

The Moral Philosophy of St. Thomas Aquinas

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My purpose in this paper is to encourage in interested inquirers a serious consideration of the moral philosophy of St. Thomas Aquinas. I hope to accomplish this objective by doing three things. First, I will situate the moral philosophy of St. Thomas dialectically by identifying two central questions in moral philosophy and contrasting the answer St. Thomas offers to that offered by other leading moral philosophers, particularly philosophers in the Anglo-American tradition. Second, I will show that the moral philosophy of St. Thomas is particularly productive of solutions to important moral problems. Third, I will suggest that the moral thought of St. Thomas gives both philosophy and theology their due.

Of course it would be appropriate for an interested inquirer to commit himself to the moral philosophy of St. Thomas only to the extent that that philosophy is true. A full defense of that moral philosophy cannot possibly be accomplished in a short paper. The paper will, however, suggest what such a defense would look like.

1. St. Thomas among the Moral Philosophers

Contemporary American pedagogical practice in the teaching of moral theory relies on a taxonomy of moral theories which identifies as the fundamental question of moral theory the place of consequences in the moral evaluation of actions. This taxonomy distinguishes two basic answers to that question, consequentialism and deontology, usually defined somewhat as follows:

Consequentialism—The rightness of an action is determined solely by the goodness of its consequences.

Deontology—Rightness is determined by something other than the goodness of the consequences.

Whether deontology is defined as determination of rightness exclusively or only partly on the basis of something other than consequences varies with the taxonomist. This approach generally takes as paradigmatic examples of these

two alternatives in moral theory John Stuart Mill's utilitarianism and the transcendental ethics of Immanuel Kant.

a. A Proposed Taxonomy of Moral Theories

I would not want to suggest that the standard taxonomy is without value, but I do think that more insight can be had from an alternative taxonomy and an alternative set of paradigmatic examples. The alternative I propose is also based on a view about which questions are central. There are, I believe, not one but two. The first is this:

Q1. Are right acts right at least partly because of their intrinsic nature or only because of something extrinsic to them?

On the basis of their answer to this question, we can distinguish intrinsicalists from extrinsicalists. The most common version of extrinsicalism is utilitarianism, but voluntarist divine command theories, cultural relativism, and subjectivism would also be extrinsicalist.¹

This question does presuppose that a coherent distinction can be made between an act's intrinsic nature and such accidental or circumstantial (i.e., extrinsic) features as its effects or who commanded that it be done. Might not the utilitarian object that the fact that an act benefits someone *is* part of its nature and that utilitarianism is therefore itself a version of intrinsicalism? Might not a similar thing be said about acts of obedience by the divine command theorist?

In fact, they cannot. The nature of an act is not as plastic as these questions suggest. It includes only those features that are both necessary to the human action² and immediate to it. Since being commanded by God and the like is not necessary to a human act, being commanded (or being an act of obedience) is not part of the nature of every act. Similarly, effects, particularly those mediated by the acts of others or by long, fragile causal chains, are not part of the nature of the act.

Intrinsicalism can be further divided on the basis of the following question:

Q2. Is the moral quality which an action gets from its intrinsic nature always only presumptive or is it sometimes dispositive?

An affirmative answer to this question yields the presumptivist (or *prima facie* duty) ethics of philosophers like W. D. Ross.³ A negative answer yields a

¹ It might, of course, be helpful to separate objectivist from subjectivist ethics before distinguishing among various objectivist theories. Subjectivism and relativism would still, however, be versions of extrinsicalism.

² This is closely related to what is intended by the agent.

³ *The Right and the Good* (Oxford, 1930), Chapter 2.

philosophy of absolute moral prohibitions, such as that found in the writings of St. Thomas Aquinas.

b. Ross' Presumptivism

Ross' moral philosophy can be summarized in three theses:

- R1. There are a number of distinct, morally relevant features of human actions.
- R2. These morally relevant features, taken individually, make act-types *prima facie* right or wrong.
- R3. These morally relevant features, taken collectively, make individual acts actually right or wrong.

In elaboration of R1, Ross offers us a list of seven distinct and irreducible kinds of duties—fidelity, reparation, gratitude, justice, beneficence, non-maleficence and self-improvement.⁴ His denial that all acts are right for the same reason allows him to accord consequences their due (because beneficence and non-maleficence, at least, see acts in terms of their consequences) without having consequences ride rough-shod over other important considerations. The utility of an action is only one among a number of factors each of which tends to make acts right.

Ross' R2 allows a tentative moral evaluation on the basis of an incomplete inspection of the action. The fact that Adams has done Baker a favor makes Baker's doing something for Adams an act of gratitude and hence, *prima facie* (or presumptively), a duty. The act-type "returning favors" is, by its very nature, a *prima facie* (or presumptive) duty.

There can, of course be more than one consideration morally relevant to a given action. Further, those considerations can point in different directions. For example, a hostage rescue is beneficent to the hostage but may require maleficence to the hostage-taker. R2–3 maintain a distinction between *prima facie* (or presumptive) duties and operative duties—what is actually right in a particular situation is a function of all the relevant *prima facie* duties. Whether doing any particular favor, or even doing any return favor at all in foreseeable circumstances, is actually one's duty will depend on other morally relevant considerations that come into play. For example, it would not be right for Baker to help Adams cheat Adams' employer out of a day's wages. Though such an act might count as repaying a favor (if one leaves aside the question of whether helping people destroy their own character is doing them a favor), general duties of justice and honesty (fidelity) will count against, and outweigh, the considerations in favor of participation in the fraud.

In elaboration of R3, Ross is less helpful. Indeed, many critics have objected that Ross' theory is radically incomplete. Since many actions will correspond to some *prima facie* duties and violate others, we need some

⁴ He claims that the status of these as *prima facie* duties is knowable by an act of moral intuition and does not claim to know that his list is exhaustive.

moral principle to decide what to do in such situations. Most, perhaps all, major controversies are precisely controversies about such weighings. War may be just, but is surely maleficent. Abortion is maleficent, but some claim that it sometimes is self-improving (e.g., if it allows the mother to finish her education) or beneficent (e.g., if it leaves the family resources for everyone else). How does one decide what is right and what wrong? Ross' own text is, unfortunately, weak on this point.⁵

For the estimation of the comparative stringency of these *prima facie* obligations, no general rules can, so far as I can see, be laid down. We can only say that a great deal of stringency belongs to the duties of 'perfect obligation'....For the rest, εν τηι αισθησει η κρισις [‘the decision rests with perception’—Aristotle].

In defending Ross against his critics on this point, David J. Schafler writes:⁶

An ethical theory does not exist to make man's choices for him, but rather to provide a framework within which the complexities of experience may be rationally perceived and assessed. It is not charged with the task of providing a computerized program which makes deliberation and choice on the part of the moral agent unnecessary.

And he emphasizes that in any case the *prima facie* duty theory is no worse off than competing theories on this point.

Schafler is right at least to a certain extent. We do have ways of indicating how strongly committed we are to carrying out what we “promise.” We commit ourselves whenever we say we'll do something. Saying “I promise” is just a way we have of committing ourselves more fully. Similarly, duties of gratitude, reparation, &c. vary in stringency on the basis of considerations we all recognize. Ross seems to recognize two intellectual virtues necessary to good character—intuition, by which we know general moral principles, and “perception,” by which we can tell what consideration becomes our operative duty in a given situation.

Indeed, presumptivists (though not always of a strictly Rossian sort) have produced a respectable array of treatments of particular problems. Particularly good examples in the discussion of morality and war are C. S. Lewis' critique of pacifism,⁷ James F. Childress' and Michael Walzer's works

⁵ *Op. cit.*, pp. 41-2.

⁶ “The *Prima Facie* Duty Thesis: Sir David Ross on the Nature of Moral Obligation,” Ph.D. Dissertation, Southern Illinois University, 1973.

⁷ “Why I am not a Pacifist,” *The Weight of Glory & Other Essays*, revised & expanded edition (Macmillan, 1980).

on Just-War Theory.⁸ Sissela Bok's discussion of lying⁹ also takes a presumptivist approach. The work of these authors, suggests that applied ethics done in the presumptivist tradition has less of a problem than theoretical worries suggest that it would.

c. St. Thomas' Absolutism

The leading non-consequentialist alternative to Ross, I would suggest, is St. Thomas Aquinas. The central tenets of his moral philosophy can be stated in three principles.

The first is a principle on the basis of which good and bad things of any kind are distinguished. Since St. Thomas cites (pseudo-)Dionysius as the source of the principle, it is sometimes called the Dionysian Principle:

- T1. For something to be good, it must be good in every respect; for badness, one defect suffices.¹⁰

This principle is grounded in St. Thomas definition of goodness as fullness of being.¹¹

Application of the principle to human actions requires identification of the various relevant aspects of a human action. St. Thomas identifies four aspects with respect to which a human action can be good, so this might be called the Fourfold Goodness Principle. However, only three of these are aspect with respect to which a human action can also be bad. So the principle is also sometimes called the Three Determinants Principle:

- T2a. The four aspects with respect to which a human action can be good are the genus, the species (or object), the end, and the circumstances.
- T2b. The three aspects with respect to which a human action can be either good or bad (the three possible defects in a human action) are—the object, the end, and the circumstances.

What does St. Thomas mean by these terms?

The genus of a particular human action is always the same—it is a human action. It is because no action is bad just as a human action that, although there is a fourfold goodness in human actions, there are only three ways an action can be bad.

The species identifies the human action as an action of a certain kind. Since the species is determined by the object of the action, often the object

⁸ Childress, "Just-War Criteria," in *Moral Responsibility in Conflicts*, (Louisiana State University Press, 1982); Walzer, *Just & Unjust Wars* (Basic Books, 1977).

⁹ *Lying: Moral Choice in Public & Private Life* (Vintage, 1978).

¹⁰ *Bonum ex integra causa; malum ex quocumque defectu. Summa Theologiae*, 1a, Q. 18, a. 4 ad 3.

¹¹ *Ibid.*, 1a, Q. 5, summarized in 1a 2ae, Q. 18, a. 1.

itself is said to be one of the determinants of morality. Just as the object of an act of throwing is the thing thrown, so the object of a human action is the thing done—a murder, say, or an act of adultery.

The end and the circumstances of the action are easier to define. The end is the good the agent is attempting to achieve by the action.

The circumstances listed by St. Thomas are the who, what, when, where, and how.¹² Particularly important, but not highlighted by the list, is one part of the circumstance of what—the unintended consequences, or side effects.

The difficulty comes in deciding exactly how to distinguish the object from the end and the circumstances. Was the object of Lee Harvey Oswald's action firing his rifle and the end the murder of President Kennedy? Or was the object murder and the end something else? When Reginald FitzUrse and his companions murdered St. Thomas à Becket was it merely circumstantial that it took place in a church, or was it part of the object?

As a minimum, no features on the basis of which the act was chosen are merely circumstantial. All *must* be included either in the object or in the end. In addition, St. Thomas often, but not always, includes in the object those foreseeable but unintended circumstances which change the moral species of the action. This means, concretely, that dominant foreseeable consequences are included in the object. For example, archery practice on the school playground would be an act of endangering others even if the archer had no intention of endangering the children present. Other consequences, even if morally significant are not part of the object. For example, the collateral damage accompanying the attack on a military target is not part of the object when that damage is not so great as to make the attack unjustified.

The third principle of Thomistic ethics provides a basis for distinguishing good and bad within each aspect:

T3. Goodness is accord with reason; badness is contrariety to reason.

Good ends are those which are either constituents of the ultimate human good (e.g., friendship and contemplation) or means to it (e.g., learning, material goods). Bad ends are those which are neither constituents of the ultimate good nor means to it (e.g., revenge). Acts good with respect to their object are those which treat others and oneself in a way that is due (hence, acts that are just, &c.). Acts that are unjust (e.g., adultery and murder), that misuse human faculties (e.g., lying, contraception, and homosexuality), &c. are bad.

¹² *Ibid.*, 1a2ae, Q. 7. St. Thomas also lists why as a circumstance. It is a circumstance relative to the external action, but since it is equivalent to the end, I believe that it should be dropped from the list as superfluous for this the purposes of moral evaluation.

d. The Displacement of Kant

Since Kant, no less than Ross and St. Thomas answer Q1 in the negative, what is to be gained by replacing Kant as the premier anti-consequentialist with Ross and St. Thomas? Why abandon Königsberg for Oxford and Paris? I believe that my proposal has two pedagogical advantages.

First, Ross and St. Thomas, more than does Kant, present carefully considered versions of the most widely held moral systems in contemporary culture. St. Thomas' moral philosophy, of course, forms an important element in the moral teaching of the Catholic Church. Discussion of the philosophical aspects of St. Thomas' work will help students interested in Catholic doctrine understand the key concepts and propositions they find in *The Catechism of the Catholic Church* as well as in the recent moral encyclicals of Pope John Paul II. To many people, however, the absolute moral prohibitions found in the moral philosophy of St. Thomas seem as difficult to accept as the thorough consequentialism of authors like Mill. The general features of their views are best represented by presumptivist theorists like Ross. If one thought that these views were fundamentally confused, they might be important (like cultural relativism) only as suitable objects of refutation. But if, as I believe, their popularity is due, not to unreflectiveness, but to their being the most plausible of available alternatives, then this consideration provides a good reason for giving them the bulk of our attention.

Second, focus on the difference between Ross and St. Thomas, and on their common features in contrast to Mill, brings some fundamental distinctions into clearer focus. The first is that between the question of consequences and the question of absolutes. One can be an anti-consequentialist without being an absolutist. One can believe that there are no absolute moral rules without being a consequentialist.¹³ The second is that between intrinsicism and extrinsicism. Contrasting Ross and St. Thomas makes it clearer just what it is “besides consequences” that is relevant to the moral assessment of human actions.

2. St. Thomas: Principles & Applications

A final appraisal of the soundness of the principles of St. Thomas' moral philosophy depends, of course, on whether a good argument for them can be given. Those wondering whether Thomistic moral philosophy has enough *prima facie* plausibility to make it worth the time it would take to inquire into its truth might be encouraged by its success in addressing difficult moral issues. In this section of my paper, I want to illustrate that success by considering two moral problems—war and acts of double effect

¹³ Of course, one could *define* consequentialism as the thesis that there is no consideration that consequences cannot sometimes override. That would make Ross and others consequentialists, but it would be a highly misleading definition. For Ross says this same thing about *each* of his *prima facie* duties—there is no consideration that cannot sometimes be overridden by gratitude, none that can't sometimes be overridden by self-improvement, &c.

a. The Just-War Theory

The just-war theory is an attempt to establish a set of criteria for distinguishing between just and unjust wars. The *locus classicus* of this theory is generally taken to be St. Thomas' discussion of war in the *Summa Theologiae*,¹⁴ though the standard contemporary formulation includes elements not explicitly mentioned in that text. On the standard modern account:

- A just war must be
- (1) declared by legitimate authority;
 - (2) waged for a just cause (i.e., to right a wrong),
for the vindication of which war is both
 - (3) proportionate and
 - (4) the last resort,
 and in pursuit of which there is some
 - (5) prospect of success;
 - (6) rightly intended (i.e., aimed at justice and peace); and
 - (7) justly conducted

This theory could be drawn inductively from an analysis of current policy debates. In the United States, for example, debates on all recent military operations, from Viet Nam to the Gulf War and the Kosovo War, were all, at least implicitly, framed in these terms. Opponents of these wars complained that there was no just cause, or that they were being fought for the wrong reason, or were disproportionate. Defenders of these wars did not deny that these criteria were relevant; they argued that had all been met.

But it might be appropriate to ask whether the theory can be given any kind of theoretical ground. Curiously, St. Thomas, in his exposition of the theory, does not refer explicitly to the general principles of his moral theory. A few years ago, James Childress attempted to give the theory a presumptivist foundation,¹⁵ but with only mixed success.

Careful consideration of the principles of St. Thomas' moral philosophy, as outlined above, makes it clear that, as one might expect, the criteria of the Just-War Theory follow directly from those principles. To decide whether the act of fighting in a war is justified, three things would have to be considered.

First is the object itself. The moral classification of wars would have to distinguish two types, those in which the war was a response to some previous injustice and wars which do not. Wars which have a just cause such as repelling aggression, recapturing things taken, or to punishing wrong-doing, would not be objectionable with respect to their object. A war that was not a response to any previous wrong-doing on the part of the enemy would be nothing more than the killing of people who were harming no one and

¹⁴ *Op. cit.*, 2a2æ, Q. 40, a. 1.

¹⁵ "Just-War Criteria," in *Moral Responsibility in Conflicts*, (Louisiana State University Press, 1982).

whom one therefore had no right to kill. This would be bad, not because it was done for the wrong reason, or in the wrong circumstances, but simply because it was in itself bad, in other words, it was bad with respect to the object

The fact that an act is good with respect to its object does not in itself guarantee that the act itself is good, however. The second consideration is whether the act is good with respect to its end. If the unjust act which precipitated the war was only an excuse to fight a war that was really motivated by other considerations, the war would still be an unjust war. It would have failed the criterion of right intention.

The third consideration would be the circumstances of the war. St. Thomas gives us a list of the morally relevant circumstances—who, what, when, where, and how.¹⁶ Most of these are relevant to the question of war in a systematic way and are therefore included as explicit criteria of the just-war theory.

The question of “who?” is captured in the criterion of legitimate authority. Only the national government and its authorized agents have the right to commit their nations to war.¹⁷ Private individuals or soldiers acting on their own initiative do not.

The question of “what?” might be interpreted as including all the foreseeable aspects of one's actions (i.e., those that fall outside the scope of one's intention as well as those that are properly speaking the object of the action). Wars whose bad effects outweigh their good effects would fail this circumstance. In the standard formulation of the Just-War Theory, they would be rejected as disproportionate. An alternative way to handle this concern would be to treat disproportionality as violating the criterion of “how.”

The question of “when?” corresponds to the criterion of last resort. Absent some special aspect of international law, such as the medieval Truce of God, the time of fighting (in the sense of the calendar date) is not contrary to reason. However, resort to war when there was still a prospect of peaceful resolution of the controversy would be contrary to reason and hence morally wrong.

The question of “how?” corresponds to the criterion of just means. Not every action taken in prosecution of a just war would itself be automatically just. Even a just war might be prosecuted unjustly.

The standard seven-criteria formulation of the Just-War Theory provides us with a checklist for distinguishing just from unjust wars and is entirely appropriate for purposes of journalism and political debate. Should the need for a theoretical grounding of the theory arise, however, it is the moral philosophy of St. Thomas that, better than its rivals, provides such a foundation.

¹⁶ *Op. cit.*, 1a2ae, Q. 7.

¹⁷ No doubt some modification of this criterion can be made to accommodate the right of a people to rise up against an unjust occupation. Perhaps St. Thomas' discussion of sedition (###) is relevant here.

b. The Principle of Double Effect

My second example of a Thomistic solution to an important moral problem is the Principle of Double Effect. This principle is designed to evaluate actions that have two aspects, one good and one bad, acts which we might call “acts of double effect.” Examples would be aerial bombardment of a legitimate military target or the use of high doses of morphine to control pain. Even the most carefully planned military operation runs the risk of collateral damage. High doses of morphine depress respiration and may well hasten the death of the patient. Are such actions justified?

The consequentialist, of course, has a ready answer—such actions are justified if the expected good outweighs the expected harm and not otherwise. What else, the consequentialist might ask, could possibly be relevant?

One might think that the Thomist would have an equally ready answer. If the Dionysian Principle says that an action is good only if it is good in all respects, would not the answer be that acts of double effect are vitiated by their bad effects. That would be an unfortunate implication of the theory if it were true, for it would rule out not only aerial bombardment and the use of morphine, but also most vaccination campaigns, since vaccines also have side effects and sometimes have lethal ones. Fortunately, the moral principles enunciated by St. Thomas do not have such rigorist implications.

The origins of the Principle of Double Effect can be found in St. Thomas Aquinas’ discussion of whether it would be justified to kill in self-defense.¹⁸ In his discussion of this problem, he points out that a single act can have two effects or aspects, the one the agent intended and another, outside any intention of the agent (what we might call a side effect). Though objectionable features either of the act as intended or of any of its side effects can be sufficient to render the act wrong, St. Thomas argues that the principles on the basis of which objection can be made differ for the two cases. The formulation most often cited by modern proponents of the Principle is that of the Nineteenth Century Jesuit priest, Joannes Gury:¹⁹ An act which had a bad side effect may nevertheless be performed as long as the following four conditions are met:

- (1) The ultimate end of the agent must be good;
- (2) The cause of the effects i.e., the action itself must be good (or at least indifferent);
- (3) The good effect must not come from the bad; and
- (4) There must be a proportionally grave reason for positing the cause, so that the agent would be under no obligation (e.g., of justice or charity) to omit it.

¹⁸ *Op. cit.*, 2a2ae, Q. 64, a. 7.

¹⁹ *Compendium theologiae moralis*.

Here the connection with the principles of the moral philosophy of St. Thomas is more evident. The relation of the first criterion to the goodness of the end is evident. The demand that the act itself must be good or indifferent is just another way to say that the action may not be bad with respect to its object. The fourth criterion picks out the salient way in which an act might violate the requirement that the act not be bad with respect to its circumstances, namely by having bad consequences that outweigh the good ones. The principle, commonly called the principle of proportionality, works here in the same way that it works in the Just-War Theory, discussed above. Violation of the third criterion would make the act bad with respect to the circumstance of “how” the act was performed.

3. Natural Law Theory: Philosophical or Theological?

In this paper I have claimed that St. Thomas offers us one of the basic alternatives among possible moral philosophies and have presented a sketch of the content of his moral philosophy. Two objections might be raised to what I have said.

First, someone might ask, is St. Thomas not known in ethics fundamentally for his natural law theory? How then can I claim to have given an account of his moral philosophy without once having mentioned the term “natural law”?

Second, someone might ask, was St. Thomas not fundamentally a theologian? Why, then, do I insist on talking about the moral *philosophy* of St. Thomas?

My answer is as follows. First, St. Thomas had both a moral philosophy and a moral theology. Second, his natural law theory is, paradoxical as it may seem to some, fundamentally theological.

a. St. Thomas: Moral Philosopher or Moral Theologian?

No one should deny that St. Thomas is first and foremost a theologian and that, in doing ethics, he is first and foremost, a moral theologian. The texts on which everyone focuses to determine his views on moral matters are, in the very order of their presentation, theological.

Further, the content of St. Thomas’ ethical thought, taken as a whole, is fundamentally theological. He shows a number of limitations on the ability of moral philosophy to bring us to a good moral life.

First, in his *Treatise on Man’s Last End*,²⁰ St. Thomas builds on the natural morality developed by Aristotle. Aristotle had argued in the *Nicomachean Ethics*, that a full exercise of human rationality would (presuming that what he called the goods of fortune were present) result in a life centered on the goods of friendship and contemplation. Those goods are, more or less, available in this life and they are the only goods knowable on

²⁰ *Op. cit.*, 1a2ae, 1-5.

the basis of reason and experience. St. Thomas, on the basis of revelation, knows that there is a further good available after death. This good, the Beatific Vision, or to put it in Aristotelian terms, a friendship with and knowledge of God, is not due to us on account of our nature, and therefore neither its very possibility nor the necessary means of its attainment are things we can figure out for ourselves. We have to be told.²¹

Second, St. Thomas introduces his *Treatises on Law and Grace*, by contrasting the internal principles which lead to good actions (good habits, or virtues) with the external principle which (or Who) leads to good actions in us, namely, God.

In his *Treatise on Grace*,²² St. Thomas discusses the ways in which God gives man direct assistance in his effort to be good. In particular, God might either “move man’s soul to know or will or do something” or “infuse a habitual gift into the soul.”²³ He might, of course, do that to or for a person who had no religious commitments whatsoever. Without such grace, such a person would be stuck in his sinfulness.²⁴ But in addition to this grace, Christ has instituted efficacious signs, or sacraments, by which further grace may be obtained. So, in the effects of participation in the sacramental life of the Church, one can find a third connection between religion and morality. Living a morally upright life is difficult. Those who would lead such a life need all the help they can get and in showing us the life of sacrament and prayer, the Church shows us how that help can be had. The inability to give an account of the place of grace in the moral life is the second limitation on the reach of moral philosophy.

In his *Treatise on Law*,²⁵ St. Thomas takes up a second way in which God helps us be good (and a third limitation on the reach of moral philosophy), namely by instruction. God provides this instruction in several different ways. One is by repeating in explicit legal form what we should be able to figure out for ourselves. So, we have the Ten Commandments and the rest of Divine Law. No one denies that this part of the *Treatise on Law* is theological. Another form which divine instruction takes is Natural Law. I would like to argue that Natural Law, too, is ultimately theological.

b. St. Thomas’ Understanding of the Natural Law

The fact that moral philosophy cannot get us all the help that is available in the project of leading a morally good life does not mean that it is of no value, however. The principles cited above in my account of the moral philosophy of St. Thomas do form an important component of his moral thought and

²¹ *Ibid.*, 1a2ae, Q. 91, a. 4.

²² *Ibid.*, 1a2ae, Qq. 109-114.

²³ *Ibid.*, 1a2ae, Q. 110, a. 2

²⁴ *Ibid.*, 1a2ae, Q. 110, a. 6.

²⁵ *Ibid.*, 1a2ae, Qq. 90-108.

they are properly philosophical. But is not St. Thomas' doctrine of the existence of a natural law at the very center of his moral philosophy?

This view gains what currency it has from the casual identification of St. Thomas' doctrine of a natural law with the Objectivity of Morals Thesis. Perhaps there is an historical connection between the term "natural law" and the idea of the objectivity of morals. The term seems to have emerged from the observation that, to put it in modern dress, the details of what it takes to make a contract valid varies somewhat from one jurisdiction to another, but the principle that contracts should be honored is common to all jurisdictions. Public insults may be criminal in one jurisdiction and not in another, but homicide is a crime everywhere. The variable might be thought of as conventional law; the common as "natural" law, grounded in universal moral norms. The existence of these common principles is suggested by St. Paul, in his Epistle to the Romans:

The Gentiles do not have the Law... [but] their conduct shows that what the Law commands is written in their hearts. Their consciences also show that this is true, since their thoughts sometimes accuse them and sometimes defend them.²⁶

C. S. Lewis has shown in *The Abolition of Man*, a striking consonance between the moral principles of a wide variety of cultures. But on that use of the term, Bentham, Kant, and Mill are no less natural law theorists than is St. Thomas.

St. Thomas' own account of the natural law is somewhat more focused. It is helpful to begin by recalling St. Thomas' definition of a law:

Law is a dictate of reason, for the common good, made by the one who has authority over the community, and promulgated.²⁷

For something to be a law, then it must be promulgated by whoever has authority over the community for whom the dictate is a law. So what, in light of that, can we make of the Natural Law? St. Thomas states that the first precept of the Natural Law is this:

Good is to be done and pursued; evil is to be avoided.²⁸

That is self-evident, known to everyone who thinks about the matter. But what does someone who knows this know?

One might assert this only to highlight the propriety of taking goodness as a guide to action. Identifying something as good gives us a reason to pursue it; identifying it as bad, a reason to avoid it. Applying ordinary means-ends rationality would lead us from the recognition that certain activities, such as

²⁶ Romans 2:14-15.

²⁷ *Op. cit.*, 1a2ae, Q. 90, a. 4.

²⁸ *Ibid.*, 1a2ae, Q. 94, a. 2.

contemplation and friendship, are good to the appropriateness of pursuing them and of doing all those things that are necessary or particularly effective in their attainment.

If that were the only sense in which the first precept were true, however, St. Thomas would have no reason to call it a kind of law. What does his claim that the first precept is a law add to the claim that it is true? It adds, of course, the claim that the precept is not just a matter of a conceptual connection between goodness and reasons for action, but that it is promulgated by an authority. The authority in question is not any human authority. If it were, this would be merely human law and would be known through being learnt from others. This principle, however, is known to everyone who thinks about the matter, Christian or pagan, believer or atheist. It is known because we have an intellect. It is promulgated in our very creation.

If God created the world, then he can be said to have promulgated the law in His creation of us as rational beings. That makes his doctrine of natural law, though not based on revelation, theological in the sense that it depends on his account of God.

The fact that St. Thomas' doctrine of the natural law is essentially theological does not, however, mean that he has no moral philosophy. It merely forces us to recognize that the *Treatise on Law* is not the center of that philosophy. This we might have realized anyway, for two reasons.

First, the precept "Good is to be done ..." is not very informative until we are able to say what is good. St. Thomas offers a brief account of goods to be pursued in the passage where the precept is introduced.²⁹ Too many commentators have limited their expansion of the First Precept to this. But a more important account—one focused on actions to be done more than ends to be pursued—had already been provided by St. Thomas, in the *Treatise on Human Acts*.³⁰ One can get to the heart of Thomistic ethics without the *Treatise on Law*, but not without the *Treatise on Human Acts*.

Why can't one begin the exposition of Thomistic ethics with the self-evident truth that "Good is to be done ..." and then go on to ask which actions count as good ones? One could, of course, but for St. Thomas, the fact that some acts are good and others bad is the central point. The rightness of the good ones³¹ and the fact that they are commanded by law (*Treatise on Law*) is a secondary consideration. Law—and this is the second reason why making the *Treatise on Law* central is misleading—is not constitutive of morality. It is merely instruction, one of two ways in which God helps us be good.

²⁹ *Ibid.*

³⁰ *Ibid.*, 1a2ae, Qq. 6–21, esp. Q. 18, a. 4.

³¹ *Ibid.*, 1a2ae, Q. 21, a. 1.