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## READING AQUINAS ON THE INTELLIGIBILITY OF NATURAL LAW\*

### INTRODUCTION

The question of natural law, which can be pursued on historical grounds, has for many scholars also become the search for the principles of morals, the basic characteristics of human action, rooted in practical reason itself, in human nature, or in religious traditions. Various and, as Fergus Kerr observes, often incommensurable readings of Aquinas's account of natural law prove this discussion difficult even for those convinced of its significance.<sup>1</sup> Eleonore Stump notices that Aquinas's views on the natural law are complex to the extent that sometimes even the same author offers different interpretations.<sup>2</sup> Still, from the perspective of an intellectual disciple, or just a mere researcher of the thought of Thomas Aquinas, the complexities of his position on natural law are certainly still worth examining, remembering that, as Brian Shanley puts it, "there may be various versions of Thomism, [...] but that does not mean that there are versions of Thomas."<sup>3</sup>

Is there any way to argue that natural law is distinctively rational for Aquinas, but at the same time the measure of rectitude of reason is linked to the realm of physical nature? Would not such an association run the risk of subjecting human free agency directed by practical reason to merely "biological" standards?

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\*This article is based on the first chapter of my doctoral dissertation *Imitation of Nature as a Source of Practical Principles in St. Thomas Aquinas's Summa Theologiae II-IIae*.

<sup>1</sup> See FERGUS KERR, O.P., *After Aquinas, Versions of Thomism*, Cornwall: Blackwell, 2002, 97–113.

<sup>2</sup> See ELEONORE STUMP, *Aquinas*, New York: Routledge, 2003 (hereafter *Aquinas*), 87.

<sup>3</sup> BRIAN J. SHANLEY, O.P., "Review of Fergus Kerr, *After Aquinas: Versions of Thomism*," in *The Thomist* 67 (2003): 318–321, here 321.

How could our knowledge of physical nature be of any importance for Aquinas's account of natural law and right practical reasoning?

This article aims to provide some insights into recent Thomistic debates regarding these questions. Firstly, a generic challenge of emotivism of contemporary moral debates will be signaled to show why the proponents of Aquinas's doctrine of natural law need a philosophically thorough account of the intelligibility of its principles. Secondly, some interpretations of Aquinas which tend to be "purely ethical" in their account of natural law will be met with arguments of "metaphysically oriented" interpretations situating Aquinas's account of natural law and its principles within his ontology of the good. Thirdly, the two interpretative approaches will be confronted in a manner that introduces the theme of the imitation of nature which accounts for the intrinsic connection between natures of sensible things and the intelligibility of principles of natural law in Aquinas's doctrine.

#### THE INTELLIGIBILITY OF THE GOOD CHALLENGED

##### *The sway of emotivism*

What does 'intelligible' mean? The Cambridge Dictionary defines 'intelligible' as "clear enough to be understood."<sup>4</sup> Can we have such clarity about basic principles of moral conduct? Does it make sense to talk about the intelligibility of moral principles and where it could come from? What is it that brings about their clarity and makes them understandable to us? What in Aquinas's view is the source of their intelligibility? Can the intelligibility of natural law in the doctrine of a medieval thinker have any meaning for contemporary moral disputes? This article does not provide definitive and detailed answers to these questions according to what could be found directly in Aquinas's works but rather aims to situate and comment on the problem of the intelligibility of natural law in the context of some varying and sometimes indeed incommensurable readings of Aquinas's doctrine.

It seems that renewed interest in Aquinas's natural law stems in a way from a need to respond to the general claim, "that every attempt, whether past or present, to provide a rational justification for an objective morality has failed."<sup>5</sup> Alasdair MacIntyre's diagnosis of emotivism as very much present in the contemporary moral debates seem to be no less current today than it was when he

<sup>4</sup><http://dictionary.cambridge.org/dictionary/english/intelligible?q=intelligibility>, accessed 22.04.2017.

<sup>5</sup>ALASDAIR MACINTYRE, *After Virtue. A Study in Moral Theory*, 2 ed., London: Duckworth, 1985 (hereafter *After Virtue*), 19.

began his project *After Virtue*.<sup>6</sup> The fragmentation of classical philosophical and moral concepts, typical of Modernity, makes Aquinas's treatment of the question of natural law hard to comprehend and thus even more difficult to relate to the current moral debate.<sup>7</sup> Competing versions of justice and rationality made an account of the intelligibility of natural law in Aquinas's doctrine very demanding.<sup>8</sup> Does this mean, however, that the philosophical aspects of this doctrine are mere relics of medieval history, pieces of a splendid image discarded long ago? Is every attempt at a careful exposition of Aquinas's doctrine of natural law in the contemporary philosophical context doomed to failure, and must they surrender to the dictates of moral emotivism? The quest for an adequate account of the intelligibility of Aquinas's doctrine of natural law seems crucial, because lacking or incomplete versions of this doctrine may tend to be... "emotivistic" themselves. Despite the intention of its proponents, especially those who fail to secure and explain the intelligibility of the principles of natural law, it may easily fall under the sway of emotivistic narration where moral choices are void of any true reasonableness.

### *Varying interpretations*

The susceptibility of some interpretations of Aquinas's doctrine of natural law to the influence of moral emotivism and similar theories of moral non-cognitivism may have various reasons. One of them may be the encounter of Thomism with the post-Cartesian moral philosophies, and the impact of the latter on the former. This seems also to be one of the factors that contributed to varying interpre-

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<sup>6</sup> See *Ibid.*, 11–12: "Emotivism is the doctrine that all evaluative judgments and more specifically all moral judgments are nothing but expressions of preference, expressions of attitude or feeling, insofar as they are moral or evaluative in character. Particular judgments may of course unite moral and factual elements. 'Arson, being destructive of property, is wrong' unites the factual judgment that arson destroys property with the moral judgment that arson is wrong. But the moral element in such a judgment is always to be sharply distinguished from the factual. Factual judgments are true or false; and in the realm of fact there are rational criteria by means of which we may secure agreement as to what is true and what is false. But moral judgments, being expressions of attitude or feeling, are neither true nor false; and agreement in moral judgment is not to be secured by any rational method, for there are none. It is to be secured, if at all, by producing certain non-rational effects on the emotions or attitudes of those who disagree with one. We use our own judgments not only to express our own feelings and attitudes, but also precisely to produce such effects in others."

<sup>7</sup> On the fragmentation of the moral concepts of Modernity see G.E.M. ANSCOMBE, "Modern Moral Philosophy," in *Philosophy* 33, No. 124, January 1958: 1–19.

<sup>8</sup> For MacIntyre's account of the role of natural law developed by Aquinas in the context of other versions of rationality see his *Three Rival Versions of Moral Enquiry: Encyclopaedia, Genealogy, and Tradition*, Gifford Lectures delivered in the University of Edinburgh in 1988, Notre Dame, Ind.: University of Notre Dame Press, 1990.

tations of Aquinas's teaching on natural law.<sup>9</sup> Indeed, some of its exponents have more or less explicitly assumed the Humean paradigm of the lack of a means to proceed from "is" to "ought," as well as Moore's naturalistic fallacy argument.<sup>10</sup> Such interpretations place emphasis on the distinction between speculative and practical intellect and tended to reconcile the Humean paradigm with Aquinas's account of the principles of practical reason and his doctrine of natural law. They read Aquinas's doctrine as if based on a deep rupture between nature and ethics.<sup>11</sup> Apart from various forms of the naturalistic fallacy that became a tacit dogma of modern moral philosophy, the influence of Kant on contemporary moral discussions should not remain unnoticed.<sup>12</sup> Deontological ethics inspired by his doctrine have paved the way to "deontological interpretations" of Aquinas in recent decades. Obviously, there have been serious concerns raised against such interpretations. Can Aquinas's doctrine of natural law be detached from his own philosophical insights about nature by reducing it to a "deontological form?"<sup>13</sup> Could the interpretations based on such deontological reduction conform with or at least be reconciled with what Aquinas understood by nature and natural law? Finally, could such interpretations withstand the challenge of emotivism and suffice for any intelligible account of natural law today?<sup>14</sup>

As some authors have pointed out, any attempt to present Aquinas's position on the natural law and its principles as coherent with the presuppositions of the naturalistic fallacy not only results in an inadequate account of what St. Thomas actually says. It also diminishes the intelligible strength of St. Thomas's doctrine and makes it prone to the arguments of non-cognitivists.<sup>15</sup> Russell Hittinger argues that various contemporary versions of natural law theory, including some of those inspired by Aquinas, somehow fail to meet the challenges of the crisis of

<sup>9</sup> See ALASDAIR MACINTYRE, *First Principles, Final Ends and Contemporary Philosophical Issues*. The Aquinas Lecture 1990, Milwaukee: Marquette University Press, 1995.

<sup>10</sup> See DAVID HUME, *A Treatise of Human Nature*, D. Norton and M. Norton [eds.], Oxford: Clarendon Press – New York: Oxford University Press, 2007, 302 (bk. III, pt. 1, I); cf. G.E. MOORE, *Principia Ethica*, London: Cambridge University Press, 1922.

<sup>11</sup> For a critical approach to these interpretations see e.g. P. LICHACZ, O.P., *Did Aquinas Justify the Transition from "Is" to "Ought?"*, Warszawa: Instytut Tomistyczny, 2010.

<sup>12</sup> Stephen L. Brock describes the influence of Kant on Anglo-Saxon moral thought as "at least comparable to Hume's" and Henry Veatch calls Kant "its grey eminence." See STEPHEN L. BROCK, *Action and Conduct. Thomas Aquinas and the Theory of Action*, Edinburgh: T&T Clark Ltd, 1998 (hereafter *Action and Conduct*), 4.

<sup>13</sup> LLOYD L. WEINREB, *Natural Law and Justice*, Cambridge MA – London: Harvard University Press, 1987, 2–3; see also 97–101, 108–115.

<sup>14</sup> In MacIntyre's view Kant's theory of practical reason is only one of the versions of the enlightenment project which eventually fails to ground the rational character of morality. See MACINTYRE, *After Virtue*, 60.

<sup>15</sup> For the main non-cognitivist arguments against natural law see e.g. ROBERT P. GEORGE, *In Defense of Natural Law*, New York: Oxford University Press, 2004 (hereafter *In Defense*), 17–30.

contemporary moral philosophy. Hittinger labels them “minimalist natural law theories.”<sup>16</sup> Steven Long, referring to the argumentative inefficiency of these “minimalist theories,” makes a strong assertion:

...if minimalist accounts fail, there is no apparent middle between the high metaphysical scholasticism — especially in its Thomistic mode — and nihilism surrendering both speech and action to unintelligibility.<sup>17</sup>

The voices of Hittinger and Long seem to represent a general dissatisfaction with the readings of Aquinas’s doctrine of natural law that diverge from his thorough philosophical account of nature. Both authors seem to consider the latter an illuminating and indispensable aspect that brings the necessary intellectual depth and accuracy to his doctrine of natural law. What if this piece of the doctrine is missing? Can an interpretation of Aquinas’s doctrine of natural law be based on something prerational and still withstand the charge of emotivism? Can prerational inclinations, seen as man’s natural inclinations, justify the rational character of natural law and the intelligibility of good?<sup>18</sup> Is there any other way whereby Aquinas’s doctrine of natural law could secure the intelligibility of its principles? There seems to be another way, in so far as the intelligibility of

<sup>16</sup> RUSSELL HITTINGER, “Varieties of Minimalist Natural Law Theory,” in *The American Journal of Jurisprudence*, vol. 34, 1989: 133–170, here esp. 155–163, cf. idem, “After MacIntyre: Natural Law Theory, Virtue Ethics, and Eudaimonia,” in *International Philosophical Quarterly*, vol. XXIX, no. 4, December 1989, 449–461.

<sup>17</sup> STEVEN ALAN LONG, *Minimalist Natural Law. A Study of the Natural Law Theories of H.L.A. Hart, John Finnis, and Leon Fuller*, Ann Arbor MI: UMI, 1995, 14.

<sup>18</sup> Stephen L. Brock observes that in the interpretations of Douglas Flippen, Jean Porter to John Finnis, Germain Grisez, and Martin Rhonheimer human natural inclinations are presented as if they “would exist independently of reason’s apprehension of their objects as good, and the apprehension would somehow follow on them”: STEPHEN L. BROCK, “Natural Inclination and the Intelligibility of the Good in Thomistic Natural Law,” in *Vera Lex*, VI.1–2 (Winter 2005): 57–78 (hereafter “Natural Inclination...”), here 60; cf. also *ibid.*, 59–60, with notes 6 and 7. For the discussion on this issue see Amadeo JOSÉ TONELLO, *La racionalidad de las inclinaciones naturales en Santo Tomás de Aquino*, Dissertationes. Series philosophica 28, Rome: EDUSC, 2009. Włodzimirz Galewicz notices that the ambiguity of the passage *ST*, I–II, q. 94, a. 2, co. where Aquinas states: “secundum igitur ordinem inclinationum naturalium, est ordo praeceptorum legis naturae,” allows for three possible explanations of the origin and interdependence of natural inclinations and the norms of the “law of nature.” In the first interpretation, the order of the norms of the “law of nature” follows upon the order of natural inclinations and requires reflection on the tendencies of the human nature. In the second interpretation, the order of inclinations is rational and entails reason’s previous apprehension of the norms of the “law of nature.” In the third interpretation, both orders are considered “equally original and independent” as if the harmony between the affective and the rational aspects of human nature was constituted and coordinated by the creative act of God. See WŁODZIMIERZ GALEWICZ, “Wstęp tłumacza,” in ŚWIĘTY TOMASZ Z AKWINU, *Traktat o Prawie*, przełożył i opracował W. Galewicz, Kęty: Wydawnictwo Marek Derewiecki, 2014, 5–43, here 20.

good, including moral goodness, has to do with the very intelligibility of nature. As MacIntyre neatly puts it:

...moral arguments within the classical, Aristotelian tradition — whether in its Greek or medieval versions — involve at least one central functional concept, the concept of *man* understood as having an essential nature and an essential purpose or function; and it is when and only when the classical tradition in its integrity has been substantially rejected that the moral arguments change their character so that they fall within the scope of some versions of the ‘No “ought” conclusion from “is” premises’ principle.<sup>19</sup>

If we grant accuracy to MacIntyre’s remark connecting pre-modern concepts of *man* as “having an essential nature” with “moral arguments,” it seems that interpretations of Aquinas’s doctrine of natural law which are faithful to his philosophical insights regarding the “essential nature of things” can best account for the intelligibility of its principles. But is it possible to go back to the “high metaphysical scholasticism” of Aquinas’s account of nature in order to account for the intelligibility of the first principles of practical reason?

Natural law, and ethical theories of Modernity, conceived nature in a manner far different from that of Aquinas. For him, there is certain *theonomy* of human nature that cannot be reduced to a pure *autonomy*. No created nature, including human nature endowed with its proper characteristic of voluntary agency, can act independently of the divine causality and attain its natural goodness without complying with the divine wisdom as eternal law.<sup>20</sup> Aquinas’s teaching on natural law and practical principles should be read within his perspective of teleology common to all natures intrinsically ordered to God as the ultimate cause of their “naturalness” and natural goodness.<sup>21</sup> Otherwise, if his concept of natural causality is “modernized” and detached from the divine causality, Aquinas’s

<sup>19</sup> MACINTYRE, *After Virtue*, 58.

<sup>20</sup> In one of the well known passages of the *ST*, I–II, q. 91, a. 2, Aquinas describes natural law as nothing else than the rational creature’s participation of the eternal law: “lex naturalis nihil aliud est quam participatio legis aeternae in rationali creatura”; on the voluntary character of human actions cf. *ST*, I–II, q. 6, a. 1.; for a study of ‘natural goodness’ in the context of analytical moral philosophy see Philippa Foot, *Natural Goodness*, Oxford – New York: Clarendon Press, 2001.

<sup>21</sup> In various versions of Aquinas’s “fifth way” of *ST*, I, q. 2, a. 3, co., we find a concise account of God as the ultimate cause of attaining natural ends by things lacking reason. In light of what Aquinas says there, natures of sensible things — the intrinsic principles of their natural movements — have a divine governing cause, an intelligent principle, “responsible” for the orderly way caused by their natures whereby they attain their natural ends. By attaining their natural ends they also attain their natural goodness; for the causality of the divine good and the natural (inherent) goodness of things cf. also *ST*, I, q. 6, a. 4.

idea of “human nature as autonomous” could easily serve as “grist to the mill of exclusive humanism,” a tendency that occurred in later philosophy.<sup>22</sup>

Whether or not relying on Aquinas’s understanding of nature, with all its metaphysical weight and consequences, could still be found to be more plausible in contemporary moral discussions than the Humean paradigm of there is “no ‘is’ to ‘ought’ inference” is not exactly an issue here. Nevertheless, there have been serious attempts at adapting and applying Aquinas’s notion of human nature within the context of recent analytical philosophy.<sup>23</sup> No doubt, however, even if reading Aquinas today can shed some light on contemporary moral questions, the account of his doctrine of nature and of natural law should respect the historical methods and avoid unnecessary anachronisms. On the other hand, the importance of these methods cannot confine philosophical findings exclusively to their historical perspective. A historian of philosophy has no “historical method” to deny that the application of this method can lead to discovery of truths transcending their purely historical context and apt for their theoretical evaluation.<sup>24</sup> Therefore, even though it might seem anachronistic to approach St. Thomas with questions regarding emotivism or ethical non-cognitivism, both medieval and contemporary perspectives still seem to imply and touch a common “transcending” problem. This essential problem is the very intelligibility of the good, and especially of the moral good, present both in medieval and contemporary moral considerations. Insofar as emotivism presupposes an irrational character of the moral good, it directly opposes the very basis of Aquinas’s account of the first principle of natural law — its intelligibility accessible to natural reason and leaves out all other moral principles “in the air” of mere preferences and choices, as if the nature of human conduct was detached from any possibility of true rational evaluation and right moral judgment.<sup>25</sup> It seems, however, that for St. Thomas good *is* intelligible, and human actions, too, can be judged and *known* as morally good or bad.

<sup>22</sup> CHARLES TAYLOR, *A Secular Age*, London: Belknap Press of Harvard University Press, 2007, 95; cf. *ibid.*, 91, 94–97, 126–129.

<sup>23</sup> Anthony J. Lisska gives an account of some conditions of what he considers a philosophically justifiable realist ontology of substantial form, human essence and natural kinds in Aquinas’s natural law theory, in the context of contemporary analytical philosophy. See ANTHONY J. LISSKA, “Is Ethical Naturalism Possible in Thomas Aquinas?” URL: <http://www3.nd.edu/Departments/Maritain/ti03/eLisska.htm#n10>, accessed 06.02.2016; for a brief survey concerning reopening to the ontological questions in analytical moral philosophy see STEPHEN L. BROCK, “Metafisica ed etica: la riapertura della questione dell’ontologia del bene,” in *Acta Philosophica*, v. 19, fasc. 1 (2010): 37–58 (hereafter “Metafisica ed etica...”), esp. 41–43.

<sup>24</sup> See ENRICO BERTI, *Storia della filosofia. Antichità e Medioevo*. Rome – Bari: Laterza & Figli, 1991, 8th ed., 2000, vi.

<sup>25</sup> For Aquinas’s formulation of the first principle of natural law see *ST*, I–II, q. 94, a. 2, co.: “Bonum est faciendum et prosequendum, et malum vitandum.”

## METAPHYSICAL RESTATEMENT OF INTELLIGIBLE GOOD

*Autonomy of ethics*

The discussion, and associated numerous publications, regarding Aquinas's interpretation of natural law has already lasted for decades.<sup>26</sup> This article will not address, therefore, all the interesting details of this long debate, but will deal only with some problems regarding the sources of intelligibility of right reason and its practical principles. It seems appropriate to first highlight some aspects of "Aquinas's autonomy of ethics." Interpreters of St. Thomas, who have assumed a far-reaching autonomy of practical reason with respect to speculative reason, seemingly avoid difficulties of dealing with metaphysical issues which are not very plausible in contemporary ethical debates. In this way their interpretations of Aquinas apparently adjust more easily to the current context of moral philosophy.

John Finnis, one of the authors of the "new natural law theory," presents four orders of intelligibility in his account of Aquinas's ethics: the natural, the logical, the moral, and the technical as "irreducibly distinct."<sup>27</sup> This interpretation of the irreducible distinctiveness of the orders of intelligibility, and the way in which the separateness among them is conceived and conveyed, affects the account of the practical principles and the source of their understanding. In his early work, *Natural Law and Natural Rights*, which has become one of the classical references for the "new natural law theory," John Finnis describes practical principles in this way:

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<sup>26</sup>For the discussion of Ralph McInerny, Henry Veatch, Russell Hittinger and other scholars with Germain Grisez and John Finnis see e.g. *Natural Law*, vol. I & II, J. Finnis [ed.], Aldershot: Dartmouth [etc.], 1991; *Saint Thomas Aquinas and the Natural Law Tradition*, M. Latkovic, J. Goyette, R. Myers [eds.], Washington D.C.: Catholic University of America Press, 2004 (hereafter *Saint Thomas Aquinas and the Natural Law Tradition*); for more on the current stage of discussions in natural law see also e.g. ANTHONY L. LISSKA, "On the Revival of Natural Law: Several Books from the Last Half-Decade," in *American Catholic Philosophical Quarterly*, 81/4 (2007), 613–638; PATRICK RIORDAN, "Natural Law Revivals: Review of Recent Literature," in *The Heythrop Journal*, vol. LI, no. 2, (March 2012): 314–323; ALDO VENDEMIATI, "Orientamenti di ricerca sulla legge naturale negli ultimi trent'anni," in *Studi sul pensiero di Tommaso d'Aquino in occasione del XXX anniversario della S.I.T.A.*, L. Congiunti and G. Perillo [eds.], Rome: LAS, 2009, 71–100 (hereafter "Orientamenti..."); STEVEN J. JENSEN, *Knowing the Natural Law. From Precepts and Inclinations to Deriving Oughts*, Washington D.C.: Catholic University of America Press, 2015; cf. also the materials from the Symposium on the International Theological Commission's document: *The Search for Universal Ethics in Nova et Vetera*, English Edition, vol. 9, no. 3 (2011), 657–841.

<sup>27</sup>JOHN FINNIS, *Aquinas. Social, Political and Legal Theory*, Oxford: Oxford University Press, 1998 (hereafter *Aquinas*), 21; cf. STEPHEN L. BROCK, "Review of John Finnis, *Aquinas: Social, Political and Legal Theory*," in *Ethics*, 111/2 (January 2001): 409–411, here 409.



They are not inferred from speculative principles. They are not inferred from facts. They are not inferred from metaphysical propositions about human nature, or about the nature of good and evil, or about ‘the function of a human being’, nor are they inferred from a teleological conception of nature or any other conception of nature. They are not inferred or derived from anything. They are underived (though not innate).<sup>28</sup>

According to Finnis, speculative knowledge about other people’s cultures, lifestyles, motivations et cetera, in a way influences our practical understanding of the forms of good as “to-be-pursued.” Factual knowledge makes us aware of a range of possibilities and this is a condition for reasonable judgment. However, since practical reason operates in a different mode than speculative reason, practical judgment is not derived from any other theoretical judgment.<sup>29</sup> For Finnis, metaphysical reflection from the perspective of ethics is only a kind of “speculative appendage.”<sup>30</sup>

Brian Shanley succinctly characterized John Finnis’s natural law theory, as “a lightning rod for Thomistic critique.”<sup>31</sup> Robert P. George, one of the followers and exponents of the Grisez-Finnis theory describes the main charges of this critique:

Whether or not Aquinas himself supposed that sound practical philosophy necessarily depends upon a methodologically antecedent speculative philosophy of nature, this supposition has long prevailed among those who have understood themselves to be working within the Thomistic tradition of natural law theorizing. It is hardly surprising therefore that the Grisez-Finnis theory, inasmuch as it dispenses with this supposition, strikes many thinkers who are sympathetic to natural law theory as woefully inadequate. It seems ‘obvious’ to them that natural law theory must be about deriving norms of conduct from nature. To deny that moral norms can be so derived is, they assume, to embrace Kantian formalism at best, and moral relativism or even skepticism at worst.<sup>32</sup>

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<sup>28</sup>JOHN FINNIS, *Natural Law and Natural Rights*, Oxford: Clarendon Press – New York: Oxford University Press, 1980, (hereafter *Natural law Natural Rights*), 33–34. Cf. JOHN FINNIS and GERMAIN GRISEZ, “The Basic Principles of Natural Law. A Reply to Ralph McInerney,” in *American Journal of Jurisprudence*, 26 (1981): 21–31, esp. 24. I am aware of the development of the new natural theory, since Finnis’s *Natural Law and Natural Rights* was first published. Still, it seems that the basic notion of the practical principles and the way Finnis conceives them have not essentially changed.

<sup>29</sup>FINNIS, *Natural law Natural Rights*, 73.

<sup>30</sup>Ibid., 36.

<sup>31</sup>BRIAN J. SHANLEY, O.P., *The Thomist Tradition*, Dordrecht – Boston – London: Kluwer Academic Publishers, 2002, 146.

<sup>32</sup>GEORGE, *In Defense*, 75. See also *ibid.*, 17–82 for more arguments in favor and against the new natural law theory.

An example of a critical approach to the theory of Finnis and Grisez is Russell Hittinger's *A Critique of the New Natural Law Theory*. In the very last words of the book, Hittinger finds their project unsatisfactory insofar as a recovery of natural law theory is concerned:

What we are awaiting is a retrieval of natural law or something very much like it. Having reached the end of this investigation, we are sorry to report that despite the ambition of the Grisez-Finnis project, we are still waiting. What is clear is that there is no way to recover natural law theory by way of shortcuts.<sup>33</sup>

According to Stephen L. Brock, ethicists who have claimed "autonomy" for Aquinas's ethics by accepting the Humean principle of no derivation from "is" to "ought," usually disregard the speculative part of the *Summa theologiae*.<sup>34</sup> Apart from the exponents of the "Finnis-Grisez" new natural law theory, Brock also refers to authors in German-speaking circles, especially Wolfgang Kluxen and his followers.<sup>35</sup> One of them could be Martin Rhonheimer, whose account presented in *Natural Law and Practical Reason* is sympathetic to some extent to some assertions of Finnis and Grisez.<sup>36</sup>

Whatever the overall evaluation of the so-called non-ontological interpretations of Aquinas's ethics should be, they have certainly become an important incentive in the quest for a more adequate account of the first principles of practical reason. In recent years there has been a reopening of metaphysical questions concerning ethics in some English-speaking philosophical circles. Also, some of the recent interpretations of Aquinas's ethics can be situated within the current discussion of the "metaphysics of the good."<sup>37</sup>

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<sup>33</sup>RUSSELL HITTINGER, *A Critique of the New Natural Law Theory*. Notre Dame, Ind.: University of Notre Dame Press, 1987, 198.

<sup>34</sup>BROCK, "Metafisica ed etica..." 40, 43 with note 24, Stephen L. Brock mentions several questions of the *Prima pars* which he believes to be especially pertinent for this discussion: *ST*, I, qq. 5–6; 19–21; 26; 48–49; 59–60; 62–63; 82.

<sup>35</sup>BROCK, "Metafisica ed etica..." 40.

<sup>36</sup>MARTIN RHONHEIMER, *Natural Law and Practical Reason. A Thomist View of Moral Autonomy*, transl. by G. Malsbary, New York: Fordham University Press, 2000 (hereafter *Natural Law and Practical Reason*). For a more comprehensive view of Rhonheimer's interpretation of St. Thomas's approach to practical reason see also his articles: "The Cognitive Structure of Natural Law," in *The Thomist* 67 (2003): 1–44, esp. 16–37; and "The Moral Significance of Pre-Rational Nature in Aquinas: A Reply to Jean Porter (and Stanley Hauerwas)," in *The American Journal of Jurisprudence*, vol. 48, (2003): 253–280 (hereafter "The Moral Significance..."); for an account of some common points of Martin Rhonheimer's account with the "new natural law theory," see Vendemiati, "Orientamenti..." 78–81 and MARK S. LATKOVIC, "Natural Law and Specific Moral Norms," in *St. Thomas Aquinas and the Natural Law Tradition*, 161.

<sup>37</sup>BROCK, "Metafisica ed etica..." 40.

*Metaphysical insights*

The “metaphysics of the good” has developed partly as a response to the still more common non-ontological interpretations of ethics.<sup>38</sup> Jan A. Aertsen reintroduces Aquinas’s transcendental notion of good as an integrating principle of different orders of metaphysics and ethics:

...it is apparent that the doctrine of the transcendentals has an *integrating* function: it analyzes the common good to the different orders of natural things and human actions and applies the common structure to the two orders.<sup>39</sup>

For St. Thomas, Aertsen argues, the practical is always an extension of the theoretical, and so ethics starts not with the actual “experience of the moral” but rather with the reflection on the *ratio boni*, “the foundation of praxis.” The notion of good, *ratio boni*, can be reflected upon because good is definable in its *ratio* as “that which all desire.”<sup>40</sup> Even though St. Thomas does not directly address the relation between the order of metaphysics and ethics, the concept of good is common to both of them.<sup>41</sup> Aertsen presents Aquinas’s approach to natural law precisely as an elaboration of the doctrine of the transcendentals.<sup>42</sup> Aertsen describes the “transcendental openness” of the human being in the perspective of two corresponding triads *anima-intellectus-voluntas* and *ens-verum-bonum*.<sup>43</sup>

<sup>38</sup> One of the publications which addresses the problem of interconnection between ethics and metaphysics is a collection of essays that aims at “removing ignorance” about the connection between being and goodness in Greek philosophy and the Middle Ages: SCOTT MACDONALD, “Introduction: the Relation between Being and Goodness,” in *Being and Goodness: The Concept of the Good in Metaphysics and Philosophical Theology*, S. MacDonald [ed.], Ithaca NY – London: Cornell University Press, 1991, 1–28; in a more recent collection of essays Aquinas’s account of ethics is placed within the broader context of his doctrine that includes the metaphysics of the good. This interpretation is expounded especially in JAN A. AERTSEN, “Thomas Aquinas on the Good: The Relation between Metaphysics and Ethics,” in *Aquinas’s Moral Theory. Essays in Honor of Norman Kretzmann*, S. MacDonald and E. Stump [eds.], Ithaca NY – London: Cornell University Press, 1999, 235–253 (hereafter “Thomas Aquinas on the Good...”); for a more extensive account of St. Thomas’s understanding of the notion of good as transcendental see also Jan A. Aertsen, *Medieval Philosophy & the Transcendentals. The Case of Thomas Aquinas*, Studien und Texte zur Geistesgeschichte des Mittelalters, Bd. 52, Leiden – New York – Köln: E. J. Brill, 1996, 290–334.

<sup>39</sup> AERTSEN, “Thomas Aquinas on the Good...,” 252.

<sup>40</sup> *Ibid.*, 253.

<sup>41</sup> *Ibid.*, 237.

<sup>42</sup> JAN A. AERTSEN, “Natural Law and the Transcendentals,” in *Lex et libertas. Freedom and Law according to St. Thomas Aquinas. Proceedings of the Fourth Symposium on St. Thomas Aquinas’ Philosophy, Rolduc, November 8 and 9, 1986*, L. Elders and K. Hedwig [eds.], Studi Tomistici vol. 30, Pontificia Accademia di S. Tommaso e di Religione Cattolica, Città del Vaticano: Libreria Editrice Vaticana 1987, 99–112, here 100.

<sup>43</sup> *Ibid.*, 102.

He argues that the logical order of the transcendentals (*ST*, I, q. 16, a. 4) has an ontological ground which finds an explanation in Thomas's considerations on the nature of good (*ST*, I, q. 5). All creatures attain their complete goodness through operations, and, in the case of man, attaining goodness has a moral character insofar as it is willed.<sup>44</sup> Aertsen says that among different notions of nature, the "natural" in the concept of natural law in the *Prima secundae*, question 94, article 2 is to be understood as "according to substance," and "must be determined in relation to the thing of which it is said essentially," which in case of human nature means "*animal rationale*."<sup>45</sup> He also notices that the parallel between speculative and practical principles given there by Aquinas should be confronted with what Aquinas says about the practical principles that preexist in practical reason as the ends of moral virtues.<sup>46</sup>

Metaphysics of the good also seems to be Eleonore Stump's general approach to Aquinas's ethics and natural law.<sup>47</sup> In her interpretation, Aquinas maintains a meta-ethical position in view of which normative ethics is "a matter of applying the general metaphysics of goodness to human beings."<sup>48</sup> Eleonore Stump, together with Norman Kretzmann and Scott MacDonald, clearly emphasize the interconnection between the central questions of Aquinas's moral theory and other areas of his thought, especially the metaphysical nature of good expounded by Aquinas in question 5 of the *Prima pars*.<sup>49</sup>

Two other authors representing metaphysics of good as pivotal in Aquinas's moral doctrine are Lawrence Dewan and Stephen L. Brock. In a praising review of Lawrence Dewan's collection of essays and articles *Wisdom, Law, and Virtue*, Brock points to a passage which characterizes Dewan's program well:

I submit that one must move from freedom to its source in reason and from practical reason to contemplative reason if one is really to discover reason in all its amplitude as the source of 'ought' and 'ought not' for human action. It is the

<sup>44</sup>Ibid., 102–104.

<sup>45</sup>Ibid., 107–108.

<sup>46</sup>Ibid., 111; cf. *ST*, II-II, q. 47, a. 6.

<sup>47</sup>See STUMP, *Aquinas*, 61–91.

<sup>48</sup>Ibid., 68.

<sup>49</sup>See ELEONORE STUMP and NORMAN KRETZMANN, "Being and Goodness," in *Being and Goodness: The Concept of the Good in Metaphysics and Philosophical Theology*, S. MacDonald [ed.], Ithaca NY – London: Cornell University Press, 1991, 98–128, esp. 98–103; SCOTT MACDONALD and ELEONORE STUMP, "Introduction," in *Aquinas's Moral Theory. Essays in Honor of Norman Kretzmann*, S. MacDonald and E. Stump [eds.], Ithaca NY – London: Cornell University Press, 1999, 1–11, esp. 2–4; on the relation between ontological and moral goodness see also DAVID M. GALLAGHER, "Aquinas on Goodness and Moral Goodness," in *Thomas Aquinas and His Legacy*, D. Gallagher [ed.], Studies in Philosophy and the History of Philosophy, vol. 28, Washington D.C.: The Catholic University of America Press, 1994, 37–60.

goal that is the principle of practical reason, and the goal is contemplation of truth.<sup>50</sup>

Lawrence Dewan does not deny that ethics “has its own subject, principles, and hence its ‘autonomy’,”<sup>51</sup> but rather wants to reemphasize its metaphysical dimensions as pertaining to wisdom, and in this way to break the “spell of the ‘sanctity of ethics’”:

Ethics is of secondary importance. We must not ourselves be caught in the spell of the ‘sanctity of ethics’. In some ways, this is a substitute for religion... In the face of this we must assert the primacy of contemplation and the role of ethics as in the service of contemplation. Ethics is essential, but it is not what is best.<sup>52</sup>

In his essay *St. Thomas, Our Natural Lights, and the Moral Order*, a critical review of Finnis’s *Natural Law and Natural Rights*, Dewan agrees with Finnis that moral judgments for Aquinas are not the mere application of previous metaphysical analysis of what is good and evil.<sup>53</sup> According to Dewan, Finnis’s ethical discourse is in general accord with Aquinas’s account of the modes of knowledge.<sup>54</sup> In Dewan’s view, however, the principles of practical reason, that is natural law, and the principles of speculative reason actually precede any ethical or metaphysical discourse, and are grasped as “original seeds” and “sapiential notions” which are “at work right from the start” in any kind of “human scientific and moral cultivation.”<sup>55</sup> Dewan finds Aquinas’s doctrine of natural law to be metaphysical rather than ethical, because judging and defending the first principles belong to the metaphysician who “merely reaches back more searchingly than does the ethicist to what we all know.”<sup>56</sup> For Dewan:

St. Thomas’s “doctrine of natural law” is the metaphysical reflection on the nature of our knowledge of the first practical principles, and is the metaphysician’s description of our original natural knowing of those principles.<sup>57</sup>

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<sup>50</sup> LAWRENCE DEWAN, O.P., *Wisdom, Law, and Virtue. Essays in Thomistic Ethics*, New York: Fordham University Press, 2008 (hereafter *Wisdom, Law, and Virtue*), 120; cf. STEPHEN L. BROCK, “Review of Lawrence Dewan, O.P., *Wisdom, Law, and Virtue*,” in *The Thomist* 73 (2009): 497–501 (hereafter “Review of Lawrence Dewan...”), 498.

<sup>51</sup> BROCK, “Review of Lawrence Dewan...,” 501.

<sup>52</sup> DEWAN, *Wisdom, Law, and Virtue*, 57, cf. BROCK, “Review of Lawrence Dewan...,” 498.

<sup>53</sup> DEWAN, *Wisdom, Law, and Virtue*, 199.

<sup>54</sup> *Ibid.*, 200.

<sup>55</sup> *Ibid.*, 202.

<sup>56</sup> *Ibid.*, 200.

<sup>57</sup> *Ibid.*

In Dewan's reading, the metaphysical dimension as a sapiential horizon for ethics is indispensable. Ethics misses its essential point unless "it basks in the light of metaphysics."<sup>58</sup> The way in which Finnis presents the first principles of practical reason as indemonstrable "oughts" underivable from "is" disregards this sapiential dimension. Dewan critically notices that something founded on "bare oughts," strictly ethical "starting points" without any sapiential grounding cannot withstand any serious dissent regarding the character and the content of the "oughts," and can be radically challenged at its "indemonstrable" foundation. It is only due to the intelligible hierarchy of principles, that practical reason can see what goodness is, under the aspect of truth and being.<sup>59</sup> All intellectual virtues, including prudence, fall under the architectonic virtue of wisdom, which is metaphysics inasmuch as it is the knowledge of God. Since the role of prudence in ethics cannot be denied, neither can it be detached from metaphysics as wisdom.<sup>60</sup>

Stephen L. Brock is to a large extent in agreement with Lawrence Dewan in his account of Thomas's doctrine, and sometimes develops Dewan's insights.<sup>61</sup> Brock's general approach to Aquinas's ethics seems to center on the metaphysics of the good and its causality. In various publications on natural law and theory of action, the author refers to the notion of good, *ratio boni* (*ST*, I, q. 5, a. 4) and offers its detailed exegesis.<sup>62</sup> He introduces Aquinas's concept of the imitation of nature as the "imitation of the divine mind," considering it a crucial, though often neglected, aspect of Thomas's natural law theory.<sup>63</sup> Brock also engages Thomas's metaphysics of the good and the concept of the imitation of nature as the source of practical reason's principles as argumentative tools revealing the inefficiency of Hume's "is-ought fallacy."<sup>64</sup> For the author, metaphysics of

<sup>58</sup> *Ibid.*, 36.

<sup>59</sup> *Ibid.*, 203–204.

<sup>60</sup> Cf. *ST*, I–II, q. 66, a. 5, ad 1; see DEWAN, *Wisdom, Law, and Virtue*, 34–35, 202.

<sup>61</sup> See e.g. BROCK, "Natural inclination..." 61; *idem*, "Metafísica ed ética..." 45.

<sup>62</sup> Cf. *ibid.*, 45–53, cf. STEPHEN L. BROCK, "The Primacy of the Common Good and the Foundations of Natural Law in St. Thomas," in *Ressourcement Thomism. Sacred Doctrine, the Sacraments, & the Moral Life*, R. Hütter and M. Levering [eds.], Washington, D.C.: The Catholic University of America Press, 2010, 234–255 (hereafter "The Primacy..."), esp. 243–249.; cf. *idem*, *Action and Conduct*, 118–127.

<sup>63</sup> See esp. *idem*, "Ars imitatur naturam: un aspecto descuidado de la doctrina de la ley natural en Sto. Tomás," in *El Hombre. Transcendencia y imanencia*, vol. I, Pamplona: Universidad de Navarra, 1991, 383–395 (hereafter "Ars imitatur naturam..."); cf. also *idem*, *The Philosophy of Saint Thomas Aquinas. A Sketch*, Eugene, Ore.: CASCADE Books, 2015, 49, 123–124, 163–172.

<sup>64</sup> *Idem*, "Natural Inclination..." 73: ...even though what Hume exposed is a genuine fallacy, the larger argument that he was engaged in is itself nothing short of sophistry. What he showed was that the notion of "according to nature" does not contain the notion of "good." But what he actually needed was the sophistical inference from this which he leaves tacit, that the notion

the good has a unifying character and regards both: speculative order, as far as it regards perfection and “fullness” of being, and practical order as far as it concerns good that is desired. Considering the nature of things, especially substantial form as nature, the author is at pains to show how the causality of the good is present in the form, which carries being and inclination towards its perfection.<sup>65</sup> On the other hand, he argues that quite apart from any metaphysical account of the nature of the good, we have a pre-scientific experience of the desirability of the good based on observation.<sup>66</sup>

### *Intelligibility of the good*

As mentioned already, Jan A. Aertsen stresses the importance of Aquinas’s account of the genesis and the order of primary notions of human intellect for solving some controversies regarding the relation between Aquinas’s ethics and metaphysics:

This order of the primary notions relativizes Aquinas’s analogy of proportionality between theoretical and practical reason, presented as the starting point of his exposition in the *Summa theologiae*. Both domains are not disconnectedly beside one another, but ordered to one another according to relation of “prior” and “posterior.”<sup>67</sup>

Aertsen points out that in the *Prima pars* question 16, article 4 ad 2 Aquinas completes his account of the genesis of primary notions, with respect to the notion of true (*ratio veri*) and of good (*ratio boni*) — the first principle of ethics, both of them following in an ordered way upon the notion of being (*ratio entis*).<sup>68</sup> According to Aertsen, this passage conveys in the best way Aquinas’s

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of “good” does not contain the notion “according to nature”; cf. idem, “Metafisica ed etica...,” 54–57; cf. idem, “The Primacy...,” 249–250.

<sup>65</sup> Idem, “Metafisica ed etica...,” 51.

<sup>66</sup> Idem, “Natural Law, the Understanding of Principles, and Universal Good,” in *Nova et Vetera*, English Edition, vol. 9, no. 3 (2011): 671–706, here 686.

<sup>67</sup> JAN A. AERTSEN, *Medieval Philosophy as Transcendental Thought. From Philip the Chancellor (ca. 1225) to Francisco Suárez*, Studien und Texte zur Geistesgeschichte des Mittelalters, Bd. 107, Leiden – Boston: E.J. Brill, 2012, 245.

<sup>68</sup> Ibid., 245–249. Aertsen signals that apart from a systematic account of the order of transcendentals in *De veritate* q. 1, a. 1, in other texts Aquinas describes the genesis of primary notions, without however including the notions of truth and of being, in the following sequence, *ens, non ens, divisio, aliquid, unum, multitudo* (ibid., 247–248). The texts Aertsen mentions are (ibid., 247, note 93): *De potentia*, q. 9 a. 7 ad 15 “the most complete text”; *In Meta.*, X, lect. 4, n. 1998; *Super Sent.*, lib. 1 d. 24 q. 1, a. 3 ad 2; *In Meta.*, IV, lect. 3 n. 566; *ST*, I, q. 11, a. 2, ad 4; *In Boet. De Trin.*, q. 4, a. 1.

account of the order of transcendentals from “the perspective of human subjectivity.”<sup>69</sup> In a similar way Dewan and Brock emphasize Aquinas’s account of the rational character of *ratio boni*, as always presupposing two other simpler *rationes*.<sup>70</sup> Dewan’s translation of question 16, article 4 ad 2 of the *Prima pars* clearly conveys the sequence of the different notions:

It is according to this that something is prior in intelligibility (*prius ratione*), namely that it occurs previously to the mind (*prius cadit in intellectu*). Now, the mind previously grasps (*apprehendit*) ‘a being’ (*ipsum ens*); and secondly it grasps ‘itself being intellective with respect to a being’ (*se intelligere ens*); and thirdly it grasps ‘itself being appetitive with respect to a being’ (*se appetere ens*). Hence, the intelligibility ‘a being’ (*ratio entis*) comes first, and secondly comes the intelligibility ‘the true’ (*ratio veri*), and thirdly the intelligibility ‘the good’ (*ratio boni*).<sup>71</sup>

The sequence of *ratio* grasped by the intellect emerges in a certain order: the *ratio* of being, the *ratio* of truth, and the *ratio* of the good. Just as truth has its “visibility” not in virtue of itself but through the *ratio* of being, also the good would lack its intelligibility without the *ratio* of truth.<sup>72</sup> Dewan emphasizes that there is no gap between distinct notions (*rationes*), and that each succeeding notion “results naturally” from the previous one.<sup>73</sup> St. Thomas does not identify or “derive” the subsequent *ratio* from the previous one, but rather shows how each following *ratio* embraces the previous, presupposes it, while adding its own novelty.<sup>74</sup> For Aquinas, both *ratio boni* and *ratio veri* have their primary sources in the intellect apprehending “a being.” Brock shows that for Thomas the concept of the good follows upon grasping the simpler *ratio* first, because the *ratio boni*, which denotes the final cause, presupposes efficient and formal causes (see *ST*, I, q. 5, a. 4).<sup>75</sup> In other words, according to this account of the intelligibility of the good, it is due to the final cause that the structure of the intelligible notions

<sup>69</sup>Ibid., 249.

<sup>70</sup>Cf. BROCK, “Review of Martin Rhonheimer...,” 312, 314; idem, “Natural Inclination...”, 73–74; DEWAN, *Wisdom, Law, and Virtue*, 204.

<sup>71</sup>*ST*, I, q. 16, a. 4, ad 2: “Secundum hoc est aliquid prius ratione, quod prius cadit in intellectu. Intellectus autem per prius apprehendit ipsum ens; et secundario apprehendit se intelligere ens; et tertio apprehendit se appetere ens. Unde primo est ratio entis, secundo ratio veri, tertio ratio boni, licet bonum sit in rebus” (transl. Dewan, *Wisdom, Law, and Virtue*, 204; the last words omitted in Dewan’s translation could be translated: “although good is in things”).

<sup>72</sup>See DEWAN, *Wisdom, Law, and Virtue*, 204.

<sup>73</sup>Ibid.

<sup>74</sup>Cf. BROCK, “Natural Inclination...,” 73.

<sup>75</sup>See BROCK, “Review of Martin Rhonheimer, *Natural Law and Practical Reason: A Thomist View of Moral Autonomy*,” in *The Thomist* 66 (2002): 311–315 (hereafter “Review of Martin Rhonheimer...”), here 314.



naturally emerges in the intellect, but what falls first in human understanding is always the formal cause.

In light of the arguments concerning Aquinas's account of the first intelligible notions of human intellect, as exposed especially by Aertsen, Dewan, and Brock, interpretations of Aquinas's ethics as "autonomous" disregarding his metaphysical insights and the account of the intelligible structure of the good seem difficult to reconcile with an accurate reading of his moral doctrine.

#### INTELLIGIBILITY BY IMITATION OF NATURE

##### *Brock versus Rhonheimer on practical reason*

Contrasting accounts and the discussion concerning the role of nature in Aquinas's account of practical reason and natural law touch upon the notion of the 'imitation of nature'. We come across this concept in Stephen L. Brock's critical review of Martin Rhonheimer's interpretation of Aquinas's account of practical reason. Since an imitation of nature as part of Aquinas's moral doctrine might provide further clarity in terms of the intelligible account of the moral good, some points of this review are worth recalling here.

Brock strongly distances himself from Martin Rhonheimer's interpretation of Aquinas's account of practical reason. This disagreement seems to represent well a clash between two interpretations of Aquinas's ethics, Rhonheimer's being more "autonomous" and Brock's more "metaphysically grounded."

Brock's view of Rhonheimer's interpretation corresponds with some points of Dewan's critical approach to John Finnis's account of Aquinas's natural law theory. Just as in Dewan's view Finnis disregards a hierarchical structure of subsequently emerging notions of human knowledge, so, in Brock's view, does Rhonheimer.<sup>76</sup> Consequently, Brock argues that Rhonheimer misinterprets Aquinas's understanding of the notion of good, '*ratio boni*', by giving it an entirely different meaning. In his book Rhonheimer describes the notion of the good as follows:

the 'nature of the good' (*ratio boni*) is therefore nothing other than what we experience as 'good' — the *appetibile*, the actuality of the practical object that is experienced in willing as willing's own object.<sup>77</sup>

In contrast to the above reading of the nature of the good by Rhonheimer, Brock applies the structure of knowing the two simpler *rationes* as preceding the *ratio*

<sup>76</sup>Cf. DEWAN, *Wisdom, Law, and Virtue*, 204; cf. BROCK, "Review of Martin Rhonheimer..." 313.

<sup>77</sup>RHONHEIMER, *Natural Law and Practical Reason*, 72, cited after Brock, "Review of Martin Rhonheimer..." 314.

*boni*, to answer the question, whether our grasp of ourselves as intellectual or our grasp of the good comes first:

But does our grasp of ourselves as intellectual presuppose our grasp of the good? Quite the contrary. [...] a knowledge of our nature is indeed presupposed to any work of practical reason.<sup>78</sup>

As Brock argues, Rhonheimer's concept of nature and practical reasonableness is founded on natural inclinations "as essential in the genesis of the moral order, if not its proper 'basis'."<sup>79</sup> Brock notices that this kind of doctrine cannot be found in Aquinas's texts.<sup>80</sup> He considers it "a disconcerting claim," when Rhonheimer states that "in the texts of Thomas 'one searches in vain for a statement that nature is the measure of good'."<sup>81</sup> Against such a claim, Brock provides various texts of Aquinas.<sup>82</sup> For St. Thomas, as Brock underlines, "every existence and good is considered through some form" (*ST*, I-II, q. 85, a. 4) and every good is "proportioned to some nature," and "suited to nature." It includes the preceding notions but it also transcends them because the notion of good (*ratio boni*) is different from the other notions by adding desirability. It is "impossible to will what does not seem somehow to suit one's nature" (*ST*, I-II, q. 6, a. 4, ad 3; cf. I-II, q. 19, a. 10).<sup>83</sup> To grasp the good proportioned to human nature, one needs to grasp the nature of one's own intellect and this requires reference to natural, sensible things, as the intellect's first objects:

...the mind must inquire into its own nature, reason to it, as to a cause—the cause of the acts that it perceives in itself. And it must do so by comparison and contrast with bodily things. For since these are its first objects, they constitute an indispensable reference point for its knowledge of anything whatsoever, including itself.<sup>84</sup>

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<sup>78</sup> *Ibid.*

<sup>79</sup> *Ibid.*, 312.

<sup>80</sup> *Ibid.*

<sup>81</sup> *Ibid.*, 313, see RHONHEIMER, *Natural Law and Practical Reason*, 8.

<sup>82</sup> BROCK, "Review of Martin Rhonheimer...", 313; first of all Brock points to *ST*, I-II, q. 18, a. 5, co., where St. Thomas says that "for each thing, that is good which suits it according to its form; and evil that which departs from the order of its form." Then the author argues that this article should be read in the light of question 5 of the *Prima pars* on goodness in general, where Aquinas presents it in "immediate perfective function of a perfection of a being." Finally, Brock also recalls *ST*, I-II, q. 74, a. 7, co., where St. Thomas explicitly states that "human acts can be regulated according to the rule of human reason, which is gleaned [*sumitur*] from the created things that man naturally knows."

<sup>83</sup> *Ibid.*, 314.

<sup>84</sup> STEPHEN L. BROCK, "The Physical Status of the Spiritual Soul in Thomas Aquinas," in *Nova et Vetera*, English Edition, vol. 3, no. 2 (2005): 231–258, here, 241.

Consequently, as Brock argues, the natural things which Aquinas considers the first objects of understanding of human intellect (cf. *ST*, I, q. 87, a. 3), play an indispensable role in the intellect's grasping of not only the first notion of being but also of the subsequent notions, including *ratio boni*, and the inclinations of the will which follow upon it.<sup>85</sup>

Accordingly, in Brock's reading of Aquinas, natural things, as primary objects of apprehension of human intellect, provide it with the necessary material from which the intellect can grasp principles of practical truth, but the dependence of the human intellect on natural things does not mean that nature itself becomes the first rule of human action.<sup>86</sup> Practical knowledge depends on physical things, insofar as they secure all other kinds of intelligibility based on the notions of truth and good. In this way, the intelligible character of moral good can be secured against the dictate of irrational inclinations sometimes taken for natural law. Properly human natural inclinations, Brock argues, are the inclinations of the will, and they can keep their intelligible character insofar as they follow upon the notion of the good.<sup>87</sup> The author develops this argument in the article on natural inclinations, where he argues that, for St. Thomas, the very natural inclinations are rational: "reason's natural understanding of human goods does not follow the natural inclinations to them. The inclinations follow the understanding."<sup>88</sup>

In Brock's view, it should be clear that according to St. Thomas "what is naturally given" can really be "the source for the precepts of natural law."<sup>89</sup> Among the other references, the author points to Aquinas's prologue to the *Commentary on Politics*, and to various passages from the *Summa theologiae*, especially the *Secunda secundae*, as textual proofs that, for St. Thomas, practical reason imitates and should imitate the general order found in nature.<sup>90</sup> Brock's account of St. Thomas's position on the imitation of nature seems, therefore, to be inconceivable in Martin Rhonheimer's interpretation and framework of Aquinas's teaching on natural law. Whereas Brock insists that for St. Thomas it is the very imitation of nature which puts human works in conformity with the divine mind and wisdom, and becomes a way by which people share and cooperate in "the ordering of the eternal law,"<sup>91</sup> for Rhonheimer "natural law is not the

<sup>85</sup> See idem, "Natural Inclination...", 69.

<sup>86</sup> Idem, "*Ars imitatur naturam...*," 386.

<sup>87</sup> Cf. idem, "Natural inclination...", 58–61.

<sup>88</sup> Ibid., 61.

<sup>89</sup> BROCK, "Review of Martin Rhonheimer...", 313.

<sup>90</sup> See ibid., where Brock refers to *In Polit.*, pr.; *ST*, I, q. 60, a. 5; I–II, q. 87, a. 1; II–II, q. 31, a. 3; II–II, q. 50, a. 4; II–II, q. 130, a. 1.

<sup>91</sup> BROCK, "Review of Martin Rhonheimer...", 313.

‘imitative reflex’ of a ‘natural order’,<sup>92</sup> and natural law cannot be found in the natural order, simply because things are not rules.<sup>93</sup> In Brock’s view, the indispensable imitation of nature must not be understood in a simplistic manner of a “slavish sort of imitation” or “sheer mimicry,” because the moral order truly differs from the natural one. Still, what both orders share are the “sapiential principles,” common to each in an analogous way.<sup>94</sup> It seems that Rhonheimer sees neither the possibility nor the necessity of the analogous parallel between the two orders.

In one of his conclusive statements in the review of Rhonheimer’s book, Brock states that in his opinion: “in order to be practical, reason needs no other inclination than what its own understanding of the human good elicits.”<sup>95</sup> Finally, Brock’s review of Rhonheimer’s account ends with strongly critical remarks: “but for Rhonheimer, does practical reason really even ‘understand’? [...] Wanting to secure some autonomy of practical reason, he makes it consist entirely in what distinguishes it from speculative reason. As a result he degrades it.”<sup>96</sup>

It seems that in line with Brock’s arguments, an interpretation of Aquinas’s account of practical knowledge and its principles based on the notion of the good cannot resist “emotivistic reduction” unless it takes into account the preceding notions and the role of natural things in the grasp of these notions. Closer attention paid to practical reason’s imitation of nature could lead to further accounts of the various intelligible aspects of human good and right practical reasoning in Aquinas’s doctrine of natural law.

### *Moral physicalism or isomorphic continuity*

Disregarding Aquinas’s account of the structure of human knowledge might also be one of the reasons for an overly cautious “anti-physicalism” in Rhonheimer’s approach to practical reason. He seems to consider any kind of dependence of practical reason on the natural order as erroneous physicalism:

...it means that one attempts to derive ethical norms from laws — especially biological laws — that are in accord with being and belong to the premoral sphere. [...] the natural law is frequently understood as an object of knowledge that lies, somehow, in the nature of things, over against the practical reason; in this way,

<sup>92</sup> RHONHEIMER, *Natural Law and Practical Reason*, 535.

<sup>93</sup> BROCK, “Review of Martin Rhonheimer...,” 313; RHONHEIMER, *Natural Law and Practical Reason*, 17.

<sup>94</sup> BROCK, “Review of Martin Rhonheimer...,” 313.

<sup>95</sup> Ibid.

<sup>96</sup> Ibid., 314–315.

however, one overlooks the role of the practical reason in actually constituting the natural law.<sup>97</sup>

According to this argument any dependence of moral knowledge on “the nature of things” seems to amount to some kind of “moral biologism” which necessarily draws moral standards directly from the physical world and thus confuses the physical with the moral order without paying due attention, to what Rhonheimer interprets as the constitutive role of practical reason with respect to natural law.

We find a similar caution about moral physicalism in Robert P. George’s vigorous response to the position of legal positivism and its classical charges against natural law. Hans Kelsen formulates a “positivistic” judgment that natural law theory conceives of nature as a “supreme legislator” and a “revelation of God’s will.”<sup>98</sup> Robert P. George, arguing in favor of natural law theory against Kelsen’s reservations, refutes any supposed religiously grounded “moral physicalism” of Aquinas’s position and is willing to accept its religious rather than “naturalistic” character:

According to Aquinas, the natural law is a “participation of the eternal law in the rational creature.” And “the eternal law” is the supreme act of (practical) reason by which an omnipotent and omnibenevolent Creator freely orders the whole of His creation. Thus, the natural law is a part of the rational plan by which God providentially governs the created order. In this sense, Aquinas’s natural-law doctrine can be regarded as having a “religious character.” Its religious character, however, has nothing to do with any putative deduction from nature, conceived as revelatory of the will of God or anyone (or anything) else, of moral norms or other “rules of human behavior.” There is no sense, for Aquinas, in which one “reads off” from nature (or human nature) God’s will regarding human conduct.<sup>99</sup>

Both authors, Martin Rhonheimer and Robert P. George, therefore seem reluctant to admit a substantial dependence of natural law on nature and human knowledge of it.

A more balanced approach to the naturalism of Aquinas’s moral doctrine is found in the works of Jean Porter, who has published extensively on the medieval doctrine of natural law. Porter rejects interpretations according to which

<sup>97</sup> RHONHEIMER, *Natural Law and Practical Reason*, 5.

<sup>98</sup> HANS KELSEN, “The Natural-Law Doctrine Before the Tribunal of Science,” in *What is Justice? Justice, Law, and Politics in the Mirror of Science. Collected Essays by Hans Kelsen*, Berkeley and Los Angeles: University of California Press, 1957, 137–138.

<sup>99</sup> ROBERT P. GEORGE, “Kelsen and Aquinas on ‘the Natural-Law Doctrine,’” in *Saint Thomas Aquinas and the Natural Law Tradition*, 237–259, here 242; cf. FINNIS, *Aquinas*, 309.

authors of that period considered natural law “a body of precepts derived uncritically from observations of the natural world” and that in their view “social order was a straightforward reflection of cosmic order of relationships.”<sup>100</sup> Consequently, she distances herself from what she describes as “a mistake or, at best, an over-simplification,” that in medieval accounts of natural law theory moral norms were “derived” from “natural processes.”<sup>101</sup> Porter does not deny, however, that medieval thinkers saw some kind of analogy between the principles of natural law regarding humans, and principles directing other creatures. Rather she confirms this aspect of the approach of medieval theorists to natural law:

For them, reason *is* a natural phenomenon, the distinctively human form of a more general phenomenon. That is, it is the analogue within the human creature of the instincts or natural dynamisms by which other sorts of creatures move towards their specific kinds of fulfillment.<sup>102</sup>

Consequently, it would be a mistake, as she underlines in her *Nature as Reason*, to think that for Aquinas or any other medieval thinker, human behavior should “simply imitate” animal behavior, notwithstanding the emphasis those authors put on a certain “continuity” between prerational nature and reason.<sup>103</sup> Porter explains the crucial aspect of this “continuity”:

For the scholastics, human reason reflects the same intelligible structures of existence and action as are manifested in prerational nature, to which it brings understanding and the possibilities of deliberate, organized realization.<sup>104</sup>

It is also, as Porter points out, Aquinas’s account that the most basic processes of reasoning are “isomorphic” with “fundamental metaphysical structures of reality” and what constitutes the link between prerational nature and reason is the intelligibility of nature.<sup>105</sup> Consequently, in light of her account, it seems that the concept of the imitation of nature by practical reason, insofar as it entails some kind of “isomorphism” between reason and nature, does not necessarily imply a “physicalist” mode of deriving moral norms from the natural world. What it does imply, however, is some kind of “naturalism” of Aquinas’s ethics which cannot be simply dismissed under a charge or suspicion of “moral physicalism.” Jean Porter points to this legitimate kind of “naturalism,” when she

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<sup>100</sup>JEAN PORTER, “Contested Categories: Reason, Nature, and Natural Order in Medieval Accounts of the Natural Law,” in *Journal of Religious Ethics* 24/2 (1996): 207–232, here 221.

<sup>101</sup>Ibid., 219.

<sup>102</sup>Ibid.

<sup>103</sup>JEAN PORTER, *Nature as Reason. A Thomistic Theory of the Natural Law*, Grand Rapids – Cambridge: William B. Eerdmans Publishing Company, 2005, 70.

<sup>104</sup>Ibid.

<sup>105</sup>Ibid., 71, esp. note 24.

confirms that Aquinas interprets the universal principles of human morality “in the light of still more general principles of action as these are manifested throughout creation.”<sup>106</sup> She also notices that “Aquinas is noteworthy among the scholastics for his readiness to appeal explicitly to aspects of pre-rational nature in support of moral conclusions” and she points to several examples of such references, most of which are from the *Secunda secundae* of his *Summa theologiae*.<sup>107</sup> Regardless of some of the details of her own complex interpretation of “naturalism” of Aquinas’s ethics, in the review of the Rhonheimer’s book, Jean Porter makes a pertinent remark concerning Aquinas’s account of the moral significance of the intelligibility of nature which should be read closely and cannot be separated from his references to “prerational nature,” as if such references were only of secondary importance for his moral discourse.<sup>108</sup>

### *Naturalism of reason imitating nature*

On the one hand, it seems that presenting the order of nature as the first and direct standard of human actions can rightly provoke an immediate “anti-physicalist” reaction among the interpreters of Aquinas’s natural law theory. Martin Rhonheimer reacts against this kind of physicalism when he speaks of the “world of things” as utterly different from “the moral order”:

It is simply impossible to find the moral order in the “world of things”: in that world, for example, can be found neither justice nor friendship nor virtue; nor can one find matrimony or anything similar.<sup>109</sup>

On the other hand, in light of the arguments of “metaphysically oriented” readers of Aquinas, the moral order depends on the intelligibility which reason discovers through the sensible “world of things.” The difference between speculative knowledge of a sensible nature and moral knowledge does not seem to surpass the common “isomorphic” patterns of intelligibility.

In response to some criticisms of his interpretation of practical reason, Martin Rhonheimer admits that his intention is to defend Aquinas’s moral theory

<sup>106</sup>JEAN PORTER, “Right Reason and the Love of God: The Parameters of Aquinas’ Moral Theology,” in *The Theology of Thomas Aquinas*, R. Van Nieuwenhove and J. Wawrykow [eds.], Notre Dame, Ind: University of Notre Dame Press, 2005, 167–91, here 185.

<sup>107</sup>JEAN PORTER, *Natural and Divine Law. Reclaiming the Tradition for Christian Ethics*, Grand Rapids – Cambridge: William B. Eerdmans Publishing Company, 1999 (hereafter *Natural and Divine Law*), 94. The textual references she points to are the following: *ST*, I, q. 60, a. 5; II–II, q. 26, a. 6; q. 64, a. 5, and a. 7; q. 65, a. 1; q. 104, a. 4; q. 108, a. 1 and a. 2; q. 141, a. 6; q. 147, a. 1; q. 154, a. 11.

<sup>108</sup>JEAN PORTER, “Review of Martin Rhonheimer, *Natural Law and Practical Reason: A Thomist View of Moral Autonomy*,” in *Theological Studies* (62) 2001: 851–853, here 853.

<sup>109</sup>RHONHEIMER, *Natural Law and Practical Reason*, 17.

from the kind of “naturalism” which is conceived in the “physicalist” way. This, however, does not take into account, he says, the other sense of genuine “naturalism” related to Aquinas’s ethics:

With “naturalism” I do not mean in this context the affirmation of the intrinsic goodness and intelligibility of the (created) “natural order,” such as to give rise to moral requirements independently from divine mandate or sheer convention. [...] This naturalism is typical not only for Aquinas, but also for scholastic philosophy and theology as a whole. By “naturalism” is meant in the present context the immediate derivation of moral norms from natural structures, givens, etc., as I have already explained. Moral theologians call this form of “naturalism” also “biologism” or “physicalism.”<sup>110</sup>

The cautious approach to naturalistic theories of ethics, immediately rejected by some as a kind of moral physicalism, is probably one of the reasons why Aquinas’s concept of the imitation of nature, which he seems to apply widely to practical, including political and moral issues, has been often neglected.<sup>111</sup> Aldo Vendemiati, in his *San Tommaso e la legge naturale* points to the concept of *ars imitatur naturam*, as one still waiting to be explored, and as a possible important Thomistic contribution to the current natural law debate.<sup>112</sup>

Still, is it convincing and clear enough when we say that the imitation of nature means that the “precepts of practical reason follow an order that exists in nature?”<sup>113</sup> Is it enough to say that practical reason operates creatively and teleologically in analogy to nature and within its limits?<sup>114</sup> Jan A. Aertsen rightly notices that it is crucial to see what justifies the thesis of imitation. Above all, Aertsen says, it is the “identical logos” in operations of art and nature.<sup>115</sup> Imitation of nature should be seen as opening an immense horizon of the divine wisdom, and not only and first of all as a mandate of the divine will. For Aquinas, as

<sup>110</sup>Idem, “The Moral Significance...,” 270 note 42; Rhonheimer refers here to arguments of Jean Porter and her account of naturalism of Aquinas’s ethics in the *Natural and Divine Law*, 98, for a more thorough Porter’s account of nature and reason in medieval natural law theories see also the chapter “Nature and Reason” of that book, pp. 63–119.

<sup>111</sup>For some comments on Aquinas’s use of the concept of the imitation of nature in moral reasoning see THOMAS M. OSBORNE, “Practical Reasoning,” in *The Oxford Handbook of Aquinas*, B. Davies and E. Stump [eds.], New York: Oxford University Press, 2011, 276–286 (hereafter “Practical Reasoning”), here 281, 285 note 35.

<sup>112</sup>ALDO VENDEMIATI, *San Tommaso e la legge naturale*, Città del Vaticano: Urbaniana University Press, 2011, 55–56.

<sup>113</sup>OSBORNE, “Practical Reasoning,” 281.

<sup>114</sup>See A.M. GONZÁLEZ, *Moral, razón y naturaleza. Una investigación sobre Tomás de Aquino*, Pamplona: Ediciones Universidad de Navarra, 2006<sup>2</sup>, 239.

<sup>115</sup>JAN A. AERTSEN, *Nature and Creature. Thomas Aquinas’s Way of Thought*, transl. by H.D. Morton, Studien und Texte zur Geistesgeschichte des Mittelalters, Bd. 21, Leiden – New York – København – Köln: E.J. Brill, 1988, 100–101.



Lawrence Dewan pertinently puts it, “nature is *seen as manifestation of divine wisdom*, that prompts our imitation of nature in our quest for what is right,”<sup>116</sup> and thus, according to Brock, the imitation of nature can be unveiled as “a certain way of imitating of the divine mind.”<sup>117</sup> As the author argues, for St. Thomas it is not nature by its own virtue that provides the standard for our actions, but it is rather the divine mind, from which artistic trace and mastery is found in natural things.<sup>118</sup> In this way, St. Thomas’s concept of the imitation of nature can be the means to overcome excessive worries about the naturalistic character of Aquinas’s position on morals. Although physical nature plays an indispensable role in grounding the intelligible character of practical reason and its principles, it does not imply moral physicalism which identifies prerational desire found in natural things or in man himself with moral standards.

### CONCLUSION

Discrepancies between the medieval and later notions of nature might have been one of the factors that have led to varying interpretations of Aquinas’s doctrine of natural law. Some authors, like Finnis or Rhonheimer, tended to focus on Aquinas’s account of the distinctiveness of practical reason with regard to speculative knowledge of nature. Others, especially Aertsen, Dewan, and Brock, however, emphasized the need to place his doctrine of practical reason and natural law within his broader account of the sources of human knowledge. Their arguments show that for Aquinas the intelligibility of human knowledge implies the consequent order of the emerging notions of being, of truth, and of good. Any apprehension of these notions depends also on sensible things as the first objects of understanding of human intellect.

To admit that in Aquinas’s view right practical reason “derives” its basic principles of morally good actions directly from the realm of physical nature could rightly seem an oversimplification. However, although cautions against “moral physicalism” which confuses distinct orders of human knowledge are justified, in Aquinas’s view practical reason does not operate in a “natural void.” Rather, it shares in some patterns of natural agency common to different things of nature. Could then certain patterns of natural agency gathered by human intellect from sensible things, the first objects of understanding, secure the intelligibility

<sup>116</sup>LAWRENCE DEWAN, O.P., “St. Thomas and the Divinity of the Common Good,” in *Ressourcement Thomism. Sacred Doctrine, the Sacraments, & the Moral Life*, R. Hütter and M. Levering [eds.], Washington D.C.: The Catholic University of America Press, 2010, 211–233, here 223.

<sup>117</sup>BROCK, “The Primacy...,” 242.

<sup>118</sup>Idem, “*Ars imitatur naturam...*,” 390.

of principles of practical reason? Could in this way *right* practical reason depend on the intelligibility of nature conceived as an intrinsic principle of action analogically common to all natural things? Could this dependence have a truly practical, and not only speculative, dimension? For Aquinas, the answer to these questions seems to be positive in so far as he considers reason to be *natural* and therefore entailing certain congruence or “isomorphy” with principles of action manifest in the universe of natural things. Such “isomorphy” with physical nature seems to be intrinsic to human as *natural* reason, and thus determines principles of right reasoning themselves. Since for Aquinas reason imitates nature, the very intelligibility of nature of sensible things and the natural teleology of their movements could be cautiously “translated” into the intelligibility of the basic principles of right reason directing morally good actions. Accordingly, his doctrine of the imitation of nature could help to decipher some characteristic of that “isomorphy” between operations of reason and nature into the natural features, or principles, of right practical reasoning. In this way, natural law and its principles of right practical reason would find the confirmation of their intelligibility as dependent on the intelligibility gathered from the realm of natural agency of physical things. Hence, the intelligibility of sensible nature could serve as the means of retrieving and explaining the *natural intelligibility* of practical principles in Aquinas’s doctrine of natural law. Furthermore, it seems that without a certain intelligible congruence of the practical principles of human conduct and analogical “isomorphic” principles of agency manifest in natural movements of sensible things, human reason could hardly be conceived of as *natural*. An account of Aquinas’s doctrine of natural law and the principles of practical reason lacking the insight into the very *natural sources* of their intelligibility might easily become a prey of the “emotivistic reduction.” What Aquinas understood by “right practical reason” supposed to direct morally good actions would then amount to a kind of blind force of prescriptive, emotionally driven morality, resulting in an unavoidable clash of varying arbitrary moral convictions. Practical reason would not only have to cease to be *right* reason, it would cease to be *natural* reason as *distinctive* in what it means to be *human*.

Without a solid basis in the intelligibility of nature and the intrinsic principles of natural agency considered especially under the notion of the good (*ratio boni*), drawing on Aquinas’s medieval doctrine of natural law may turn out not only to be less accurate but also defenseless in the context of today’s moral discourse. Some interpretations of Aquinas’s natural law challenged by explicit or implicit versions of moral emotivism might even tacitly assume as their own the claim that there is no way to rationally judge and intelligibly argue about any rights and wrongs of human conduct. The first practical principle to *do good and avoid evil* would be then considered an “empty mould” left open to the dictates of

sub-rational desires and mere individualistic preferences without any intelligible practical truth regarding good and evil. Such an “empty mould” could not be a principle of right reason conceived by Aquinas as directing actions according to the *intelligible nature* of the good (*ratio boni*).

Therefore, in order to further the accuracy and the intelligibility of Aquinas’s moral doctrine, especially of the principles of natural law, it needs to be placed within a larger scope of the intelligibility of nature, its teleology and thus also the final causality of the good. This approach, however, presumes a metaphysical endeavor no less challenging than the attempts to engage medieval arguments in the current moral debate. Nonetheless the endeavor seems crucial because, in so far as practical reason imitates nature for Aquinas, his doctrine of natural law could hardly be intelligible without the intelligibility of nature.

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## READING AQUINAS ON THE INTELLIGIBILITY OF NATURAL LAW

### S U M M A R Y

This article is concerned with an accurate reading of St. Thomas Aquinas's doctrine of natural law that would secure the intelligibility of its principles from the reductions of moral emotivism. It aims to show that in light of some criticisms of a "purely ethical" reading of this doctrine, the sources of intelligibility of practical reason cannot be detached from his metaphysical insights, especially those concerning the notion of the good (*ratio boni*). Moreover, it points out that for Aquinas the principles of natural law based on the intelligibility of the good require some sort of imitation of nature by practical reason. The "purely ethical" interpretations, which tend to disregard the intelligibility of the good manifest in the realm of physical natures, may turn out to be unable to account for the rational truthfulness of the doctrine of natural law intended by Aquinas.

KEYWORDS: Thomas Aquinas, moral philosophy, emotivism, natural law, practical reason, imitation of nature

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