather than discerning in the natural inclinations an already established norm.” Matthew Levering, “Natural Law and Natural Inclinations: Rhonheimer, Pinckaers, McAleer,” *The Thomist* 70 (2006): 171. If this means that reason norms the natural inclinations rather than creating a norm for them, he is correct. Rhonheimer states that “reason has a relationship to the natural inclinations—because they are natural—that mirrors that of the relationship between form and matter.” Rhonheimer, “Cognitive Structure,” 180, quoted in Levering, “Natural Law,” 196.

<sup>123</sup> NL 11-12. Rhonheimer states that “[t]his order (established through the *lex aeterna* and constituted, for the realm of human actions, through the *lex naturalis*) is not at all a ‘natural order,’ but rather an ‘order of the reason’ (*ordo rationis*) that exists from eternity in God, and which is then constituted, by the mediation of the human reason, in acts of the will and in particular actions.” NL 66. Natural reason does not perform its own creative, norm-setting activity. Rhonheimer, “Truth of Subjectivity,” 278-79; EP 7. Nor does it operate by way of innate ideas. NL 263; PV 527.

<sup>124</sup> Rhonheimer, “Pre-Rational Nature,” 135. Thus, the answer to Jensen, “Thomistic Perspectives,” 151-54, who criticizes Rhonheimer for not recognizing that one can move from an “is” to an “ought,” is that one cannot do so without the intervention of practical reason operating through its function as natural law. Otherwise, one

Thus, the differences between Long and Rhonheimer can be summarized as follows.

Long sees reason in a passive role concerning the ordering function of the natural law and states that “[h]uman reason does not turn the water of mere *inclinatio* into the wine of *lex*, but is subject to an order of law by the very being and order that it passively participates and which it is *ordered* to receive rationally and preceptively.”<sup>125</sup> Rhonheimer sees reason in an active role and, in the words of one commentator who borrows Long’s terminology, “produces from the water of ‘nature’ the wine of ‘*human nature*.’”<sup>126</sup>

This difference between Long and Rhonheimer manifests itself in the different ways in which the intellect operates to cognize moral good. Long claims that the intellect, which observes the teleological order of acts to their proper ends as a fact of nature or truth, operates in the form of the speculative intellect to know truth simply for its own sake. Speculative knowledge, by showing what promotes human fulfillment as good, gives reasons for action which bring the practical intellect into play.<sup>127</sup> In other words, the “practical ordering presupposes a prior *speculum*”<sup>128</sup> by which a person first apprehends speculatively the good in the end of an act (its moral species). It is this speculative apprehension that is “the source of the initial inciting spark of appetition,” the desire or inclination of the will that is an “intention moving the practical reason to deliberate further about the means to a contemplated end.”<sup>129</sup> Therefore, according to Long, the first act of practical reason is not apprehension of a good end, which is speculative, but rather deliberation concerning the means to that end.

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would “deny that human beings are essentially spiritual and free and that only on the background of freedom and reason can something like a ‘moral ought’ appear.” Rhonheimer, “Response to Jensen,” 190-91.

<sup>125</sup> Long, “Autonomous Practical Reason,” 191.

<sup>126</sup> Levering, “Natural Law,” 199, citing Long for his metaphor in a footnote.

<sup>127</sup> TG 10; Long, “Natural Teleology,” 284-85; Long, “Analytic Looking-Glass,” 268.

<sup>128</sup> TG 10.

<sup>129</sup> Long, *Natura Pura*, 155, and Long, “Reproductive Technologies,” 223.



Rhonheimer maintains that the apprehension of the good end is itself an act of the practical intellect. This act is motivated by the natural inclinations, which are “rooted in the essential constitution of the person” before any operation of reason takes place.<sup>130</sup> The natural inclinations “are natural and not acquired tendencies, [which] are directed by natural necessity—by a *determinatio ad unum*—toward a good that is proper to them.”<sup>131</sup> The particular goods of these natural inclinations are appetibles, which operate as principles to move the practical intellect to seek human goods. Practical reason responds by spontaneously grasping the content of the inclinations of the appetites and apprehending the goals of the natural inclinations as human goods through natural law, which is inherent in the very structure of reason itself.<sup>132</sup> The first principle of reason operating through natural law is a “*principle of praxis*” which “drives the subject to the good as such and as it were brings the nature of the good as that which is striven for to expression.”<sup>133</sup> It is “the cause of the disjunction of the moral difference.”<sup>134</sup> In other words, the operation of practical reason through natural law as a principle of movement towards the good and away from evil distinguishes the moral species of good and evil in acts, and this apprehension, illuminating the human goods to which the natural inclinations are ordered by the eternal law of God, is the first act of practical reason.

As between Rhonheimer and Long, Rhonheimer has the better interpretation of Aquinas. Aquinas states that a rational creature “has a natural inclination to its proper act and end: and this participation of the eternal law in the rational creature is called the natural law.”<sup>135</sup> The natural

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<sup>130</sup> NL 74.

<sup>131</sup> NL 74.

<sup>132</sup> NL 73-76 and 250; PM 269.

<sup>133</sup> PM 271, 274; PV 549-50.

<sup>134</sup> PM 281.

<sup>135</sup> ST I-II.91.2.

law is a natural inclination in the person himself “as in him that rules and measures” as opposed to those inclinations that are in both rational and irrational creatures as “in that which is ruled and measured.”<sup>136</sup> It is an active principle as opposed to a passive principle. Aquinas says that it is a light that “is nothing else than an imprint *on us* of the Divine Light” by which the rational creature participates in the eternal law.<sup>137</sup> Thus, Aquinas distinguishes this imprint of the eternal law, which gives the power to rule and measure, from that which causes the creature to be ruled and measured.

Furthermore, Aquinas distinguishes the way in which a person experiences this natural law. Rather than apprehending the good simply by the speculative intellect, a person experiences the good through the practical intellect as an end. Aquinas states that “as being is the first thing that falls under the apprehension simply, so good is the first thing that falls under the apprehension of the practical reason, which is directed to action: since every agent acts for an end under the aspect of good.”<sup>138</sup> So a person first feels an inclination to a particular good as an end through one of his appetites, and the practical intellect judges by its own inherent natural law whether this inclination is in accord with the person’s nature. If so, then it directs the person to action. Aquinas confirms this when he states that “good has the nature of an end, and evil, the nature of a contrary, hence it is that all those things to which man has a natural inclination, are naturally apprehended by reason as being good, and consequently as objects of pursuit, and their contraries as evil, and objects of avoidance.”<sup>139</sup>

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<sup>136</sup> ST I-II.91.2.

<sup>137</sup> ST I-II.91.2 (emphasis added).

<sup>138</sup> ST I-II.94.2.

<sup>139</sup> ST I-II.94.2.

There are two aspects to the natural law by which the practical reason directs to action. One aspect is a principle of action. Aquinas says that “the first principle of practical reason is one founded on the notion of good, viz. that *good is that which all things seek after*,” and the principle is “the first precept of law, that *good is to be done and pursued, and evil is to be avoided*.”<sup>140</sup> The other aspect consists of principles by which practical reason ascertains the good. These principles are the light by which a person judges his inclinations to be in accord with his nature—the nature that man has in common with all substances, the nature that man has in common with other animals, and the nature man has in his reason.<sup>141</sup> It is through the operation of practical reason that a person judges the inclinations to particular goods as natural inclinations to the human good. Evidence of this is Aquinas’s reply to an objection that “things relating to the inclination of the concupiscible faculty belong to the natural law.”<sup>142</sup> Aquinas states that “[a]ll 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.” In other words, the inclinations of the sensitive appetites have human good as their end when they are in accord with the judgment of reason operating through natural law to ascertain the human good.

Long does not deny that the intellect’s capacity for judgment is part of the natural law,<sup>143</sup> but he relegates this capacity to the truth-seeking capacity of the speculative intellect and thus denies any constitutive power to the intellect through natural law. He locates the teleological

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<sup>140</sup> ST I-II.94.2.

<sup>141</sup> ST I-II.94.2.

<sup>142</sup> ST I-II.94.2.obj2.

<sup>143</sup> He recognizes the capacity to judge as a part of natural law when he states that “natural law is never merely that which gives us the *capacity* or *power* to judge rightly.” Long, *Natura Pura*, 158.

ordering to the moral good within the nature of particular inclinations to particular goods.

Rhonheimer locates the teleological ordering to moral good within the nature of the practical intellect directing to the human good, albeit working from the particular inclinations to particular goods. Rhonheimer's account gives greater attention to Aquinas's distinction between the practical and speculative aspects of the intellect and attributes apprehension of the good to the experience generated by the former rather than to the understanding accomplished by the latter. The experience generated by the practical intellect is the natural inclination to the human good to which the practical intellect spontaneously through its own structure of natural law directs the will.

Nevertheless, despite Long's refusal to accept the constitutive power of the practical intellect for moral good, Long does provide two important points for understanding the role of the intellect in the beginning of human action. For one, he insists on a prior *speculum* before practical reasoning can take place. This interpretation of Aquinas is correct. Even though it is not a *speculum* concerning moral good as Long maintains, it is a *speculum* concerning the particular goods of the appetites from which the natural inclinations flow.<sup>144</sup> Aquinas explains this act of the speculative intellect as part of the process by which an object of desire, which is

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<sup>144</sup> Rhonheimer is more accurate than Long in explaining this type of speculative knowledge, although he mentions it only briefly. He states:

At [the] basis [of a reason-guided striving] lie the phenomena known as drives, desires, and inclinations. To be sure, 'in the beginning' of the process of practical reason there are necessary cognitive acts which themselves are not practical in nature, but simply grasp reality, or what is. In order for a drive or inclination to have "something" to aim at or for the will to have "something" to will, "something" must be seen, felt, or known.

PM 121. Jensen thinks Rhonheimer misunderstands the nature of this knowledge. He states that "Rhonheimer seems to overlook the fact that the knowledge preceding inclination must not be simply existential knowledge, but knowledge of the thing as good or fitting." Jensen, "Thomistic Perspectives," 148n21. However, Rhonheimer insists that it is only existential knowledge because it is the knowledge that precedes and makes possible the inclinations of the appetites, and the inclinations must exist before something can be found good or fitting. Rhonheimer, "Response to Jensen," 181.

the cause of all moral action,<sup>145</sup> is formed. The object of desire is formed through two faculties operating according to their nature—the intellect and the will. The intellect apprehends the universal being and truth of an object in the form of the particular good of a power of a person, as a special aspect contained in the universal true.<sup>146</sup> It is a simple act of apprehension of the good as true, not of the good as desirable. The intellect does not command the will nor need it be preceded by any act of will. It performs this act of apprehension as the speculative intellect.

Long is also correct on the point that after such a *speculum*, the will, which is not commanded by the intellect, may or may not move to action. The will moves to action if the object cognized by the speculative intellect is fitting.<sup>147</sup> If it is, then the will of its own accord has a natural tendency to want this good, a tendency that Aquinas calls volition.<sup>148</sup> Thus, Aquinas states that “the first act of the will is not due to the direction of reason but to the instigation of nature, or of a higher cause.”<sup>149</sup> Note that volition is not yet a matter of intention, which is a determinate act of the will.<sup>150</sup> What volition does is complete the process of forming

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<sup>145</sup> *De Anima*, Bk. 3, Lect. XV, 820-25.

<sup>146</sup> ST I-II.9.1 & ad3.

<sup>147</sup> ST I-II.9.1.ad2 & 9.2.

<sup>148</sup> ST I-II.15.3.

<sup>149</sup> ST I-II.17.5.ad3, citing I-II.9.4.

<sup>150</sup> ST I-II.12.1.ad4 & ST I.82.4 & ad1. In referring to Aquinas’s statement in ST I-II.10.1.sc that the will wills some things naturally, Sherwin remarks:

For Aquinas, natural here signifies what is proper to each thing’s substance. As such, something that is natural is not a matter of choice. Instead, it is a necessary feature of the very substance of a given creature. . . . [T]he motions of the intellect and will flow from natural principles; they flow from principles that occur necessarily in every act of knowing and willing. The intellect knows certain things naturally, while the will inclines toward certain things naturally.

Michael S. Sherwin, *By Knowledge & By Love: Charity and Knowledge in the Moral Theology of St. Thomas Aquinas*, 54 (Washington: Catholic University of America Press, 2005).

the object of desire, an object that is apprehended by the speculative intellect and desired as fitting by the will without the intellect or the will moving the other.<sup>151</sup>

It is only after the object of desire is formed by the operation of the intellect and the will that the practical intellect comes into operation.<sup>152</sup> Aquinas states that “it is clear that there is ultimately one mover, the object desired [which] both moves appetite [will] and affords a starting point for the practical intellect—the two motive-principles (*moventia*) which have been assumed.”<sup>153</sup> At this point the object of desire moves the practical intellect to apprehend moral good for the purpose of action. This practical apprehension of moral good is markedly different than the speculative apprehension of the particular good of an appetite.<sup>154</sup>

Long rejects this last point in his interpretation of Aquinas, but the two points on which he is in accord with Aquinas—that there is a prior speculum as well as an operation of the will that is independent of any direction by the intellect—have been underappreciated by commentators on Aquinas and have led to a misunderstanding of the intellect’s apprehension of good prior to the act of the will called intention. Daniel Westberg states that, although four

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<sup>151</sup> Sherwin confirms that “reason does not direct the will’s first natural inclination, [although] this inclination still presupposes the informing presence of the intellect.” Sherwin, *By Knowledge & By Love*, 23n29. He goes on to say that, according to Aquinas, “reason commands all of the will’s acts, except the will’s first act that is instilled in it by nature, while the will moves the intellect to engage in all its acts except the intellect’s first act that is instilled in it by nature.” Ibid., 57-58.

<sup>152</sup> *De anima*, Bk. 3, Lect. XV, 821.

<sup>153</sup> *De anima*, Bk. 3, Lect. XV, 823.

<sup>154</sup> When one fails to distinguish between the way in which moral good and particular good are apprehended, Rhonheimer’s view runs into the problem of a vicious circle, as Jensen points out: “We must first have inclinations in order to have practical principles, which are an awareness of what is good. These inclinations themselves, however, if they are inclinations of the will, presuppose some awareness of the good. Which comes first, the inclinations or the knowledge? Each depends on the other.” Jensen, “Thomistic Perspectives,” 154. Jensen criticizes Rhonheimer for this vicious circle, but Rhonheimer properly responds that Jensen disregards what he has “said about the nature of human reason (or the intellect) as being essentially a ‘light’ which renders intelligible *in actu* what belongs to human nature.” Rhonheimer, “Response to Jensen,” 186. The natural inclinations to particular goods, even such inclinations of the will, do not presuppose any awareness of human good. If it did, the result would be pure naturalism. Ibid., 188.

beginning steps in the process of human action have been noted in the analysis of Aquinas,<sup>155</sup>

“[i]t is much more straightforward, more sensible, and more faithful to Thomas to combine *apprehensio* with *iudicium circa finem*, and *velle* with *intentio*.”<sup>156</sup> This combination completely eliminates the necessary stage prior to human action in which the object of desire is formed.

Joseph Pilsner recognizes that willing (*velle*, or, as he says, *voluntas*) is a separate “stage prior to human action properly so-called.”<sup>157</sup> However, he states that “willing cannot occur unless some goal has been proposed,” and in the stage of *voluntas* a person “recognizes that the *proposal* possesses merit.”<sup>158</sup> The idea that the intellect is proposing something to the will that possesses merit eliminates the complete independence of the will at this point in the formation of the object desired and furthermore suggests that what is proposed is a human good and not a particular good. Servais Pinckaers, whom Michael Sherwin follows in the analysis of this point,<sup>159</sup> recognizes a stage of apprehension and willing that is separate from judgment and intention, but he specifically states that apprehension is the intuition of the end and willing is the pure and absolute wishing of the end.<sup>160</sup> For this he relies on Aquinas’s definition of *voluntas* in regard to its act which is of the end itself.<sup>161</sup> However, the definition of *voluntas* to which he points is for willing in general and not for the specific willing that goes into the formation of the object

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<sup>155</sup> These are (1) apprehension of the end (by the intellect) (*apprehensio*), (2) willing of the end (by the will) (*velle*), (3) judgment about the end (by the intellect) (*iudicium circa finem*), and (4) intention (by the will) (*intentio*). Daniel Westberg, *Right Practical Reason: Aristotle, Action, and Prudence in Aquinas*, 119 (Oxford: Clarendon Press, 1994).

<sup>156</sup> *Ibid.*, 133.

<sup>157</sup> Joseph Pilsner, *The Specification of Human Actions in St Thomas Aquinas* (Oxford: Oxford University Press, 2006), 10.

<sup>158</sup> *Ibid.*, 10 & n1 (emphasis added).

<sup>159</sup> See Sherwin, *By Knowledge & By Love*, 85n91, where Sherwin states that he has “revised Westberg’s schematic by adding a preliminary stage neglected by Westberg” due to the influence of Pinckaers.

<sup>160</sup> Servais Pinckaers, “La structure de l’acte humain suivant saint Thomas,” *Revue thomiste* 55 (1955): 407. See also Sherwin, *By Knowledge & By Love*, 93, where Sherwin states that “love at the level of the will’s *simplex voluntas* arises in response to reason’s recognition of a person’s goodness.”

<sup>161</sup> Pinckaers, “La structure de l’acte humain,” 397, citing ST I-II.8.2.

desired. Pinckaers's analysis still does not recognize the stage that creates the object of desire, even though Sherwin recognizes that there is such a stage.<sup>162</sup>

Thus, while Rhonheimer has the better interpretation of the source of moral good as it derives from the constitutive power of the practical intellect, Long still emphasizes two important points for understanding the preliminary operation of the speculative intellect and the operation of the will independent of this intellect. As Long states, there is a prior *speculum* in order to realize a good, and this *speculum* does not direct the will to action. To this must be added the fact that the good that is realized by this act of the speculative intellect is a particular good as Rhonheimer maintains—not a moral good as Long maintains. Then, if the will finds this *speculum* fitting, it operates in accord with its nature by desiring this particular good as a particular good. This makes the good an object of desire, which in turn moves a person through the constitutive power of the practical intellect to determine whether the object of desire is not only a particular good but also a human or moral good. Rhonheimer properly describes the constitutive power of the practical intellect as having its source in that aspect of natural law that is in a person as in that which rules and measures. Only after the practical intellect apprehends this moral good does the will intend the object as one to be achieved.

In sum, Long provides a solid interpretation of Aquinas in several regards but with some notable exceptions. The most notable exception is his expansion of the role of the speculative intellect to embrace the apprehension of human good, a role that is confined to the practical intellect according to Aquinas. This expansion is possible because Long attributes to Aquinas the notion that the natural law that directs a person to the human good exists inherently in the

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<sup>162</sup> For Sherwin's recognition of the operation of the intellect and the will independently of each other at this initial point, see nn. 150-51 above.



particular inclinations to particular goods that a person has in his different powers. Thus, the speculative intellect can apprehend it as a matter of understanding. Aquinas maintains, on the contrary, that the natural law that directs to the human good is inherent in the practical intellect. So, in reality, a person must experience the inclination to the human good directed by the practical intellect in order to apprehend it.

These differences with Aquinas are the cause of some of the differences that Long has with Aquinas with regard to the terms examined in the first section of this chapter. Long's conflation of nature with good, whereby he includes both the nature of being and the nature of good in his description of the teleological order to the end, appears in his definition of *per se end*. It also appears in his definition of the *object of the exterior act* to which he attributes a form of good. According to Aquinas, the teleological order to the end is a direction only to the good, while the nature of being concerns only the matter by which the teleological order to the good is accomplished. Other than these concerns, there is some variation in Long's terminology from that of Aquinas, such as his definitions of *proximate end* and *choice*, but these do not affect his interpretation of Aquinas's concept of the moral object as seriously.

## Chapter 6

### Evaluation of Rhonheimer's Interpretation of Aquinas

Martin Rhonheimer's interpretation of Aquinas's concept of the moral object also has been challenged for his understanding of the definition of the moral object and for his understanding of the function of reason in discerning the good. Chapter 5 provides a partial defense of Rhonheimer, particularly as he interprets the function of reason in opposition to Long. This chapter will examine other challenges and continue to evaluate the validity of Rhonheimer's interpretation in light of the texts of Aquinas.

#### **1. The Definition of the Moral Object**

Contrary to Long, Rhonheimer identifies the material aspect of the moral object with the exterior act and the formal aspect of the moral object with the order that reason brings to the exterior act. Also, contrary to Long, Rhonheimer excludes the intention of the further end from the definition of the moral object but shows how it is important to understanding the moral object. This section will evaluate how well Rhonheimer interprets Aquinas in this regard. The first subsection addresses the meaning of the exterior act as the material aspect of the moral object. The second subsection examines how the exterior act is formed by reason. The third subsection addresses the relationship of the moral object to the further end intended by the will.

### 1.1. The Exterior Act as Matter

This subsection evaluates how well Rhonheimer follows the texts of Aquinas for the meaning of exterior act as the material aspect of the moral object. In the process it will examine the claim that Rhonheimer incorrectly denies that the exterior act itself has a moral object.

Aquinas defines the moral object as that from which an action derives its species,<sup>1</sup> and “the species of a human act is considered formally with regard to the end, but materially with regard to the object of the exterior action.”<sup>2</sup> Therefore, the material aspect of the moral object is the exterior act as it is defined by the thing that is the object or natural end of this act in its being. Its form pertains to nature which has no measure of morality since it does not involve the will. It is only when one considers the formal aspect of the moral object, which is the will as it is defined by its moral end, that one realizes the species of the act in its moral form.

Rhonheimer distinguishes between the material and formal aspects of the moral object. He defines the material aspect as an act of the executing will (*usus*) that uses the powers of the body or soul to do the act.<sup>3</sup> This material aspect does not involve the intending will (*intentio*) nor the choosing will (*electio*), which together give the act its form of good. To the extent it excludes intention and choice, Rhonheimer accords with Aquinas and provides a better definition of the material aspect of the moral object than Long who locates a form of the good in the material aspect of the act itself and therefore includes choice. However, Rhonheimer does include the executing will within the definition of the material aspect. He does not support this with a text from Aquinas, but says rather that if the material aspect of the moral object were only

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<sup>1</sup> ST I-II.18.5.

<sup>2</sup> ST I-II.18.6.

<sup>3</sup> NL 417-18, PM 181.

the act of a power other than the will, this object “could seem simply to be the object of the power in question,” thus making the act a natural act rather than a moral act.<sup>4</sup> This addition of *usus* in the definition of the material aspect of the moral object is not indicated by any text in Aquinas. It appears that Rhonheimer is being overly cautious to help prevent his reader from falling into a physicalist trap, but it introduces a voluntary aspect to the material aspect of the moral object and confuses matter with form. This confusion should not be attributed to Aquinas.

Nevertheless, Rhonheimer is in accord with Aquinas to the extent that at least part of the material aspect (for Aquinas it is the whole of the material aspect) consists of the operation of the powers of the body and soul, that these operations have an object or natural end in their natural being, and that this object is not the moral object. Aquinas, who considers the whole of the material aspect of the moral object to be a natural act, states that “[t]he species of a human act is considered . . . materially with regard to the object of the exterior action,” and that “the exterior act takes its species from the object on which it bears” as opposed to the object of the interior act of the will.<sup>5</sup> In other words, the object of the exterior act is a natural object and not a moral object. Rhonheimer states that “the ‘moral object’ is not for Thomas, properly an ‘object of the exterior act,’ but always and exclusively the object of the interior act of the will.”<sup>6</sup> As Aquinas states, the interior act of the will “takes its species from the end, as from its own proper object,” and “[t]he species of a human act is considered formally with regard to the end.”<sup>7</sup> Thus, the natural object of the natural act, which is the whole of the exterior act for Aquinas albeit only a part for Rhonheimer, defines the exterior act in its natural state and therefore is useful in defining

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<sup>4</sup> NL 419-20.

<sup>5</sup> ST I-II.18.6.

<sup>6</sup> Rhonheimer, “Object of the Human Act,” 210.

<sup>7</sup> ST I-II.18.6.

the material aspect of the moral object, but it is only when the will intends or chooses this exterior act under the direction of reason that the exterior act, as moral and not merely as natural, becomes the object of the moral act.

Tobias Hoffmann takes Rhonheimer to task for denying “that the exterior act has itself a moral object, in addition to being a moral object for the will.”<sup>8</sup> According to Hoffmann, “it is the exterior act together with its own moral object that becomes the moral object of the will when the said act is intended or chosen.”<sup>9</sup> Hoffmann defines the moral object of the exterior act as the moral qualification that reason gives to the act before it presents the act to the will, and he believes that Rhonheimer denies this qualification when he states that the exterior act does not itself have a moral object.<sup>10</sup>

Hoffmann and Rhonheimer do define the “object of the exterior act” differently. Rhonheimer defines it as the natural end or object of the exterior act in its natural form, while Hoffmann defines it as the moral form of the exterior act itself as judged by reason. Nevertheless, Rhonheimer recognizes that, according to Aquinas, there is a moral form to the exterior act as judged by reason. He cites to the passage where Aquinas states that “when the exterior action has goodness or malice of itself,” this is “in regard to its matter and circumstances,”<sup>11</sup> and a circumstance “must needs specify the moral action whether good or bad” whenever it has “a special relation to reason.”<sup>12</sup> He states that it is the “rational comprehension

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<sup>8</sup> Tobias Hoffmann, review of *The Perspective of the Acting Person: Essays in the Renewal of Thomistic Moral Philosophy*, by Martin Rhonheimer, *The Thomist* 73 (2009): 664.

<sup>9</sup> Ibid.

<sup>10</sup> Ibid., 663.

<sup>11</sup> ST I-II.20.3, cited in Rhonheimer, “Object of the Human Act,” 211n49.

<sup>12</sup> ST I-II.18.10, cited in Rhonheimer, “Object of the Human Act,” 211n50. The same is true for matter concerning which Aquinas states that “the difference of good and evil considered in reference to the object is an essential difference in relation to reason; that is to say, according as the object is suitable or unsuitable to reason.”

of the exterior act, which contains a rational *ordinatio* of its various material elements.”<sup>13</sup> When it has this form the exterior act becomes the moral object of the human act—a moral object that involves the will in the human act. The moral object of the human act is willed as chosen and is the basic intentional content of the human act; the moral object of the will is willed as intended and is the further intentional content of the human act.

Hoffmann is aware that Rhonheimer takes this approach. He even states that “Rhonheimer explains that contrary to the proportionalists’ view of the expanded moral object, the word “object” means the basic intentional content of the human act, distinguishable from *further* intentions regarding what someone may incidentally hope to achieve by means of the act.”<sup>14</sup> But Hoffmann is not satisfied that Rhonheimer really separates basic intention from further intention. He gives as an example Rhonheimer’s treatment of the act of masturbation for fertility analysis.<sup>15</sup> Rhonheimer quotes the *Catechism of the Catholic Church* to define masturbation as “the deliberate stimulation of the genital organs in order to derive sexual pleasure” and concludes that the stimulation of the genitals for the sake of fertility analysis is not

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ST I-II.18.6. Aquinas sometimes uses “object” to mean “matter.” See, for example, his discussion of lust where he uses “object” and “matter” interchangeably.

<sup>13</sup> Rhonheimer, “Object of the Human Act,” 211. Rhonheimer footnotes this statement with a reference to Hoffmann, “Moral Action,” 73-94. Rhonheimer states that Hoffmann is correct when he “asserts that the ‘*materia circa quam*’ is ‘what the agent is doing,’ as ‘*uti re sua*’ or ‘*accipere aliena*,’ which are good or evil objects (or acts) according to their ‘proportion to reason.’” Rhonheimer adds that “reason not only judges concerning the goodness of the object, but also formulates or constitutes it cognitively, in the sense that only before reason can it appear as *this kind of object*.” Rhonheimer, “Object of the Human Act,” 211n52.

<sup>14</sup> Hoffmann, review of *Perspective*, 662, citing Rhonheimer, “Object of the Human Act,” 196, who himself cites to ST I-II.20.1.ad1. Aquinas states that “[t]he exterior action is the object of the will, inasmuch as it is proposed to the will by the reason: and thus it is prior to the good in the act of the will. ST I-II.20.1.ad1. Thus Aquinas distinguishes between the good of the exterior action and the good in the act of the will. Aquinas gives as an example of an evil in the act of the will the end of vainglory for the sake of which one may give alms, whereas the exterior act of “the giving of alms, if the required conditions be observed, is said to be good.” ST I-II.20.1.

<sup>15</sup> Hoffmann also gives the example of Rhonheimer’s treatment of the act of contraception to prevent infection, but Rhonheimer states that he has “publicly declared not to continue to defend disease-preventing condom use while leaving the judgment to competent Church authorities.” Rhonheimer, “A Nonexisting ‘False Theory,’” 15.

masturbation as a matter of basic intention.<sup>16</sup> Hoffmann suggests that Rhonheimer is blending the further intention of the act (that for the sake of which something is done) with its basic intention (that which is done for the sake of something else).<sup>17</sup> He asks: “To what extent is the intentional content of an action constitutive of the moral specification of the exterior act and how does the exterior act work back on the specification of the interior act of the will?”<sup>18</sup> If Rhonheimer is blending the two, then there is a problem with Rhonheimer’s concept of the basic intention of an act.

To determine what falls under the basic intentional content of the act of masturbation when its behavior is chosen, we turn to Aquinas. Both Rhonheimer and Hoffmann are agreed that according to Aquinas the basic intentional content is determined by a person through reason.<sup>19</sup> Furthermore, both are agreed that according to Aquinas “[t]wo acts might share the same natural characteristics but be of different moral species [such that] what belongs naturally speaking to the same type of homicide might be either an act of justice or injustice.”<sup>20</sup> Therefore, reason must judge whether the behavior naturally speaking of stimulation of the genitals is an act of masturbation in its basic intention when it is done for the sake of fertility analysis. We look to Aquinas’s understanding of this judgment in his discussion of lust.

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<sup>16</sup> Hoffmann, review of *Perspective*, 663, citing Martin Rhonheimer, “Intentional Actions and the Meaning of Object: A Reply to Richard McCormick,” in *The Perspective of the Acting Person: Essays in the Renewal of Thomistic Moral Philosophy*, ed. William F. Murphy Jr., trans. Joseph T. Papa (Washington: The Catholic University of America Press, 2008), 82.

<sup>17</sup> Hoffmann, review of *Perspective*, 663-64.

<sup>18</sup> Hoffmann, review of *Perspective*, 664.

<sup>19</sup> Hoffmann states that “the exterior act is morally specified according to whether the things or persons the act is concerned with are in due proportion to reason,” and that Rhonheimer acknowledges this. *Ibid.*

<sup>20</sup> *Ibid.*, 662, describing Rhonheimer’s view.

According to Aquinas, “the sin of lust consists in seeking venereal pleasure not in accordance with right reason.”<sup>21</sup> This can be done “in respect of the matter wherein this pleasure is sought,” such as in the case of the matter of the “vice against nature,” which is “discordant with right reason” by “hindering the begetting of children,” which itself is “inconsistent with the end of the venereal act.”<sup>22</sup> Thus, the vice against nature, which includes uncleanness (masturbation), is a determinate species of lust.<sup>23</sup> Uncleanness is the act of masturbation giving pleasure.<sup>24</sup> If it did not give pleasure, there would be no sin of lust because the sin of lust consists in seeking pleasure.

If this act giving pleasure is what is sought as the “matter” of masturbation, then it is a fair interpretation to read Aquinas as saying that the basic intentional content of this human act involves the seeking of pleasure; otherwise, there is no sin of masturbation as a species of lust. Rhonheimer does not appear to blend the further intention with the basic intention in this example—at least according to Aquinas’s understanding. He can safely say that “[i]f one chooses the same behavior pattern (stimulating genital organs) in order to get semen for fertility analysis, then one simply chooses an action that is different [than masturbation] by its object.”<sup>25</sup>

Ultimately, then, the fact that Rhonheimer denies that the exterior act itself has a moral object does not deny that it is endowed by reason with a moral form apart from the form of the

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<sup>21</sup> ST II-II.154.1.

<sup>22</sup> ST II-II.154.1.

<sup>23</sup> ST II-II.154.11.

<sup>24</sup> Aquinas states that the unnatural vice is “contrary to right reason” and “to the natural order of the venereal act as becoming to the human race . . . by procuring pollution, without any copulation, for the sake of venereal pleasure.” ST II-II.154.11.

<sup>25</sup> Rhonheimer, “Intentional Actions,” 82. Of course this does not mean that the behavior is without sin. Even though it may not fall within a species of lust as masturbation, it may still be a sin by the fact that it opposes the good of human procreation. Aquinas defines the end of the venereal act as the begetting and the due upbringing and advancement of children. ST II-II.154.1. The act for fertility analysis can still be considered to hinder the begetting of children. This inconsistency with the end of the venereal act would make it discordant with right reason. Ibid.



end which is the object of the further intention. Hoffmann's difference with Rhonheimer becomes one primarily of terminology. The moral form of the exterior act for Hoffmann is the moral object of the exterior act; the moral form of the exterior act for Rhonheimer is "the rational comprehension" of the exterior act, and the object of the exterior act is the natural end or object of the exterior act in its natural form. As between the two, Rhonheimer's terminology for the object of the exterior act accords more with Aquinas. Aquinas states that "the species of a human act is considered . . . materially with regard to the object of the exterior action," and "exterior actions [have no] measure of morality, save in so far as they are voluntary," but they are voluntary only insofar as they are formal.<sup>26</sup> So the will, which follows from reason, is not considered when defining the object of the exterior act.<sup>27</sup> Rhonheimer is correct when he states that "the goodness of the exterior act does not depend, in its turn, on its 'object,' but as St. Thomas affirms with emphasis and constancy, *on reason*."<sup>28</sup>

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<sup>26</sup> ST I-II.18.6.

<sup>27</sup> Hoffmann notes that Rhonheimer "admits that Aquinas does call the moral object the object of the exterior act, which according to Rhonheimer can cause confusion." Hoffmann, review of *Perspective*, 663, citing Rhonheimer, "'Object of the Human Act,'" 210-11. However, a careful read of Aquinas indicates that Aquinas does not really say this. In ST I-II.18.6, Aquinas states that "the object of the exterior action[] is that on which the action is brought to bear," and in ST I-II.18.2, Aquinas states that "the primary goodness of a moral action is derived from its suitable object." Aquinas is careful to use "object of the exterior act" to define the object of that act in its material sense—the exterior act that is formed by nature. He uses the term very infrequently in his work. "Suitable object" refers to something different. It is the moral object, the exterior act that is formed by reason and will. In ST I-II.18.6, Aquinas takes pains to distinguish the exterior act as defined by its own object from the end that is willed—just as matter is distinguished from form—and to indicate that the moral object is the two considered together.

<sup>28</sup> Rhonheimer, "'Object of the Human Act,'" 210. He explains:

This is so because it is precisely reason, and reason exclusively, which proposes the exterior act, in the variety of its components, to the will as an intelligible good, which can then lead to an act of choice and a subsequent action. If one were to further seek an "object" of the exterior act itself as such, he would inevitably fall into physicalism. He would confuse that object on which the primary goodness of the human act depends with a series of natural tendencies, realities, and structures which, though perhaps very significant morally, is not that which, as such, confers its moral species on a human act.

Ibid.

The object of the exterior act counts in its moral specification, but not because it morally specifies. As Hoffmann points out, Aquinas holds that “the exterior act is morally specified according to whether the things or persons the act is concerned with are in due proportion to reason.”<sup>29</sup> Hoffmann and Rhonheimer are both in agreement that the reason and the will are not separable from the material conditions of the exterior act and that there are limits on how one may intend certain acts.<sup>30</sup> For example, an act of adultery cannot be done with an upright intention.<sup>31</sup> Rhonheimer explains that some evil acts are unalterably evil “because constituted by something naturally given and constitutive for the nature of the human person, and inasmuch as this ‘given’ is morally significant.”<sup>32</sup> This does not mean that all acts operate in this way. The material elements of some acts, such as theft, “have nothing to do with ‘human nature,’ they are not elements, structures, or natural data which have a relation to what the human person *is*.”<sup>33</sup> Therefore, the basic intention can make these acts evil or not. This is where, as Hoffmann points out, “for Rhonheimer an exterior act depends for its moral specification on the basic intention with which it is done.”<sup>34</sup> It is not that there is no basic intention in unalterably evil acts. It is merely that there can be no other basic intention than to do evil, given the structure of the matter.

Thus, in summary, the material aspect of the moral object for Aquinas is the exterior act as it is defined by the thing that is the object or natural end of this act in its being. Rhonheimer defines the exterior act to include the executing will (*usus*) using the powers of the body or soul which are doing the act, but Aquinas’s texts point to it being only the powers of the body or soul doing the act. Nevertheless, this definition is closer to Aquinas than that of Long which includes

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<sup>29</sup> Hoffmann, review of *Perspective*, 664.

<sup>30</sup> Ibid., 663, citing Rhonheimer, “‘Object of the Human Act,’” 206, 222.

<sup>31</sup> Ibid., citing Rhonheimer, “‘Object of the Human Act,’” 239.

<sup>32</sup> Rhonheimer, “‘Object of the Human Act,’” 240.

<sup>33</sup> Ibid., 239.

<sup>34</sup> Hoffmann, review of *Perspective*, 663.

the choosing will. The object on which the exterior act bears and from which it takes its material species is a natural object, not a moral object. It defines the exterior act in its natural state and therefore is useful in defining the material aspect of the moral object. Hoffmann claims that the exterior act has its own moral object and that Rhonheimer denies this. Hoffmann's reference is to the form given to the exterior act by an act of reason directing choice. Rhonheimer does not deny that this form exists; he calls it the "rational comprehension" of the exterior act. What he denies is that it is called the moral object of the exterior act. Rather the object of the exterior act is the natural object of the act in its natural state. In this he is more in accord with Aquinas. When the exterior act is formed by its rational comprehension, it becomes the moral object of the human act. Some acts are unalterably evil because they are constituted by something constitutive for the nature of the human person, but this does not mean that reason's work is unnecessary in these cases. Reason is what judges that these acts are always out of due proportion with its natural law.

### 1.2. The Exterior Act as Formed by Reason

This subsection addresses how the exterior act is formed by reason in order to assess whether Rhonheimer is correct when he asserts that an act's moral form has no corresponding natural form. Rhonheimer states that the exterior act is formed as a moral object in accordance with the rule of reason. It "specifies a human act morally" as an "exterior act *presented to the [choosing] will* as a 'good apprehended and ordered by reason.'"<sup>35</sup> This accords with Aquinas who states that "the exterior action is the object of the will, inasmuch as it is proposed to the will by reason, as a good understood and ordered by reason (*bonum apprehensum et ordinatum per*

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<sup>35</sup> Rhonheimer, "The Moral Object," 466.

*rationem*).<sup>36</sup> Long does not recognize the operation of reason as actively giving form by its own rule but rather as observing form in the nature of the exterior act. Rhonheimer correctly rejects this interpretation because, as Aquinas states, natural law is “the light of natural reason, whereby we discern what is good and what is evil” because it is “a natural inclination to its proper act and end.”<sup>37</sup> Aquinas says that the natural law is “an imprint on us of the Divine Light,”<sup>38</sup> not an imprint on the nature of those things that we do. So, as Rhonheimer states, “reason can be the rule of that which is just or unjust because reason itself depends on its own principles, *that is, on the natural law*.”<sup>39</sup> Then, as Rhonheimer indicates, reason presents its judgment to the choosing will,<sup>40</sup> which in turn uses reason to command the using will to move the powers of the body and soul to do the exterior act.<sup>41</sup> The exterior act as formed by reason is the moral object.

This moral object, proceeding as it does from reason, is a moral form. According to Rhonheimer, it does not have a corresponding natural form.<sup>42</sup> Its intentional structure formed by practical reason does not “exist” in nature because in nature there is no “*intentional identity*” which is able to inform and shape the agent’s will.<sup>43</sup> It is the “why” or “what for” that gives an act its intentional identity.<sup>44</sup> For example, the act of raising one’s arm is a moral act insofar as it is for giving a greeting. Practical reason judges “greeting somebody” as something good to do,

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<sup>36</sup> ST I-II.20.1.ad1, quoted by Rhonheimer, ““Object of the Human Act,”” 206, and Rhonheimer, “The Moral Object,”” 466.

<sup>37</sup> ST I-II.91.2, quoted by Rhonheimer, ““Object of the Human Act,”” 215.

<sup>38</sup> ST I-II.91.2.

<sup>39</sup> Rhonheimer, ““Object of the Human Act,”” 215.

<sup>40</sup> ST I-II.13.1 & ad2.

<sup>41</sup> ST I-II.16.4, 17.3 & ad1.

<sup>42</sup> Rhonheimer, ““Intrinsically Evil Acts,”” 60.

<sup>43</sup> *Ibid.*, 60-61.

<sup>44</sup> *Ibid.*, 59-60.

making the “giving a greeting” the intentional content or form of the act.<sup>45</sup> This form, which does not exist in nature, combines with the matter of the act, the raising one’s arm, to become the moral object.<sup>46</sup> That is why a moral form can never correspond to a natural form. Rhonheimer supports his point in the words of Aquinas by the fact that human action takes its species “from the object, in relation to the principle of human actions, which is the reason.”<sup>47</sup>

Stephen Brock questions Rhonheimer’s position on this point and states that “[w]e would surely need an argument” to “say that a form constituting the species of a natural thing can never have a truly corresponding form—that is, one that is the same in *ratio*—constituting the species of a moral act.”<sup>48</sup> Brock argues that “[r]eason can very well conceive the forms of natural things,” and he supports his point by the fact that “[t]he proper object of the human intellect, according to Thomas, is the quiddity of a natural thing.”<sup>49</sup> In the example of raising one’s arm Brock states that the why or what for of the action is no less applicable to the “raising my arm” than it is to “greeting my friend” because both are chosen and both signify recognition of the friend’s presence, the first being merely the means to the second.<sup>50</sup>

What Brock fails to see in Rhonheimer’s analysis is that it is not the greeting as the quiddity of a physical act that signifies. It is the intentional content of the greeting, judged good by reason, which gives a moral quality to the act. The raising of one’s arm is the matter of the act and the giving a greeting is the form, and only the latter gives the intentional content by reason’s understanding of it as good. Aquinas states that the species of a moral act is considered

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<sup>45</sup> Ibid., 60.

<sup>46</sup> Ibid.

<sup>47</sup> ST I-II.18.8, quoted in Latin in Rhonheimer, “Intrinsically Evil Acts,” 62.

<sup>48</sup> Stephen L. Brock, “*Veritatis Splendor* §78, St. Thomas, and (Not Merely) Physical Objects of Moral Acts,” *Nova et Vetera* 6 (2008): 43.

<sup>49</sup> Brock, “*Veritatis Splendor*,” 43, citing ST I.84.7-8 & 85.6 and 8.

<sup>50</sup> Brock, “*Veritatis Splendor*,” 48-49.

“materially with regard to the object of the exterior action,” which in this case would be the raising of one’s arm, but exterior actions have no “measure of morality, save in so far as they are voluntary,” which in this case would be the choice to greet judged by reason as good.<sup>51</sup>

Brock’s reference to the fact that “[t]he proper object of the human intellect, according to Thomas, is the quiddity of a natural thing” is to passages that describe how the intellect understands natural forms through the senses.<sup>52</sup> This is the proper function of the speculative intellect, which is not the domain of practical reason where moral reasoning takes place. Brock realizes this and responds that “[a]lthough it may not belong to practical reason to *arrive* at the conceptions of the forms of natural things, it definitely uses such conceptions to form its actions,” as when it considers a particular proposition in a practical syllogism.<sup>53</sup> This is true. Aquinas affirms that reason, the deliberative aspect of the practical intellect, must sometimes institute an inquiry into the various means by which an end can be accomplished.<sup>54</sup> Through this process of analysis, it considers things singular and contingent, that is, things that can be done, in order to accomplish the end.<sup>55</sup> However, it does so by employing a practical syllogism whereby each singular is related as a particular proposition to a rule of reason as a universal proposition in order to derive a judgment about the good or evil of the singular.<sup>56</sup> The role of practical reason in this process is not to consider the natural form of the singular for the purposes of action but rather to consider the moral form which results from the practical syllogism.

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<sup>51</sup> See ST I-II.18.6 for quotes.

<sup>52</sup> ST I.84.7-8 & 85.6 and 8.

<sup>53</sup> Brock, “*Veritatis Splendor*,” 44.

<sup>54</sup> Aquinas states that “the reason must of necessity institute an inquiry before deciding on the objects of choice.” ST I-II.14.1.

<sup>55</sup> S I-II.14.3 & 5.

<sup>56</sup> ST I-II.76.1. Aquinas states that it is reason that employs this syllogism.

One passage from Aquinas clearly distinguishes natural forms from moral forms and demonstrates that Rhonheimer is correct that for Aquinas moral forms have no corresponding forms in nature. Aquinas maintains that the “act *to kill a man*, which is but one act in respect of its natural species, can be ordained, as to an end, to the safeguarding of justice, and to the satisfying of anger.”<sup>57</sup> These ends are moral ends which are accidental to the act in its natural form. Therefore, in answer to the objection that Aquinas is addressing, Aquinas states that one thing cannot be in more than one species unless it is in different forms, one of which is accidental to the other.<sup>58</sup> This is another way of saying that the forms do not correspond to each other.

Brock again has an explanation. He interprets this passage to describe one moral form for the natural act and a different moral form for the further intention. As an example, he describes a situation where an agent chooses virtuously to conserve justice by killing a man and then chooses viciously to kill him to satisfy his anger. Brock states:

A mere change in the killer’s motive does not change the victim from one whom it is just to kill to one whom it is unjust to kill. If we consider the killing, not according to the end moving the killer, but only according to its own object—the victim—it is still something just. The exterior act of killing the person is just in its own kind, according to its object, even if it is not performed justly, for the end of justice; as giving alms is a charitable act in kind, even though, when moved by vainglory, it is not performed charitably. The vicious end is accidental to the act’s proper kind.<sup>59</sup>

In other words, Brock is saying that the natural form of the act of killing has its own end of justice based on its object, a victim whom it is just to kill, and this form does not change by the fact that the further end is to satisfy one’s anger unjustly.

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<sup>57</sup> ST I-II.1.3.ad3.

<sup>58</sup> ST I-II.1.3.ad3.

<sup>59</sup> Brock, “*Veritatis Splendor*,” 58.

However, in this interpretation, Brock gives an example where the act of the agent changes from doing good to doing evil. It is not analogous to the case of giving alms for vainglory. Aquinas states that “when a man *wills* to give an alms for the sake of vainglory, he wills that which is good in itself, under a species of evil.”<sup>60</sup> The act has the species of good in its moral object of giving alms because the agent wills (chooses) the giving of alms as a good act in addition to willing (intending) the evil end of vainglory. In Brock’s example of an agent choosing virtuously to conserve justice by killing a man and then changing his mind and choosing viciously to kill him to satisfy his anger, it is not a case of a moral object and an end in one moral act but rather of two moral objects, each specifying a different moral act.

Brock misconceives the nature of the natural form of the act of killing in this example. It cannot have a just end in its natural form because the natural form does not include the reason or will of the agent doing the killing. The natural form is the causing of death and it must await an understanding of the will with which it is done before it can be understood as good or evil. Similarly, in the act of giving alms, the natural form is the giving of something and it also must await an understanding of the will with which it is done before it can be understood as good or evil. Brock states that this act is charitable in kind, but in fact it is not charitable in its natural form. It becomes charitable only after the will chooses the act as a charitable act.

In his argument against Rhonheimer, Brock also tries to make the point that Aquinas “shows no hesitation in using the names of physical operations, with physical objects, to denominate human acts, [and] in order for it to be a human act, Thomas sees no need to add anything to its *specification* [as long as it is] put in the genus of voluntary.”<sup>61</sup> But this last

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<sup>60</sup> ST I-II.19.7.ad2 (emphasis added).

<sup>61</sup> Brock, “*Veritatis Splendor*,” 44.



qualification of voluntariness makes all the difference. It is what makes the specification one of morals rather than one of nature—a moral specification that would not exist without this added element.

Brock adds that Aquinas “treats such banal kinds of act as ‘picking up a piece of straw’ and ‘going into the field’ as possible kinds of human action, [and i]nsofar as they are performed voluntarily, they are morally indifferent kinds of moral acts.”<sup>62</sup> Aquinas does not really say that moral acts can be indifferent, that is, neither good nor bad. He says that “[i]t sometimes happens that an action is indifferent in its species, but considered in the individual it is good or evil” because the good or evil exists in its circumstances other than its object.<sup>63</sup> In other words, it is not the indifferent aspect of the act, such as picking up a piece of straw, that specifies it morally but rather a circumstance, such as the good end of removing a particle of food from one’s teeth, from which the act derives its goodness. In this as in the other arguments given above, there are no grounds to say that a form constituting the species of a natural act has a corresponding form constituting the species of that act as a moral act. Even the indifferent aspect of the act is indifferent not because it is natural but because reason has judged it indifferent.

One remaining argument against Rhonheimer does have a ring of validity. Keiser maintains that in intrinsically evil acts “the exterior act by itself already carries in it a disorder” so that the species of moral act “do[es] not require a reference to further intention for their definition.”<sup>64</sup> In other words, contrary to Rhonheimer’s interpretation, the “what” does not

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<sup>62</sup> Ibid., citing ST I-II.18.8.

<sup>63</sup> ST I-II.18.2.

<sup>64</sup> Keiser, “The Moral Act,” 271.

always need a “why.”<sup>65</sup> Rhonheimer maintains that the act in its pure materiality (the “what”) needs an intentional identity (the “why”),<sup>66</sup> otherwise known as basic intentionality, but Keiser maintains that “the species of some moral acts can be determined by the exterior act alone, apart from the consideration of the intentionality that is a property of all moral acts.”<sup>67</sup>

If all that Keiser were saying is that the basic intentionality of an intrinsically evil act is apparent from the nature of the act itself so that such an act always has a basic intentionality that is evil but does not need to be mentioned to be known, he would be correct and in fact he would be in agreement with Rhonheimer. But what Keiser is really saying is that the exterior act has a moral disorder cognizable by reason but not needing any basic intentionality from the will of the agent to make it evil in a particular act. The species of the act comes “from the judgment of right reason concerning its object,”<sup>68</sup> but apparently this act of right reason need not take place as directing the will in a particular act itself. Keiser says that “since the will has taken up the act for its own ends, this is enough to render the act voluntary and imputable, as to both genus and species,” even though the species does not come from the will.<sup>69</sup>

Keiser’s position, in contradistinction to that of Rhonheimer, is not in accord with Aquinas, even though he quotes Aquinas for support.<sup>70</sup> In his quote of Aquinas, Aquinas is answering an objector who claims that an act cannot be good or bad intrinsically in its being and,

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<sup>65</sup> Ibid., 272 & n142, citing to the original publications of Rhonheimer, “Intrinsically Evil Acts,” 60; Rhonheimer, “Object of the Human Act,” 232-33; and Rhonheimer, “Intentional Actions,” 83.

<sup>66</sup> Rhonheimer, “Intrinsically Evil Acts,” 59-60. See also Rhonheimer, “Object of the Human Act,” 232-33, part of which is quoted by Keiser in “The Moral Act,” 273-74n149:

[W]e cannot understand and define the object of the human act without including in this definition an intentional element that expresses the “why” one does what one (externally) does. Without such a “why” (a basic intentionality which is configured by reason) we would be left with only the material elements of the action, not yet ordered by reason, and therefore incapable of being the “form” of the act of the will and of conferring on it, as an end, its moral species.

<sup>67</sup> Keiser, “The Moral Act,” 272.

<sup>68</sup> Ibid., 273.

<sup>69</sup> Keiser, “The Moral Act,” 273.

<sup>70</sup> See quotes from *De malo* II.4.obj.3-4 & ad.3.

even insofar as it is voluntary, it can only be good or bad according to its genus and not its species.<sup>71</sup> Aquinas responds that “[b]eing voluntary belongs to the nature of human acts as such,” and therefore being good or bad belongs to the act intrinsically, whether in its genus or species.<sup>72</sup> He does not say that being good or bad belongs to the genus and is imputable to the species. In fact he even appears to reject the objector’s claim that an act can only be good or bad according to its genus and not its species. Therefore, the quote from Aquinas does not support Keiser’s position.

It is in other texts that one finds Aquinas’s position, maintained by Rhonheimer, that a basic intentionality from the will of the agent is necessary to make a particular act evil. Aquinas states that some acts are intrinsically evil in the sense that being contrary to reason belongs to the species of human acts,<sup>73</sup> “[a]nd so the nature of evil and sin is fundamentally in exterior acts so considered rather than in acts of the will, but the nature of moral wrong and moral evil is completed as acts of the will assent to deeds.”<sup>74</sup> In fact, says Aquinas, “if we should understand the sinful act as regards carrying out the deeds, then moral wrong is primarily and fundamentally in the will.”<sup>75</sup> In other words, the basic intentionality of the will of the agent is necessary as concerns the intrinsic evil in the species in order to make the particular act as carried out in deed evil. When an objector states in reference to theft that “good and evil are in the exterior action, prior to being in the act of the will,”<sup>76</sup> Aquinas clarifies that

The exterior action is the object of the will, inasmuch as it is proposed to the will by the reason, as a good apprehended and ordained by the reason: and thus it is

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<sup>71</sup> *De malo* II.4.obj.3-4.

<sup>72</sup> *De malo* II.4.ad3-4.

<sup>73</sup> *De malo* II.4.

<sup>74</sup> *De malo* II.3.

<sup>75</sup> *De malo* II.3.

<sup>76</sup> ST I-II.20.1.obj1.

prior to the good in the act of the will. But inasmuch as it is found in the execution of the action, it is an effect of the will, and is subsequent to the will.

The act still needs the agent's specific intent (choice) to make the act evil in its execution.

In sum, Rhonheimer correctly interprets Aquinas when he asserts that the moral form of an act derived from the moral object has no corresponding natural form. The operation of reason actively gives moral form to the act by its own natural law, contrary to Long's interpretation of natural law as inherent in things. There is no intentional identity in nature capable of informing the agent's will. Rather, the intentional identity of the moral object is wholly derived from reason operating within the appetitive structure of the human person. It is an operation of the practical reason to understand the perfecting direction of a person, as opposed to speculative reason which operates to understand the essence or quiddity of things. That is why one thing can be in both a moral species and a natural species, one of which is accidental to the other.

Rhonheimer follows Aquinas in affirming that the object of an exterior act in its material form is its natural end—something that has no measure of morality; whereas the exterior act as a moral object is itself the object of the choosing will directed by the judgment of reason and giving form through this basic intentionality to the human act as a voluntary act. Even an intrinsically evil act, which cannot be willed as anything but evil because of its disorder as judged by reason, still must be willed with this basic intentionality before the human act can be executed.

### 1.3. The Moral Object's Relationship to the Further End

This subsection addresses the relationship of the moral object to the further end intended by the will. Rhonheimer interprets Aquinas to separate the two. Long interprets Aquinas to include the relationship to the further end within the concept of the moral object.

Rhonheimer distinguishes between the basic intentionality of the act as its proximate end (also called the *finis operis*) and the added intentionality of the agent with its further end (*finis operantis*). The further end is linked by the nature of the act to the moral object, but it is not the moral object.<sup>77</sup> Rhonheimer states that the two are related as form to matter within the moral act as a whole, but the end of the agent is not the form of the moral object itself; the moral object has its own form.<sup>78</sup> The form of each end is related to a different aspect of the will. The will that intends the end of the agent is the intending will (*voluntas intendens*); the will that intends the end of the act is the choosing will (*voluntas eligens*).<sup>79</sup>

Long defines the formal aspect of the moral object as “the relation of the act to reason: a relation that is actually a relation to the end *in light of which* the act appears appetible or choiceworthy to the agent.”<sup>80</sup> It is a relation to the end because it is the “desire for [this further end that] moves some agent to find a particular act choiceworthy and appetible.”<sup>81</sup> The further end is desired (intended) for its own sake, while the proximate end is desired (chosen) for the sake of the further end.<sup>82</sup> Even though the two ends differ in character, they come together in a complex moral act such that the species derived from the proximate end gives species to the act<sup>83</sup> and the species derived from the further end completes the species of the act with the “full, definitive specificity” that comes from the purpose of the agent.<sup>84</sup> Together the ends of these

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<sup>77</sup> NL 92.

<sup>78</sup> NL 430.

<sup>79</sup> NL 430; PM 109.

<sup>80</sup> TG 12, 14.

<sup>81</sup> TG 35.

<sup>82</sup> TG 2-3, 5, 28-29.

<sup>83</sup> Long, “Engaging Thomist Interlocutors,” 291.

<sup>84</sup> TG 36.

two simple acts constituting the complex act give form to the moral object of the complex act, which itself gives form to the whole act.<sup>85</sup>

Aquinas's definition of the moral object gives some justification to Long's approach. Aquinas states that the good or evil in the moral object, which is the primary good or evil in the moral act,<sup>86</sup> depends on the further end as its cause.<sup>87</sup> The further end "belongs first and chiefly to the genus of final cause, since its object is the good, in which all ends are included."<sup>88</sup> It is from this further end that the will takes its species "as from its own proper object."<sup>89</sup> When considering the end as the proper object of the will when there is both a further end and a proximate end, Aquinas states that "they are one and the same object."<sup>90</sup> Long understands this cause as what gives form to the moral object.

Furthermore, Aquinas states that in the case of a complex act where the species derived from the proximate end is different than the species derived from the further end, the proximate end *assumes* the species of the further end as its cause, so that, for example, "theft committed for the sake of adultery, passes into the species of adultery."<sup>91</sup> What Aquinas means by the proximate end assuming or passing into the species of the further end is not that the proximate end loses the essence of its identity. Rather, the proximate end assumes the species of the further end by being caused by the further end. Nevertheless, this close connection between proximate end and further end gives some credence to Long's inclusion of the relationship to the further end within the concept of the moral object.

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<sup>85</sup> TG 11-12 & n12.

<sup>86</sup> ST I-II.18.2.

<sup>87</sup> ST I-II.18.4.

<sup>88</sup> *De malo* VI.

<sup>89</sup> ST I-II.18.6.

<sup>90</sup> ST I-II.12.4.ad2. In other words, "the movement of the will to the end and its movement to the means are one and the same thing." ST I-II.12.4.

<sup>91</sup> ST II-II.154.10.

On the other hand, as Rhonheimer points out, Aquinas allows that a moral object can be indifferent when it is considered in itself apart from its further end. If it is good or evil, the object gives the action its moral species, such as just/unjust or moderate/immoderate; if it is indifferent, the object “cannot yet be objectified for the reason as good or evil” and therefore cannot be carried out as a human action without added intentional content.<sup>92</sup> In other words, an indifferent act is not a moral act but rather a moral object, an exterior act that is neither good nor evil; it awaits the clothing of other circumstances before it can become a moral act. Nevertheless, Rhonheimer notes that an indifferent act as a moral object involves a moral evaluation, which does not exist for a natural action devoid of reason.<sup>93</sup> In other words, “[t]he objective indifference of a basic intentional action . . . is an actual indifference *for the reason* and *in the judgment of reason*.”<sup>94</sup>

Aquinas’s texts confirm Rhonheimer’s interpretation. Aquinas attributes the indifference in a moral act to the object itself, from which an action takes its species, and he states that when “the object of the action does not include something pertaining to the order of reason . . . such actions are indifferent according to their species.”<sup>95</sup> He then distinguishes the moral object from the circumstances of the act and states that a moral act, which cannot be indifferent in itself, derives its goodness at least from the circumstance of the further end if the moral object is indifferent.<sup>96</sup> This differentiation of the moral object from the further end shows that as between Rhonheimer and Long, Rhonheimer is the more correct in his interpretation of Aquinas by

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<sup>92</sup> PM 144-45.

<sup>93</sup> Rhonheimer, “The Moral Object,” 485.

<sup>94</sup> PM 154.

<sup>95</sup> ST I-II.18.8.

<sup>96</sup> ST I-II.18.9.

omitting the relation of the moral object to the further end from the definition of the moral object despite the close connection of the further end to the moral object as its cause.

## **2. The Function of Reason in Discerning the Good**

The first section of this chapter examined challenges to Rhonheimer's interpretation of Aquinas concerning its material and formal aspects. This section will examine further challenges to his interpretation of Aquinas concerning the function of reason. The first subsection addresses the claim that Rhonheimer wrongfully defines the moral object as an act rather than a thing based on a different understanding of the function of reason. The second subsection addresses the claim that Rhonheimer gives an insufficient account of the hierarchically ordered bodily natural inclinations which exist pre-rationally in a human person. The third subsection addresses the claim that the will, which is directed by reason, cannot have a pre-rational natural inclination as Rhonheimer maintains.

### **2.1. The Dynamic Aspect of the Forming Process**

Dewan and Rhonheimer differ over the characterization of the moral object as an act or a thing. This difference in characterization results from their different understanding of Aquinas concerning the function of reason in the evaluation of the moral object. Dewan conceives the moral object as a thing understood by reason apart from human striving, whereas Rhonheimer conceives the moral object as an act directed by reason in the context of human striving.

Dewan finds it "surprising" that Rhonheimer would consider the moral object an act rather than a thing, considering that several passages in Aquinas show that Aquinas considers the



moral object as a thing.<sup>97</sup> Rhonheimer for his part has his own interpretation of these passages to show that for Aquinas the moral object is an act.<sup>98</sup> In fact, Aquinas describes the moral object sometimes as thing and sometimes as act.<sup>99</sup> It is not that these commentators fail to recognize this fact. Rather each is trying to elucidate the aspect of the moral object that catches the true meaning of the function of reason in discerning the good. Dewan points to the fact that for Aquinas the doctrine of the moral object is a doctrine of final cause comparable to the physical order of movement with a terminus as end.<sup>100</sup> Rhonheimer maintains that for Aquinas “a ‘thing’ can be thought of as an object only by knowing the action relating to that thing which in turn means that the ‘why?’ of the action is itself an element of that object insofar as it specifies morally.”<sup>101</sup>

In order to understand which view is the more correct interpretation of Aquinas, it is important to understand the work that reason does to conceive the moral object. Dewan believes that according to Aquinas the first principles of practical reason are “an intelligible hierarchy, a sequence of visions, each flowing from its intelligible predecessor; and in that vision, ‘good’

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<sup>97</sup> For example, he refers to ST I-II.72.1.ad3, where Aquinas states that “[i]n various things, differing in species or genus, nothing hinders our finding one formal aspect of the object, from which aspect sin receives its species,” and to ST I-II.16.3, where Aquinas states that “simply speaking, the last end is the thing itself; for the possession of money is good only inasmuch as there is some good in money.” Dewan, “St. Thomas, Rhonheimer,” 73-74.

<sup>98</sup> For example, in ST I-II.16.3, Aquinas goes on to say that “in regard to the individual, the obtaining of money is the last end; for the miser would not seek for money, save that he might have it.” Rhonheimer, “The Moral Object,” 457.

<sup>99</sup> See Dewan, “St. Thomas, Rhonheimer” 79, where he states that “there is no doubt that Thomas provides grounds for describing the object of the moral action as ‘a freely chosen behavior’” but this is with a focus on the thing as object. See Rhonheimer, “The Moral Object,” 468-70, where he states that Aquinas has spoken of things as objects, such as a *res aliena* as the object of theft, but this is always as “an indispensable element determining [the object]” and “not the object as such.”

<sup>100</sup> Ibid., 77, citing ST I-II.72.3.ad2.

<sup>101</sup> Rhonheimer, “The Moral Object,” 470.

derives from ‘being,’ or, if one will, ‘ought’ from ‘is.’”<sup>102</sup> In support of this derivation of good from being, he points to the passage in Aquinas which affirms that the object (universal being and truth) of the practical intellect moves the will with regard to determining the particular act.<sup>103</sup> Dewan concludes that “its (the intellect’s) vision of ‘the good’ flows from its vision of ‘a being’ and ‘the true,’ in other words, “[t]he practical intellect views goodness under the aspect of being and truth, sees *what* goodness is.”<sup>104</sup> In effect, this makes the vision of goodness a speculative judgment.

This vision affects Dewan’s concept of the moral object as a thing. When the vision of the good derives from being, “[n]atural law presupposes a natural knowledge of nature and of human nature,” and [g]oodness is seen in ontological order.”<sup>105</sup> More specifically, goodness is seen in the perfection of things acting for an end, including human beings who have natural inclinations toward their end.<sup>106</sup> With this view of goodness, the end that defines the good is the thing that is realized in the state of perfection. Thus, Dewan sees the moral object—that which specifies the good of an act—as a thing. By attaining this good, the human being reaches a state of perfection.

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<sup>102</sup> Lawrence Dewan, “St. Thomas, Our Natural Lights, and the Moral Order,” in *Wisdom, Law, and Virtue: Essays in Thomistic Ethics* (New York: Fordham University Press, 2008), 200, originally published in slightly different form in *Études maritainiennes—Maritain Studies* 2 (1986): 59-92 and reprinted in *Angelicum* 67 (1990): 285-307.

<sup>103</sup> Dewan, “St. Thomas, Our Natural Lights,” 203, citing ST I-II.9.1.

<sup>104</sup> *Ibid.*, 203-04.

<sup>105</sup> *Ibid.*, 211-12.

<sup>106</sup> Lawrence Dewan, “Wisdom and Human Life: The Natural and the Supernatural,” in *Wisdom, Law, and Virtue: Essays in Thomistic Ethics* (New York: Fordham University Press, 2008), 16-17, originally published as “La sabidura y la vida humana: Lo natural y lo sobrenatural,” in *Idea Cristiana del Hombre: III Simposio Internacional Fe Cristiana y Cultura Contemporanea*, ed. Juan Jesus Borobio, Miguel LLuch, José Ignatio Murillo, and Eduardo Terrasa (Pamplona: Ediciones Universidad de Navarra, 2002), 303-38.

Rhonheimer denies that practical judgments derive from speculative judgments.<sup>107</sup> While accepting that practical principles “are actually ‘derived’ in a way from previous non-practical intellectual insight, which simply and speculatively refers to ‘being,’” the practical intellect nevertheless “has its own starting point and its own principles” and “becomes practical in the moment, or as far as, it is under the influence of appetite, inclination, etc.”<sup>108</sup> Speculative judgments are about being; practical judgments are about moral good; and “the moral good is not constitutive of man’s essential or substantial being.”<sup>109</sup> Moral good is added as an accident—as a perfection of human nature—to substantial being,<sup>110</sup> and it is added through the experience of “reason working in the context of /‘embedded’ in desire, striving, aiming.”<sup>111</sup>

This vision affects Rhonheimer’s concept of the moral object as an act. When one sees good as added to being through the experience of reason embedded in “desire, striving, aiming,” the end that defines the good is the proper “desire, striving, aiming” itself, which is the state of perfection. Rhonheimer explains that reason does not judge the natural inclinations by reference to some purportedly original principles of reasonableness; the act of reason is practical because a person, as a non-dualistic body-soul unity, knows the natural inclinations to be good by means of the very operation of reason itself which contains its own light, which is the natural law.<sup>112</sup> Reason objectifies “every originally nonspiritual natural inclination” to make it “a *practical good*, a new “form” at the level of spiritually formed personality.”<sup>113</sup> It is this good that moves the rational appetite of the will and makes the act that involves this “desire, striving, aiming” of

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<sup>107</sup> Rhonheimer, “Truth of Subjectivity,” 177n52.

<sup>108</sup> Rhonheimer, “Natural Law and Moral Reasoning,” 361n55, and Rhonheimer, “Response to Jensen,” 181.

<sup>109</sup> PM 270, citing *De Veritate* q. 21, a. 5.

<sup>110</sup> PM 270.

<sup>111</sup> Rhonheimer, “Truth of Subjectivity,” 272-74; PV 51; Rhonheimer, “Menschliches,” 63-64.

<sup>112</sup> NL 564-65, and Rhonheimer, “Object of the Human Act,” 214-15.

<sup>113</sup> NL 569.

the will the moral object. Thus, Rhonheimer sees the moral object—that which specifies the good of an act—as the act itself. By acting in accordance with the good that reason cognizes in the natural inclinations, the human being reaches a state of perfection.

As between the two, Rhonheimer's interpretation is a more accurate reflection of Aquinas. Dewan misinterprets Aquinas's text on which he premises his argument. Although he is correct that Aquinas states that universal being and truth as the object of the intellect moves the will by determining the act,<sup>114</sup> Aquinas qualifies this statement by saying that "the apprehension of the true without the aspect of goodness and desirability" does not move the will.<sup>115</sup> In other words, it is not being and truth itself that moves the will, but rather being and truth qualified by goodness and desirability. Aquinas then concludes that "it is not the speculative intellect that moves, but the practical intellect."<sup>116</sup> Aquinas's statement does not mean, as Dewan states, that the practical intellect moves the will "inasmuch as its (the intellect's) vision of 'the good' flows from its vision of 'a being' and 'the true.'"<sup>117</sup> The passage is not meant to, and does not speak to, how the good becomes an aspect of the true.

Aquinas explains how the good becomes an aspect of the true elsewhere in his *De anima*, as explained in Chapter 4 above. All moral action is caused by an object of desire, formed through two faculties operating according to their nature—the intellect and the will.<sup>118</sup> The initial act of the intellect in the formation of the object of desire is simply an act of apprehension of the good as true, not of the good as desirable. Therefore, it performs this act of apprehension as the speculative intellect. It is the function of the speculative intellect to understand good as

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<sup>114</sup> ST I-II.9.1.

<sup>115</sup> ST I-II.9.1.ad2.

<sup>116</sup> ST I-II.9.1.ad2.

<sup>117</sup> Dewan, "St. Thomas, Our Natural Lights," 203-04.

<sup>118</sup> *De anima*, Bk. 3, Lect. XV, 820-25.

being and truth; it is not to move the will to act.<sup>119</sup> The will does not move by this apprehension.

The will does not move unless the object is also fitting, which is a quality that depends on the disposition of the agent.<sup>120</sup> If the object is fitting, the will tends as an appetite to this object as part of the common notion of good that it desires as a natural tendency within itself as an appetite.<sup>121</sup> The will desires this good as a matter of volition, which is a natural act of the will, but not yet as a matter of intention, which is a determinate act of the will.<sup>122</sup> In other words, the intellect has not yet apprehended this good “under a special aspect as contained in the universal true.”<sup>123</sup> Thus is formed the object of desire, an object that is apprehended by the speculative intellect and desired as fitting by the will without the intellect or the will moving one another.

It is only at this point that the practical intellect comes into operation.<sup>124</sup> Aquinas states that “it is clear that there is ultimately one mover, the object desired [which] both moves appetite [will] and affords a starting point for the practical intellect—the two motive-principles (*moventia*) which have been assumed.”<sup>125</sup> The practical intellect now apprehends the particular good of the object desired for the purpose of action, and it apprehends it as either good or bad as it relates to universal being and truth. It does this by its own innate principle of operation, which is the natural law.<sup>126</sup>

Rhonheimer’s vision accords with Aquinas’s understanding of the operation of the intellect. Goodness is a quality or accident of being, not observable by the speculative intellect

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<sup>119</sup> The speculative intellect “regards truth for its own sake and nothing else.” *De anima*, Bk. 3, Lect. XV, 820. The speculative intellect never moves the will to act. *De anima*, Bk. 3, Lect. XIV, 814-15.

<sup>120</sup> ST I-II.9.1.ad2 & 9.2. Aquinas quotes Aristotle to say: “According as a man is, such does the end seem to him.”

<sup>121</sup> ST I.82.4.ad1 and I-II.15.3.

<sup>122</sup> ST I-II.12.1.ad4 & ST I.82.4 & ad1.

<sup>123</sup> The quote is from ST I-II.9.1.ad3.

<sup>124</sup> *De anima*, Bk. 3, Lect. XV, 821.

<sup>125</sup> *De anima*, Bk. 3, Lect. XV, 823.

<sup>126</sup> ST I-II.91.2 & 94.2.

as a part of being itself but rather apprehended by the practical intellect through its own natural law by which the practical intellect participates in the eternal law of God. God structures practical reason to be “an active participation of the eternal law which unfolds and becomes effective through its judgments about good and evil”<sup>127</sup> and to allow a person to know moral good in an original manner.<sup>128</sup> The natural law “is not simply an ontological given, but a cognitive reality in the human soul.”<sup>129</sup>

Rhonheimer also understands that practical reason cannot begin to operate until there exists an object desired. Aquinas says that the will moves as an appetite towards a particular good that in the disposition of the agent the will finds fitting. The will can find fitting its own particular good as well as the particular goods of the other appetites. When it moves toward a particular good that is fitting, this good becomes the object desired—an object that exists before any operation of the practical intellect can find it good in a universal sense. Rhonheimer states that the object desired is an appetible, a particular good of an appetite experienced as something the appetite seeks as a natural inclination. A natural inclination is “rooted in the essential constitution of the person” before any operation of reason takes place.<sup>130</sup> It is a natural tendency of an appetite—whether concupiscible, irascible, or rational—directed by natural necessity to its own particular good,<sup>131</sup> an appetible that moves the practical intellect to seek and spontaneously grasp through natural law a human good in it.<sup>132</sup>

Therefore, according to Rhonheimer, one cannot derive knowledge of the good from the experience of being; rather, one derives knowledge from the experience of “reason working in

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<sup>127</sup> Rhonheimer, “Pre-Rational Nature,” 135.

<sup>128</sup> NL 11-12.

<sup>129</sup> Rhonheimer, “Natural Law as a ‘Work of Reason’” (2014), 275, 278; accord, PV 129.

<sup>130</sup> NL 74.

<sup>131</sup> NL 74-76; PM 275.

<sup>132</sup> NL 26-28, 73-76, 250; PM 269.

the context of /‘embedded’ in desire, striving, aiming.”<sup>133</sup> The natural inclinations initiate the “desire, striving, aiming.” Practical reason then apprehends the human good objectively through the precepts of the natural law within the context of the natural inclinations.<sup>134</sup> The objects, or appetibles, of these natural inclinations are the matter to which the practical reason gives the form of human good.

In this dynamic context it is understandable why Rhonheimer would characterize the exterior act as an act rather than a thing. A practical good is something that is sought by a concrete action, and it remains in, and changes, the agent himself.<sup>135</sup> The judgment of the practical intellect not only orders the act itself but also the agent who does the act. In the case of stealing, Rhonheimer states that if one focuses “only on the money itself, without including the intentionality relating to it,” it is impossible to understand the act as human, namely, as rationally determined to an end or good.<sup>136</sup> This is because “the morally specifying ‘object’ of a human act is properly the ‘exterior act’ as understood (or conceived) and ordered by reason and that the exterior act by itself has no additional morally specifying object.”<sup>137</sup>

According to Rhonheimer, when Aquinas refers to things as objects, it is “not because he holds that the moral species of a human act derives from the things to which it refers, but because sometimes a ‘thing’—for example, a human being—can be a *circumstance* which turns out to be a ‘principal condition of the object that is repugnant to reason’ or an ‘essential objective difference.’”<sup>138</sup> In other words, what Aquinas “seems to mean by ‘considering a thing as an object of an action’ is to consider how a thing is *used* in a determinate case and that considering

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<sup>133</sup> Rhonheimer, “Truth of Subjectivity,” 272-74; PV 51; Rhonheimer, “Menschliches,” 63-64.

<sup>134</sup> Rhonheimer, “Truth of Subjectivity,” 251.

<sup>135</sup> Rhonheimer, “Menschliches,” 52-53.

<sup>136</sup> Rhonheimer, “The Moral Object,” 457.

<sup>137</sup> PM 150.

<sup>138</sup> PM 151, quoting ST I-II.18.10 and 5.ad4.

things like this, they actually do specify human acts – that is, they enter into the moral specification of the act.”<sup>139</sup> Rhonheimer recognizes that, according to Aquinas, the end is related to the act as principle or terminus and properly belongs to its intelligible content.<sup>140</sup> Therefore, Rhonheimer advises that since Aquinas may be using “object” sometimes to refer to what determines the species of an action and sometimes to refer to what provides an indispensable element for such a determination, one should read his texts in a conceptual framework (philosophically rather than as a textual exegesis) in order to determine the sense in which he speaks.<sup>141</sup>

Rhonheimer’s point in characterizing the moral object as an act is to stress the role of reason embedded in a “desire, striving, aiming.” The inclination of the pre-rational operation of the appetites is an inclination to action before it is judged by reason to be good or bad. If it is judged good, it is the doing of the action that is chosen as the moral object; if it is judged bad it is the avoiding of the action that is chosen as the moral object. It is not that there is no thing that ultimately proves to be the end that is related to the act as principle or terminus, but a characterization of the moral object as the latter is to fail to understand the real meaning of the moral object.

Rhonheimer’s interpretation of Aquinas in this regard finds support in Aquinas’s discussion of happiness as both the *object* of man’s will and as the act of *attaining that object* of the will. It belongs to, and is proper for, man to act for an end.<sup>142</sup> There is one last end for

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<sup>139</sup> Rhonheimer, “The Moral Object, 474.

<sup>140</sup> Ibid., 475.

<sup>141</sup> Rhonheimer, “The Moral Object, 486. In this regard, Lawrence Dewan, in “St. Thomas, Rhonheimer,” 69-92, 111-12, critiques Rhonheimer for not giving more credence to the constitutive role of the object as thing in his interpretation of Aquinas.

<sup>142</sup> ST I-II.1.1-2.



which man wills all,<sup>143</sup> and that last end is God.<sup>144</sup> Therefore, happiness is God as the cause of happiness, but it is the act of attaining God that is “the very essence of happiness.”<sup>145</sup> This attainment is “by knowing and loving God [which] is not possible to [nonrational] creatures.”<sup>146</sup> In other words, *God* is the object of man’s will, whereas the *attainment of God* is the moral object which is possible through reason and will. The *attainment of God*, which is the very essence of happiness and “man’s supreme perfection,” is an operation, man’s last act.<sup>147</sup> Thus happiness, as the *attainment of God*, is any act that is the means or moral object to realize happiness as the object of the will, God Himself. Rhonheimer is correct that the moral object is an act.

## 2.2. The Pre-Rational Natural Inclinations

This subsection addresses the claim that Rhonheimer gives an insufficient account of the hierarchically ordered bodily natural inclinations which exist pre-rationally in a human person. Matthew Levering believes that Rhonheimer does not “adequately appreciate the role of receptivity and contemplation in human rationality,” and that he “separate[s] the ‘practical’ from the ‘speculative’ aspect of reason too firmly” because he is “concerned that human reason norm nonrational nature, rather than receiving a norm from that nature.”<sup>148</sup> Levering refers to Rhonheimer’s understanding of natural law as “the practical reason humanizing the natural inclinations”—a process that is “a disjointed encounter in which the spiritual element must

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<sup>143</sup> ST I-II.1.4-6.

<sup>144</sup> ST I-II.1.7-8, 2.8.

<sup>145</sup> ST I-II.3.1.

<sup>146</sup> ST I-II.1.8.

<sup>147</sup> ST I-II.3.1-2. Even though it cannot be fully realized in this life, a certain participation in it can be had imperfectly. ST I-II.3.2.ad4, 5.3 & ad2-3. Aquinas states that “[i]mperfect happiness that can be had in this life, can be acquired by man by his natural powers, in the same way as virtue, in whose operation it consists.” ST I-II.5.5.

<sup>148</sup> Levering, “Natural Law,” 175.

humanize the animal element.”<sup>149</sup> Levering maintains that this process does not “properly take into account the hylomorphic unity of the (hierarchically ordered) inclinations in the human person” in which “the bodily natural inclinations are already caught up in the form of the spiritual soul in such a way that the person, as created, manifests a unified ordering.”<sup>150</sup> In other words, “[p]ractical reason does not need to ‘constitute’ or ‘establish’ [the order of ends], because, as Cicero already recognized, it is already there in our (created) nature, moving our natural inclinations.”<sup>151</sup>

The issue in this critique touches on the issue raised in the previous chapter concerning the derivation of moral good from nature. However, the issue in that section was an epistemological concern involving the knowledge of moral good—how it manifests itself. The critique in this section raises an ontological concern involving the being of moral good. It charges that, according to Rhonheimer, reason transcends nature in order to order our nature. This charge does not address how we know the order in nature but rather how nature is ordered.

Rhonheimer replies that Levering’s critique misses the distinction between the epistemological and the ontological issues in this regard.<sup>152</sup> When it comes to the ontological issue concerning the order of the natural inclinations, Rhonheimer points out that he does not maintain that reason transcends nature in order to order our nature. Rather he recognizes “that our bodily nature is a presupposition of the order of reason governing human acts; that sins ‘against nature’ are those rationally inconsistent with the goal naturally inscribed in the sexual

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<sup>149</sup> Ibid., 175-76.

<sup>150</sup> Ibid.

<sup>151</sup> Levering, “Natural Law,” 197.

<sup>152</sup> Rhonheimer points this out in Rhonheimer, “The Contraceptive Choice,” 275n7.

faculty; that some physical behaviors are incapable of being informed by certain intentions; and that sexual intercourse necessarily requires a basic intentionality with regard to procreation.”<sup>153</sup>

Levering does not engage Rhonheimer further on this issue, but he is not the only person to have challenged Rhonheimer in this regard. Jean Porter offers a more in-depth critique to which Rhonheimer has responded in kind. Rhonheimer’s refutation of Porter’s critique is based on the same “crucial” distinction one must make between the ontological and the epistemological points of view.<sup>154</sup> This debate offers a better opportunity to clarify the issue.

Porter reads Rhonheimer to say that “prerational aspects of human nature . . . can not have any direct moral significance,” and natural “inclinations are morally significant only insofar as practical reason grasps them as oriented towards distinctively human goods.”<sup>155</sup> Porter claims that this “interpretation is difficult to reconcile with Aquinas’s repeated appeals to the moral significance of prerational nature, appeals that are . . . central to his moral argument.”<sup>156</sup> As an example she gives the case of sexual sins where Aquinas states that “the principles of reason are those which are according to nature, for reason, presupposing what is determined by nature, disposes other matters in accordance with what is appropriate to these,” and the sin against nature “violates, against nature, that which is determined by nature concerning the use of the sexual act.”<sup>157</sup> What Porter appears to argue through these quotes is that Aquinas sees the natural inclinations as providing their own direction to the human good.

Rhonheimer responds that ontologically the natural inclinations, as prerational aspects of human nature, do have direct moral significance as the order of being on which the moral order

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<sup>153</sup> Ibid.

<sup>154</sup> Rhonheimer, “Pre-Rational Nature,” 133-40.

<sup>155</sup> Jean Porter, review of *Natural Law and Practical Reason: A Thomist View of Moral Autonomy*, by Martin Rhonheimer, *Theological Studies* 62 (2001): 852-53.

<sup>156</sup> Ibid., 853.

<sup>157</sup> ST II-II.154.12, quoted in Porter, review of *Natural Law*, 853.

is grounded.<sup>158</sup> This means that they provide direction toward the natural good of a proper good and end (*bonum et finis proprium*) in which reason apprehends the human good of a due good and end (*bonum et finis debitum*).<sup>159</sup> Reason cannot operate without the basic matter of the natural inclinations. They are necessary presuppositions of the work of reason.<sup>160</sup> Without their being there can be no moral order.

However, Rhonheimer rejects the idea that the natural inclinations provide their own direction to the human good. Reason is still necessary to understand the human good in the natural inclinations. Rhonheimer explains with an example. The proper good and end of sexuality is “the union of male and female that has a procreative function,” but reason understands this proper good and end as something more—the human good of marriage.<sup>161</sup> Without reason the nature of the inclination is directed to the union of any male or female, but reason shapes the order of this inclination for a human person as an inclination to marriage “as part of the order of what is characteristic for human persons: mutual self-giving, friendship, and faithfulness.”<sup>162</sup> Natural inclination and reason are united as part of the “substantial human unity of body and spirit.”<sup>163</sup>

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<sup>158</sup> Rhonheimer, “Pre-Rational Nature,” 132-33.

<sup>159</sup> Ibid., 147-48, citing ST I-II.91.2 for the reference to proper good and end, and citing NL 67 which cites to Sentences IV.33.1.1 for the reference to due good and end (albeit the reference uses the term “actus conveniens” rather than the term “actus debitum”).

<sup>160</sup> Rhonheimer, “Pre-Rational Nature,” 132-33, 144.

<sup>161</sup> Rhonheimer, “Pre-Rational Nature,” 148.

<sup>162</sup> Ibid. Rhonheimer uses the word “shapes” at ibid. 157.

<sup>163</sup> Ibid., 132, 148. This explanation does not convince Porter. Porter continues to reject Rhonheimer’s claim that practical reason is dependent on the natural inclinations for its moral judgments. Jean Porter, “A Response to Martin Rhonheimer,” *Studies in Christian Ethics* 19 (2006): 381, responding to Rhonheimer’s review of her own work in Rhonheimer, “Review of Jean Porter’s *Nature as Reason*,” 283-305, originally published in *Studies in Christian Ethics* 19 (2006). She sees Rhonheimer as reading Aquinas to say “that practical reason immediately discerns (or generates?) moral norms through its own independent operations, . . . rather than being established through speculative reflection on human nature.” Porter, “A Response,” 381. It does not matter that for Rhonheimer human goods are ontologically grounded in human nature because they are still accessible epistemologically only through reason. In this regard, she comments that Rhonheimer’s view “is strikingly

Rhonheimer's explanation makes sense in light of Aquinas's statement that "practical reason naturally apprehends as man's good (or evil)" what belongs to the natural law and the natural inclinations belong to the natural law "in so far as they are *ruled* by reason."<sup>164</sup> Reason would not rule the natural inclinations if they were dictating the direction to the human good. Aquinas's statement that "the principles of reason are those things that are according to nature, because reason presupposes things as determined by nature, before disposing of other things according as it is fitting"<sup>165</sup> does not suggest that reason finds its order in the natural inclinations but rather that a person determines what is fitting according to reason's own principles of natural law.<sup>166</sup>

Also, the reference by Porter to the sin that violates against nature does not in fact suggest that reason finds its order in the natural inclinations. As Rhonheimer explains, such a sin "is not directed against the order established by reason in the natural inclinations and thus against the due act of these inclinations, but it is a manipulation and perversion of the proper natural goal

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reminiscent of Kant's doctrine of the autonomy of reason." Ibid. In Porter's view, "the human person spontaneously desires and pursues [the objects of the inclinations], even before he or she is capable of rational reflection and action properly so-called," and then "with the advent of rational reflection, the human person will spontaneously affirm the desirability of these objects and will make room for their pursuit in the overall conception of human happiness." Ibid., 384. In other words, practical reason takes its conception of human good from the pre-rational desires experienced through the natural inclinations. Rhonheimer in response again affirms that the natural acts of practical reason by which it originally and spontaneously grasps human goods are "caused and appetitively guided by the natural inclinations," a process that belies a comparison with Kant. Martin Rhonheimer, "Reply to Jean Porter," *Studies in Christian Ethics* 19 (2006), 397-98. Reason as the rule or measure of morality "does not mean, as Professor Porter suggests, that our knowledge about human nature depends exclusively on the spontaneous experience of the natural inclinations and the goods enclosed in them." Ibid., 399. Practical judgments are not a speculative act, for "[w]hile the truth of a theoretical judgment is its 'correspondence with being', the truth of the practical intellect is its 'correspondence with right desire' through its own principles of natural law." Ibid., 400-01.

<sup>164</sup> ST I-II.94.2 and ad2 (emphasis added).

<sup>165</sup> The Latin text reads: "Principia autem rationis sunt ea quae sunt secundum naturam, nam ratio, praesuppositis his quae sunt a natura determinata, disponit alia secundum quod convenit." ST II-II.154.12 (Latin translation from the Leonine Text (Rome 1899), accessed July 6, 2016), <http://www.corpusthomicum.org/sth3146.html>. ST II-II.154.12.

<sup>166</sup> Porter's translation states that reason "disposes other matters in accordance with what is appropriate to these." Porter, review of *Natural Law*, 853. The words "to these" does not appear in the Latin text. The addition of these two words gives a stronger suggestion that reason disposes in accordance with the order of the natural inclinations.

of some of these inclinations itself, and consequently—considering the dependence of practical reason and intellect altogether on the naturally given—a basic disorientation of practical reason.”<sup>167</sup> It injures the *debitum*, the due good, by carrying out the act in a way contrary to its *proprium*, its proper good.<sup>168</sup> This understanding accords with Aquinas. Aquinas calls the sin of the unnatural vice “a special kind of deformity” because it is “contrary to the natural order of the venereal act as becoming to the human race.”<sup>169</sup> However, it is not merely a natural deformity. In speaking of bestiality, which is one type of unnatural vice, Aquinas confirms that it is also a vice because it is “opposed to human virtue by a certain excess in the same matter as the virtue.”<sup>170</sup> In other words, it is contrary to right reason.

Therefore, contrary to Levering’s interpretation of Rhonheimer’s understanding of natural law as “the practical reason humanizing the natural inclinations,” Rhonheimer understands the natural inclinations already as an integral part of the substantial human unity of body and spirit. At the same time, Rhonheimer rejects the Stoic view evinced by Cicero that the order of ends is already there in our created nature, moving our natural inclinations.<sup>171</sup> Rather, natural inclinations and reason are united in a hylomorphic unity that truly expresses the unity of the human person because practical reason discerns the direction to the human good that exists in the direction of the natural inclinations to their particular goods. Both are important in the process. The particular goods of the natural inclinations give one an experience of the good as a “passive participation in the *lex aeterna*,” a “being measured-ness,” which exists by the creative

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<sup>167</sup> Rhonheimer, “Pre-Rational Nature,” 141-42, citing NL 103.

<sup>168</sup> NL 103.

<sup>169</sup> ST II-II.154.11.

<sup>170</sup> ST II-II.154.11.ad2.

<sup>171</sup> Rhonheimer notes that “[f]or the Christian tradition, the image of God is not to be found in the cosmic order—it only contains the *vestigia Dei*—but exclusively in the spiritual human soul.” Rhonheimer, “Pre-Rational Nature,” 134.

reason of God.<sup>172</sup> As presuppositions for the natural law's rational ordering process, "each natural inclination by its very nature possesses, in the context of the person as a whole and precisely as an inclination *belonging* to a human person, a meaningfulness which from the beginning transcends the mere '*genus naturae*.'"<sup>173</sup> They are the principles that move the practical intellect to seek human goods. Practical reason spontaneously grasps the content of the inclinations of the appetites and understands or apprehends the goals of the natural inclinations as human goods through natural law.<sup>174</sup> In this way practical reason converts the goals of the natural inclinations from particular goods to human goods.

### 2.3. Will as a Pre-Rational Natural Inclination

This subsection addresses the claim that the will, which is directed by reason, cannot have a pre-rational natural inclination as Rhonheimer maintains. The natural inclinations to particular goods are pre-rational to the extent that they exist in the nature of a person before reason even attempts to grasp their human good. Stephen Brock states that the natural inclination of the will presupposes practical reason because "[t]he will's movement always follows some rational comprehension of its object as good."<sup>175</sup> He states that without reason "we could not understand the good of knowing the truth about God, or that of life in society," both of which are listed by Aquinas as natural inclinations.<sup>176</sup> Therefore, the natural inclination of the will cannot be pre-rational.

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<sup>172</sup> NL 67, 109; EP 4n4, which accords with ST I-II.91.2.

<sup>173</sup> NL 109, 250; Rhonheimer, "Intrinsically Evil Acts," 48.

<sup>174</sup> NL 73-76 and 250; PM 269, which accords with ST I-II.94.2.

<sup>175</sup> Stephen L. Brock, "Natural Law, the Understanding of Principles, and Universal Good," *Nova et Vetera* 9 (2011): 679.

<sup>176</sup> Brock, "Natural Law," 676. Brock argues that ST I-II.94.2 does not justify the assumption that any of the natural inclinations are prerational; rather the natural inclinations follow reason's natural understanding of

Rhonheimer agrees that “in the will there is a ‘natural inclination,’”<sup>177</sup> and, while natural inclinations are “directed by natural necessity—by a *determinatio ad unum*—toward a good that is proper (*proprium*) to them,”<sup>178</sup> the will’s inclination “arises from his natural reason (*ratio naturalis*) as a participation in, or image (*imago*) of, the divine reason (*ratio divina*).”<sup>179</sup> This natural inclination is directed toward the human good by the direction of practical reason operating according to natural law. However, this is not the will’s only natural inclination. Rhonheimer states that “it must not be forgotten that man is also subject, in his being and in the natural inclinations of his being, to a ‘passive’ measurement (*mensuratio*) that lies at the basis of this higher participation.”<sup>180</sup> As for the will, Rhonheimer distinguishes between “the appetitive, ‘striving dynamic’ of the natural inclination of the will, whose goal is the particular good, and the directed natural inclination of the will, whose goal is the universal good to which practical reason directs.”<sup>181</sup> The appetitive natural inclination is a “passive participation in the *lex aeterna*”

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human goods. Stephen L. Brock, “Natural Inclination and the Intelligibility of the Good in Thomistic Natural Law,” *Vera Lex* 6.1-2 (Winter 2005): 61. His argument is based on the premise that reason’s understanding is only of human good; he does not consider that it could be of particular good. Cf. *ibid.*, 62. This leads to some anomalous results: (1) Brock says that Aquinas’s statement in ST I-II.94.2 that “according to the order of the natural inclinations, is the order of the precepts of the natural law,” makes it “seem that the inclinations are prior to the apprehension, not its result,” but he interprets this passage as based on the idea that “*both* the inclinations and the precepts follow upon the understanding of the objects as good” and “if anything, the inclinations follow even more immediately than do the precepts.” *Ibid.*, 64-65. This careful distinction need not be made if one considers the particular good of the inclination. (2) Brock denies that “in order to know the *ratio boni*, one must first ‘experience’ the will’s operation. Yet Aquinas specifically says that all moral action is caused by an object of desire, which is formed through two faculties operating according to their nature—the intellect and the will. *De anima*, Bk. 3, Lect. XV, 820-25. (3) Brock notes that one may wonder why Aquinas even mentions the inclinations: “why does he not say simply that the order of the precepts is according to that of the understanding of human goods?” Brock, “Natural Inclination,” 75. The two reasons that Brock gives are somewhat incidental to the passage: that Aquinas wanted to recall that the natural inclinations are from God, and that “the move from inclinations to precepts is a move from the general to the particular,” an order that is “only in reason’s acquaintance with them.” *Ibid.*, 75-77.

<sup>177</sup> PM 275.

<sup>178</sup> NL 74.

<sup>179</sup> NL 68.

<sup>180</sup> NL 68.

<sup>181</sup> PM 275.



existing as a “being measured-ness.”<sup>182</sup> It is the appetible that moves the practical reason to direct the will in a natural inclination toward the universal good.<sup>183</sup> Therefore, it must exist prior to the operation of the practical reason—hence its pre-rational nature.

Aquinas makes this distinction between the will willing something naturally and the will willing something voluntarily in a passage that considers whether the will is moved to anything naturally. Aquinas says that “the principle of voluntary movements must be something naturally willed,” which is the good in general.<sup>184</sup> This includes “not only the object of the will, but also other things that are appropriate to the other powers; such as the knowledge of truth, which befits the intellect; and to be and to live and other like things which regard the natural well-being; all of which are included in the object of the will, as so many particular goods.”<sup>185</sup> The will tends naturally to these goods as to its object which is the last end,<sup>186</sup> but its initial tendency before the free exercise of its volition is to share in a movement proper to its nature to some extent.<sup>187</sup> Aquinas explains that this is “[b]ecause in every thing, being itself, which is from nature, precedes volition, which is from the will” and “hence it is that the will wills something naturally.”<sup>188</sup> Therefore, the will’s initial tendency is determined by nature to desire the good before the practical intellect judges whether it is a universal good proper for the will’s intention.<sup>189</sup>

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<sup>182</sup> NL 67, 109; EP 4n4.

<sup>183</sup> NL 26-28.

<sup>184</sup> ST I-II.10.1.

<sup>185</sup> ST I-II.10.1.

<sup>186</sup> ST I-II.10.1.

<sup>187</sup> ST I-II.10.1.ad1.

<sup>188</sup> ST I-II.10.1.ad1.

<sup>189</sup> Brock conflates the good in general with the last end into one “package” as the “desire for the good *as* good, under the universal *ratio boni*.” In other words, “the desire for the whole good is a desire for whatever particular goods are immediately understood to be essential parts of it.” Brock, “Natural Law,” 699. He does not consider Aquinas’s answer to the objector who asserts in ST I-II.10.1.obj1 that “the natural agent is condivided with

Rhonheimer never fully explains how the natural inclination of the will is informed by the intellect. This is where Long's focus on the speculative intellect is helpful. As elaborated in the last chapter, there is a prior *speculum* by which the will cognizes the good to which it is drawn. This good is a particular good—not the moral good that Long maintains since practical reason has not yet done its work. If the will finds this *speculum* fitting, it operates in accord with its nature by desiring this particular good as a particular good, thus making it an object of desire. It is only at this point that the practical reason becomes operative. In this way the appetitive natural inclination of the will to its particular good exists by the knowledge provided by the speculative intellect but becomes a natural inclination to moral good for the person by way of the practical reason.

This understanding accords with an example provided by Aquinas concerning the virtue of friendliness. There is a natural inclination to live in society.<sup>190</sup> Reason orders it so that “it behooves man to be maintained in a becoming order towards other men as regards their mutual relations with one another, in point of both deeds and words, so that they behave towards one another in a becoming manner.”<sup>191</sup> In other words, the natural inclination to live in society is a

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the voluntary agent” and “[t]herefore the will is not moved to anything naturally.” Aquinas rebuts this objector by saying:

The will is distinguished from nature as one kind of cause from another; for some things happen naturally and some are done voluntarily. There is, however, another manner of causing that is proper to the will, which is mistress of its act, besides the manner proper to nature, which is determinate to one thing. But since the will is founded on some nature, it is necessary that the movement proper to nature be shared by the will, to some extent: just as what belongs to a previous cause is shared by a subsequent cause. Because in every thing, being itself, which is from nature, precedes volition, which is from the will. And hence it is that the will wills something naturally.

ST I-II.10.1.ad1.

<sup>190</sup> ST I-II.94.2.

<sup>191</sup> ST II-II.114.1 & 2.ad2.

particular good of the will,<sup>192</sup> and practical reason orders this inclination to the human good of becoming behavior towards others.<sup>193</sup> Thus, Rhonheimer is correct that the rational appetite of the will has, in addition to its natural rational inclination, a natural appetitive inclination that does not presuppose practical reason. Aquinas points out that, contrary to Brock's view, this latter inclination can have life in society as its pre-rational goal.

In sum, Rhonheimer's interpretation of Aquinas finds support in the texts of Aquinas despite several challenges by leading scholars in the field. Rhonheimer identifies the material aspect of the moral object with the exterior act which has its own natural object but not its own moral object. While Rhonheimer somewhat over defines the exterior act to include the act of the executing will, he correctly understands the exterior act to constitute the matter of the act which receives its form from the choosing will and thus becomes a moral object. Without the direction of reason through the choosing will, the exterior act cannot have a moral object in itself. Rhonheimer also correctly identifies the formal aspect of the moral object with the order that reason brings to the exterior act and rejects the idea that the moral form of the moral act derived from the moral object has a corresponding natural form. The intentional structure of the moral act formed by practical reason does not exist in the being of nature. Even in an intrinsically evil act the act in its pure materiality is not disordered morally until it receives its intentional identity from the will of the agent acting on the direction of reason. Rhonheimer also correctly distinguishes the relation of the moral object to the further end from the moral object, contrary to Long who incorporates this relation within the definition of the moral object.

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<sup>192</sup> Aquinas affirms this in ST I-II.94.2, and he annexes the virtue of friendliness to justice, a virtue of the will, in ST II-II.114.2.

<sup>193</sup> Brock again conflates these two into one. Brock, "Natural Law," 691.

With regard to the function of reason, Rhonheimer defines the moral object as an act rather than a thing in order to emphasize the aspect of its basic intentionality. Although Aquinas defines the moral object as both an act and a thing, the latter suggests a concept of natural law that is inherent in the nature of things. Aquinas does not endorse this concept of natural law in his human action theory. To accord more accurately with Aquinas's human action theory, Rhonheimer correctly describes the moral object as an act. His approach is much like that of Aquinas when Aquinas describes the essence of happiness as an act of attainment and not as the attained object which is the cause of that act. Rhonheimer also gives an account of the natural inclinations that accords with the texts in Aquinas. They are pre-rational inclinations in the appetites (including the will in its natural state) and therefore determined to particular goods and not human goods, but they are morally significant as an integral part of the moral object because they are the basis on which practical reason does its work.

## Conclusion

St. Thomas Aquinas provides an account of the moral object that is brilliant in its explanatory power, but his succinct style sometimes leads to varying interpretations. Steven Long and Martin Rhonheimer are both eminent Catholic theologians who offer varying interpretations. This dissertation explores their analyses in the first two chapters, delves into the texts of Aquinas evolving from the teachings of the 12<sup>th</sup> and 13<sup>th</sup> centuries in the next two chapters, and then studies challenges to their interpretations in the final two chapters to determine whether their positions faithfully interpret Aquinas. The study suggests that while both theologians are largely faithful in their interpretation of Aquinas despite their critics, there are some misinterpretations which should be noted.

Long and Rhonheimer both examine Aquinas's concept of the moral object by dissecting it into its material and formal aspects. As for the material aspect, each overstates Aquinas's concept, but Long does so more significantly than Rhonheimer. While Aquinas confines the material aspect to the act itself as it is accomplished by the powers of the body and the soul considered apart from reason and will, Long includes the reason directing the will to a *per se* end, and Rhonheimer includes the will using the powers of the body and soul. Rhonheimer's overstatement is minimal and does not affect his overall correct interpretation of Aquinas; he defines the formal aspect of the moral object as reason directing the will to choose the material aspect of the moral object. Long's overstatement actually defines the material aspect of the moral object as what Aquinas calls the moral object in both its material and formal aspects; Long defines the formal aspect of the moral object as reason's relation to the further end. In fact, as

Rhonheimer correctly points out, the further end is the object of the will and a cause of the moral object according to Aquinas. The further end is not part of the moral object itself.

There is a reason for the difference between Long and Rhonheimer in their interpretations of Aquinas's concept of the moral object. Long includes the reason directing the will to a *per se* end within the material aspect of the moral object because he understands the speculative intellect to cognize good in the same way it cognizes truth. In other words, when reason contemplates the object of an act, it apprehends not only the truth of its being but also its good for the human being. The reason is passive in this regard. It observes but does not participate in forming the good of the object. The *per se* end of the object, which perfects the act and which Long calls the *finis operis*, is wholly encompassed within the material aspect of the object. The act has its own natural law which directs it to this *per se* end. Therefore, the material aspect of the moral object has its own form which is both natural and moral; reason only observes this form.

Rhonheimer, on the other hand, maintains that reason does participate in forming the moral object. The material aspect of the moral object does not have its own *per se* end that is good for a human being. It merely has a natural end. It takes practical reason operating by its own natural law as a participation in the eternal law of God to bring human good into the picture. Practical reason forms the material aspect of the moral object so that the moral object itself becomes that human good. Thus, contrary to Long who calls the end of the material aspect a *finis operis*, Rhonheimer uses this term as Aquinas uses it to qualify the moral object itself as the *finis operis*.

Despite Long's mistaken view of the speculative intellect as an observer of human good in the material aspect of the moral object, Long is correct that the speculative intellect does observe good before the practical intellect even begins to operate. However, the good that the speculative intellect observes is the particular good of things—not human good. Both Long and Rhonheimer interpret Aquinas correctly in this. Rhonheimer mentions it only briefly, but Long's insistence on what he thinks is a greater role for the speculative intellect brings this issue to the fore. In brief, the will is drawn as an appetite to desire particular goods of things outside itself in addition to human good. However, before it can desire anything, the intellect must cognize the particular good of these things. It is the speculative intellect that performs this function, cognizing its own particular good (the good of reason which is not in itself human good) and the good of things outside itself. When it does so, these particular goods can draw the appetite of the will to desire them as good. The speculative intellect does not direct the will to intend these goods. The mere knowledge of these goods attracts the will; thus they become objects of desire.

Long's focus on the speculative intellect is helpful in understanding this initial work that the intellect must perform before the practical intellect springs into operation. The problem is that when the speculative intellect cognizes these particular goods, Long understands that it also perceives human good. However, according to Aquinas as Rhonheimer explains, it is the practical intellect that apprehends human good. The practical intellect springs into action with the existence of an object of desire. Working through its natural law structure, it apprehends that a particular good is either a human good or a human evil. Insofar as it is a human good, it directs the will to intend it; insofar as it is a human evil, it directs the will to reject it. If the will intends the object, then the practical intellect deliberates, judges and commands the means to attain this

object of the will, and the will consents, chooses, and uses the powers of the body and soul to attain it. Long relegates the practical intellect to deliberating, choosing and commanding the means to the end, when in fact it is also responsible for apprehending the human good of the desired object in order to direct the will to intend it.

Long requires a careful read in order to understand his teleological grammar of the moral act. When he states that “one thing is said to be *per se* ordered to the other either if the achievement of one thing is absolutely required for the achievement of the other, or if one thing simply by its nature tends toward the achievement of another,”<sup>1</sup> he gives the impression that the *per se* end of an act is determined solely by a physical relationship. In reality, it includes a moral understanding of the end as well. According to Long, since the observation of the being of an act includes an observation of its moral good, the natural tendency towards an end is really a natural tendency towards a morally good or evil end. Long maintains that if the tendency towards a morally good end is accomplished by an act that has itself a morally evil end, then the *per se* end is not really the morally good end but rather the morally evil end. In other words, the natural teleology towards a physical *per se* end is interrupted in some cases by the speculative intellect’s perception of moral evil (what Long calls a negative precept) which changes the *per se* end of the act. So what appears at first as a physical teleology in fact includes a moral teleology.

According to Long, this *per se* ordering process is what determines the differences between species of acts. One act differs in species from another when it is not ordered *per se* to the other. This explanation fails to explain why Aquinas divides the species of acts into good and evil according to the powers of the human soul—reason, will, and the two sensitive appetites. The ends of good acts are placed under the cardinal virtues of prudence (reason),

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<sup>1</sup> TG 28.



justice (will), temperance (concupiscible appetite) and fortitude (irascible appetite). Rhonheimer understands this division by Aquinas. He explains that reason through its operation of natural law first divides acts into good and evil. Then, as an act occurs within the movement of an appetite, reason grasps the nature of the act according to the particular movement of the appetite that motivates it—a particular movement that differentiates the act from others in its species.

As a result of their different interpretations of Aquinas, both Long and Rhonheimer emphasize the importance of the natural inclinations but for different reasons. Long maintains that the natural inclinations are teleologically oriented towards the human good in themselves. They carry within themselves their own natural law instilled by God and directing the human being towards its own perfection. Rhonheimer disagrees. His interpretation, which reflects the texts of Aquinas more accurately, is that the natural inclinations are pre-rational in their origin in the sense that they incline a person toward particular ontological goods prior to the practical intellect's apprehension of these particular goods as human moral goods. Only when the practical intellect through its own inherent principles of natural law apprehends these particular goods as human goods are these inclinations confirmed as natural and direct the will to action.

This difference between Long and Rhonheimer in the interpretation of Aquinas's concept of the moral object offers two views of human nature, both of them teleological but only one of which is the correct interpretation of Aquinas. Long maintains that the teleology of human nature is an ordering in nature to certain ends, which speculative reason discovers and thereby grasps as reasons for action, and which, when they incite desire, cause the practical reason to move the will to action. Rhonheimer maintains that the teleology of human nature is an ordering in oneself to certain ends when practical reason forms human goods from particular goods in the

inclinations—human goods which practical reason uses to move the will to action.

Rhonheimer's view correctly reflects Aquinas. Aquinas states that the human person is "made to God's image"<sup>2</sup> and explains that "the rational creature is subject to Divine providence in the most excellent way, in so far as it partakes of a share of . . . Eternal Reason, whereby it has a natural inclination to its proper act and end: and this participation of the eternal law in the rational creature is called the natural law."<sup>3</sup> This natural inclination to one's proper act and end exists within each one of us in our practical intellect as what makes us in God's image. We participate with God through this natural law inherent within our reason as something that rules and measures.

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<sup>2</sup> ST I-II, Prologue, first sentence.

<sup>3</sup> ST I-II.91.2.

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