The revision of moral theology in the past generation can be seen as a rejection of the legalism of the manual tradition, and the search for a more biblical foundation of Christian ethics on the life in Christ, the gifts of the Spirit, and the development of the virtues. There is a parallel development in moral philosophy in which the teaching of Aristotle on practical reason has seemed to offer welcome relief from the impasse of the arguments between utilitarians and deontologists.

For many Catholics, the association of Thomas Aquinas with legalism has been so strong that in many quarters his thought is little regarded; and even where his teaching is still used as a source, as in the moral theology of Finnis and Grisez, the interpretation is presented more as a reconstruction than a faithful presentation of Thomistic ethics.

A major part of the problem is the contradiction we think we see between an ethics based on law and one described in practical reasoning in which the agent acts to achieve what he desires. The contrast between the two was a problem not only for Kant (who absolutized the divide between duty and inclination), but goes back to the Stoics, reflected in their attempts to combine Aristotelian psychology of action with natural law.

One way of eliminating the tension is just to say that practical reason simply is reasoning from rules. This certainly applies to many interpretations of Thomas (and not just the handbooks); and it can be seen as well in some modern interpretations of Aristotle’s theory. The author of a standard account of Aristotelian ethics writes that his theory of human action amounts to “practical rule-keeping” in which what the agent needs to perceive is that he is in the kind of situation to which the rule applies. A number of writers have strongly argued that the association of rules and practical reason in Aristotle is a faulty interpretation.

Since the tension between rules and practical reason precedes Christian thought, and therefore seems to indicate two inherently different ethics, how are we to understand the moral theology of Thomas Aquinas, who not only incorporates the two approaches, but gives both law and practical reason masterful systematic treatment? Many have objected to the practice of excerpting the "treatise on law" (ST I-II qq. 90-105) as though its context in a profound moral theology did not matter; but the fact remains that it is located well away both from the treatment of the process of practical reason and from the discussion of specific virtues and vices, giving the impression that it is there for some other purpose, or at least that there is less than a full integration in Thomas's ethical system. We are well aware of (and properly suspicious of) the possibility of constructing the discussions of the virtues into a legalistic system; and it is also possible (which some have found a refreshing change) to marginalize the account of law in the Summa and argue for the dominance of practical reason and its perfection in the virtues. Thus Vernon Bourke, to whom we owe many valuable insights, wanted to argue for seeing Thomas primarily as a theorist of right reason. ³ This might imply however that Thomas somehow was not fully aware of the contradictions in his account, or that he made a shift from an emphasis on law in his earlier teaching to a later concentration on the virtues. ⁴

There are interpretations of Thomas which try to recognize both the philosophy of Aristotle and the theology of Augustine, but produce false explanations of the combination of an ethics of law and of practical reason in Thomistic terms. These treat the theory of Aquinas as a kind of hybrid between law and practical reason: that he used Aristotle's terms and concepts but that the constraints of the moral tradition of law, sin and conscience force practical reason into a quite different Christian framework.

Thus it is possible to appreciate the Aristotelian structure of the account of morality in the opening of the prima secundae, and then to see the account of sin (which follows the general description of the virtues) and of law as the Christian modification. Père R.-A. Gauthier is a good example here. He is thoroughly at home with both Aristotle and Aquinas, having written a lengthy commentary on the Nicomachean Ethics as well

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4. This is argued by G. Abba, Lex et Virtus: Studi sull'evoluzione della dottrina morale di san Tommaso d'Aquino (Rome: LAS 1983).
as having a significant share in the editing of key texts for the Leonine edition of St. Thomas. For Gauthier, the notion of practical wisdom is restricted in Aquinas (from its function in Aristotle) by the notion of synderesis, the knowledge of the first principles of natural law. Thus the freedom of the agent is circumscribed, and the role of prudence contracted. Further, the Christian concepts of sin and the role of the will (derived through St. Augustine, of course) introduce into practical reasoning alien notions with the result that it is only the terminology of Aristotle which survives in Thomism, not the spirit.⁵

A different estimate of the achievement of Thomas is provided by Alan Donagan, who argues for a kind of teleological deontology. He states quite categorically that “early and late, St. Thomas thought of morality as a matter of law ... and of law as resting on a teleology of pre-existent ends.”⁶ In other words, obedience to law is the foundation of morality; but instead of a deracinated Enlightenment notion of intellect and will, the agent is linked to certain ends which are established, and expressed in the form of law (for the Christian, the two summary commands of our Lord). The will is somewhat less awesome than the Kantian one, not so starkly autonomous, but the spring of action clearly remains a conception of recognizing the motive force imposed by understanding obligation.

Such approaches, whether they envision Thomas starting with Aristotelian practical reason and modifying it by fixed rules and conscience, or starting with the concept of duty or obedience to law but anchored and enriched with relations to certain specified ends, do not provide us with satisfactory accounts of what Aquinas’s project really was.

That is why it is important to note Alasdair MacIntyre’s recent appreciation of the accomplishment of St. Thomas’s project of harmonizing the theology of law from St. Augustine with Aristotelian practical reason. He writes that Aquinas was able to combine an Aristotelian account of nature, theoretical and practical, in such a way that “Aristotle’s account of the rational world became recognizably the prelude required for an Augustinian theology.”⁷ MacIntyre rightly perceives the possibilities of mutual enrichment at a profound level: “... both the achievements of Augustinianism and Aristotelianism had been inte-

grated in such a way that what were, or should have been, recognized as the defects and limitations of Augustinianism as judged from an Augustinian standpoint and the defects and limitations of Aristotelianism as judged from an Aristotelian standpoint had both been first more adequately characterized and then corrected or transcended.\footnote{Ibid., p. 120.} We might also note that this represents a growth in insight on MacIntyre's part from his earlier expression of a problem in "overcoming the conflict of traditions,"\footnote{See Alasdair MacIntyre, \textit{Whose Justice? Which Rationality?} (Notre Dame, Indiana: University of Notre Dame Press, 1988), chap. 10.} which shows that the synthesis is by no means obvious or easy to appreciate.

What makes the synthesis of Aristotelian practical reason and Augustinian law so difficult to understand, simply on the level of reading it, is their complete and utter separation in the account of the \textit{Summa Theologiae}. Not only are the treatments widely separated; the vocabulary of law and rules does not enter into the description of the psychological process of action. Reference to law is not made in the description of intention, deliberation, choice, and execution which form the detailed process of human action presented in I-II q.q. 12-17. \textit{Synderesis} and conscience are discussed in the anthropological section in the \textit{prima pars}; reference to \textit{synderesis} is made in discussing prudence; but in the section on human action referred to, where the actual operation of intellect and will is presented in relation to action, Thomas does not make use of these terms. Even more to the point is the fact that the "first principle of practical reason" (the correct description of which has recently been so problematic) is not described in the section on action, but in the section on law (in I-II 94.2). If human action is to be explained as following this basic principle and the specifications to be made from it, the basic principle at least would be introduced in the earlier section, with the more detailed explanation deferred to the later law discussion. This is not the case however. The description of human action given is strictly Aristotelian in flavor, faithful to the principles of the \textit{Nicomachean Ethics}, improved and systematized, and enriched with some material (especially in describing execution where Aristotle was vague) from the Stoic tradition mediated through Nemesius and Chrysostom.\footnote{I present a detailed description of this in \textit{Right Practical Reason: Aquinas on Prudence and Human action} (Oxford University Press, forthcoming).} We must note that it is not here that law, or rules, even in the basic form of the first principle, make an appearance.

It is of the utmost importance to see correctly the implications of this separation. Motivation for action is not obedience to law or duty,
whether this is understood as exterior authority or the inner voice of conscience. The agent does not use his intellect to discover what he should do and generate a “command” for himself to follow. The notion of duty as motivation is wholly absent from the description of the process of action.

Why the stage of *imperium* in the process of action (ST I-II 17) has been so confusing is explained by a fundamental misunderstanding of what Aquinas is describing. Since the notion of an inner command—*imperium*—seems to correspond so well to the judgment of conscience (and the Kantian notion of a self-legislating agent), this seems the basis on which to understand duty and obligation in moral reasoning. But Thomas places *imperium* after choice (*electio*) where the decision is already made, and seems from this viewpoint to be badly confused. It is not surprising, given his desire to read St. Thomas in Kantian terms, that Donagan speaks of the “blunders” of Aquinas and tries to correct the account of Thomas by moving *imperium* to coincide with choice. But Thomas’s account is not confused; it is a description of action not in terms of rules and inner commands, but in psychological terms, and what *imperium* represents is the mind of the agent controlling the execution of action.

Just as it is clear that no notion of obeying law is to be used in explaining the agent’s motivation, so we need not puzzle over what Thomas does say is the motivation—it is understood good (*bonus intellectum*); good, presented as an end (*finis*) is what activates the will. This means that at a very deep level both intellect and will are involved (as specification and exercise) in the process of action. This applies to intention, to deliberation when this is required, to choice and execution. At each stage it is the natural dynamism of the will toward good, which for any given action requires cognition to specify the object and identify the characteristics which make it attractive. Thomas develops a much more systematic description than Aristotle, and integrates it with his metaphysics of act and potency and being, good and truth; but the fundamental dynamics and explanation of the process of action are not a distortion of Aristotle but a clarification and development.

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12. ST 182.4: “Et hoc modo intellectus movet voluntatem, quia bonum intellectum est objectum voluntatis, et movet ipsam ut finis.” See the detailed development of this in I-II qq. 9 and 10.
How then, if human action is described without reference to rules or law, is the treatment of law to be integrated in the account of human action? The clue to the principle of integration is not the first principle of practical reason, or conscience and the practical syllogism; it is given to us in the structure of the prima pars itself. When Thomas introduces the topic of habits in I-II q. 49 he states (in the prologue) the overall sequence of treatment: after treating the acts and passions, he says, the principles of human actions must be considered. There are "intrinsic" principles as well as "extrinsic." The intrinsic principles are potency and habitus, and this introduces the discussion of dispositions and virtues. This occupies Aquinas for the next forty questions, which include an account of the effects of sin on human character. Then when he begins the section on law at q. 90 he says in the prologue, "Now we must consider the exterior principles of actions." Thus the discussion of law is not the provision of more details for understanding practical reason; it is the consideration of human action from an entirely different point of view.

It is useful to pause here and spell out how the organization of the Summa relates to the treatment of human action. Thomas alludes in the prologue to I-II q. 49 that the powers of the soul, namely intellect, will, sensation, appetite, and so on, had already been treated in the prima pars. Then in the secunda pars he treats of the activation of these powers in the process of action (in intention, deliberation, choice, and so on), with a lengthy account of the role of emotion. These powers can be seen also as aspects of character, that is, operating in a pattern of action over time and not just in particular actions, so that habits and virtues come into the picture. All of this teaching, the intrinsic principles of action, makes up the treatment of action from the point of view of the agent.

Action can also be described however from the exterior viewpoint, as a consideration of law, which Thomas first defines as "the rule and measure of actions, according to which someone is led to, or drawn away from, the doing of something." Properly speaking, law is related to reason, a point which is the foundation of the whole treatment of law. But there is a secondary sense, recognized by Aquinas, in which law applies to anything which is regulated and measured—and in this sense "law is in all things which are inclined to something from some law," although this is not law in its essence but by a kind of participation.

13. ST I-II 90. 1: "lex quaedam regula est et mensura actuum, secundum quam inducitur aliquis ad agendum vel ab agendo retrahitur."
14. ST I-II 90. 1 ad 1: "Et sic lex est in omnibus quae inclinantur in aliquid ex aliqua lege."
To clarify this point we refer to *ST I-II 1.2*. It is a property of all agents (rational and otherwise) to act for an end (*omnia agenta necesse est agere propter finem*). An agent does not move except from an intention for an end. If an agent were not determined toward some effect, he would no more do this rather than that. Now in a rational creature this direction of appetite towards an end (which is what intention means) is through the will, the rational appetite; in other beings the direction is through natural appetite inclined to a form. In other words, in nonrational creatures intention in action (direction towards an end) is still present, but it has been placed there from without.

Agency in creatures without will is a matter of being moved toward an end by some other agent, just as an arrow tends to a determined end by being directed by the archer who directs its action to the end. Thus creatures lacking reason tend toward an end through natural inclination, moved as it were by another, since they are not able to have cognition of the end. Thus all of nature which is irrational relates to God as an instrument relates to the principle agent. It is important to note that the principle of intending an end applies to all agents in creation, and that irrational beings carry out the intention of someone else (in strengthening Aristotelian teleology St. Thomas depends on a Christian doctrine of creation).

This direction toward an end, placed there by God, is the way in which St. Thomas defined providence, and it encompasses all being: "Since providence is nothing other than the rational ordering of things to an end, it is necessary that all things, to the extent that they share in being, be subject to the divine providence." The description of all law as the direction of all being toward an end by God’s wisdom is made explicit in the section on the divine law in *ST I-II 93.1*: Just as the character of the divine wisdom, inasmuch as all things have been created through it, has the character of art, or exemplar, or idea, so the character of divine wisdom moving all things to the proper end attains the character of law. In this way, Aquinas says, the

15. *ST I-II 1. 2*: "Illa vero quae ratione carent, tendunt in finem propter naturalem inclinationem, quasi ab alio mota, non autem a seipsis; cum non cognoscant rationem finis, et ideo nihil in finem ordinare possunt, sed solum in finem ab alio ordinantur. Nam tota irrationalis natura comparatur ad Deum sicut instrumentum ad agens principale."

16. *ST I II 2. 2*: "Cum ergo nihil alius sit Dei providentia quam ratio ordinis rerum in finem, necesse est omnia, inquantum participant esse, intantum subdi divinae providentiae."

17. *ST I-II 93. 1*: "Unde sicut ratio divinae sapientiae inquantum per eam cuncta sunt creata, rationem habet artis vel exemplaris vel ideae; ita ratio divinae sapientiae moventis omnia ad debitum finem, obtinet rationem legis."
eternal law is nothing else but the nature of divine wisdom, according to which it is directive of all acts and motions.

Unlike creatures lacking reason human beings are moved through an intrinsic principle, which requires cognition, so that they not only act, but that they act on account of (propter) an end. This is what voluntary action means: that creatures with rational appetite act knowingly and willingly for an end.

Animals with some sensation have a degree of cognition of the end, and can react; and Thomas calls this "imperfect cognition" in ST I-I 6.2. What distinguishes human cognition in relation to action is that the thing which is the end is not only recognized, but that the rationale of the end is perceived, and the proportional relation of the action to the end is known.18

An animal such as a dog runs, or lies down, or digs up a bone as his appetite responds to objects represented by sensation. The reason why these are not fully voluntary actions is not because the dog lacks a sense of obligation, but because he has no means-end structure to give reasons for his actions. From an exterior point of view there is a means-end structure to the movements (which can be described in terms of nourishment, exercise, play, and so on), but the animal is not aware of his actions as fulfilling these purposes.

This is precisely the difference in human acts. A person might be running, and could give a number of explanations—he is running away from something, or hurrying to catch a train, or he is jogging for exercise. It is true that a dog might be running to catch something, or away from a threat, or just for play, but it could give no account (assuming the possibility of communication) of how this particular action fits in to his life as a dog; whereas a human being could talk about the desire to lose weight, the urgency of the meeting he is hoping to attend, and so on.

Human beings have the freedom to choose actions, particular actions for a certain purpose. Each action is the result of a choice made by the operation of intellect and will, which is how electio (the prohairesis of Aristotle) is defined in ST I-I 13.1. Wrong choices and bad decisions are made, and this is the result of human beings having free choice. Since the goodness or badness of actions depends not only on having good purposes but also on other factors such as the object of the action, and the circumstances (where, when, why, how, and so on), both the exterior action (the actual act) and the interior action (disposition of the will) need to be correct. Thus awareness not only of the goal but of the

18. STI-I6. 2: "Perfecta quidem finis cognitio est quando non solum apprehenditur res quae est finis, sed etiam cognoscitur ratio finis, et proportio eius quod ordinatur ad finem ipsum."
appropriateness of the means and the suitability of the occasion must inform the judgment of the human agent in deciding to act.

We need to make clear at this point that the knowledge which attends action, and makes it a human and voluntary action, is not described as the knowledge of rules but knowledge of the purposes of action, and awareness of how the actions in the present circumstances are properly directed to those ends. In other words the agent needs to know the end as an end, needs to know the character of his action, both in relation to his purposes and to the situation; and he needs the wisdom to be able to judge these elements correctly.

The capacity for free choice, which gives human beings a power over their actions (ST I-II, prol.), would seem to lift human agency from the realm of providence, the ordering of actions to a certain end. Since the will is not determined to any particular goods (the way an animal’s is), how then are voluntary human acts to come under the category of law and providence? In the question dealing with God’s providence Thomas specifically states that man is not excluded from this providence. He writes that “because the act of free choice is reduced to God as cause, it is necessary that those things which arise from free choice be subject to divine providence; for the providence of man is contained under the providence of God, as a particular cause is contained under the universal.”

Participation

It is in the concept of participation that Thomas brings together practical reason and virtue, the interior principles of action, with law, the exterior principle of action. The intellect itself is described as a sharing in the divine light, by which we know and judge things. Thus the intellect is not directly infused with knowledge, but is able, by the certainty of the first principles, to make correct judgments about objects of cognition and so acquire truth.

It is this capacity to form judgments which applies also to practical reason, and which is central to prudence. All actions proceed from judgments made about them (see ST I-II 13.1 ad 2); and again, it is the certainty of the first principles of practical reason (which Thomas described as synderesis and which he separated from conscience) which enables the agent to make correct choices for action, just as the certainty

19. ST I 22. 2 ad 4: “Sed quia ipse actus liberi arbitrii reducitur in Deum sicut in causam, necesse est ut ea quae ex libero arbitrio fiunt, divinae providentiae subjunctur; providentia enim hominis continetur sub providentia Dei, sicut causa particularis sub causa universali.”

20. ST I 12. 11 ad 3.
of the first principles of speculative reason enable true judgments to be made.

The function of law then is to inform the mind with principles by which to judge particular actions, so that they are correctly directed to the ends. This right ordering of action to an end implies correctness in counsel, judgment, and execution; and since they are all required for the right ordering of action, they come within the purview of providence.21

Thus the principle of union between law and practical reason is not at the level of conscience—that *synderesis* informs the conscience of what the agent should do, and then practical reason deliberates about how to achieve that. That is a complete distortion of Thomas's account of action. The link is at a much higher or profound level, the link between prudence and providence. Prudence is the developed ability of the practical reason to deliberate, decide and execute, expressed in terms of the correct ordering of means to an end. Providence, as we have seen is also the correct ordering of actions to an end, on the universal level of the governor of the universe.

Law is an expression of the wisdom of God as governor, and the same human mind which can learn to recognize and choose actions correctly is the same mind which can participate in the wisdom of God. And that is why an identity can be expressed between knowledge of truth and participation in the eternal law.22

Thomas does provide a direct link between participation in the divine law and the description of human action. This is found in *ST I-II* 19.4 where he asks whether the goodness of the will depends on the eternal law. In the reply Aquinas states that the fact that the human reason regulates the will, by which the will’s goodness is measured, derives from the eternal law which is the divine reason.23 It is instructive that in explaining this and referring to Psalm 54.6 Thomas does not say that we have this light when we know the rules for human action, but that the light of this reason is in us to the extent that it shows to us good things, and regulates our will.24 When we know and desire the proper *fines* of human life, then we share in the light of the eternal law.

The description of participation by a human agent which we are attempting here would be incomplete if we did not include a wider

21. *ST II-II* 49. 6 ad 3: “*in recta ordinatione ad finem, qui includitur in ratione providentiae, importatur rectitudo consilii et iudicii et precepti, sine quibus recta ordinatio ad finem esse non potest.*

22. *ST I-II* 93. 2.

23. *ST I-II* 19. 4: “*Quod autem ratio humana sit regula voluntatis humanae, ex qua eius bonitas mensuretur, habet ex lege aeterna, quae est ratio divina.*

24. *Ibid.*: “*Lumen rationis quod in nobis est, intantum potest nobis ostendere bona, et nostram voluntatem regulare.*"
conception of sharing in the life of God through charity. Although the impression is given above that sharing in the eternal law is primarily a matter of informing the intellect, the way in which St. Thomas develops the doctrine of the new law, the *lex evangelica*, shows that it also involves the will, the seat of charity. The new law is principally the very grace of the Holy Spirit, says Aquinas, which is given to believers in Christ.\(^{25}\) Although in content there is a continuity between natural law and the old law, because there is the same end involved, what makes the Gospel law new is that it is the law of perfection, because it is the law of charity.\(^{26}\)

With this connection made between charity and law, we may turn to the treatment of the virtue of charity to find a most profound summary of the union of providence, goodness, wisdom, and love in the notion of human participation. In responding to the argument that charity belongs to God and is therefore not something belonging to the human soul, Thomas puts forth the following reply:

> The divine essence is charity, just as it is wisdom, and as it is goodness. Thus just as we are said to be good by the goodness which is God, and wise by the wisdom which is God—because the goodness by which we are formally good, and the wisdom by which we are formally wise is a kind of participation in divine wisdom—so also the charity by which we formally love our neighbour is a kind of participation in divine charity.\(^{27}\)

It is interesting to read in the same reply that Thomas assigns this terminology to Platonic language used by Augustine, but incorporates it in the Aristotelian categories of voluntary action, act, potency, and habit used in the main response. This is a striking example of how Thomas has been seen in the study of Fabro to incorporate the Platonic conception of participation with a richly expanded version of Aristotle's act-potency scheme.\(^{28}\) The union of law and practical reason is only an instance of a much grander synthesis underlying the *exitus-reditus* structure of the entire *Summa Theologiae* and seen as early as I q. 5 where

\(^{25}\) ST I-II 106. 1: “Et ideo principaliter lex nova est ipsa gratia Spiritus Sancti, quae datur Christi fidelibus.”

\(^{26}\) ST I-II 107. 1: “Lex autem nova est lex perfectionis, quia est lex caritatis.”

\(^{27}\) ST II-II 23. 2 ad 1: “Ipsa esser.tia divina caritas est, sicut et sapientia est, et sicut bonitas est. Unde sicut dicimur boni bonitate quae Deus est, et sapientes sapientia quae Deus est, quia bonitas qua formaliter boni sumus, et sapientia qua formaliter sapientes sumus, est participatio quaedam divinae sapientiae. Ita etiam caritas qua formaliter diligimus proximum est quaedam participatio divinae caritatis.”

St. Thomas combines in the definition of good both the Aristotelian definition *bonum est quod omnia appetunt* and the Dionysian notion that *bonum est diffusivum sui esse*.

**Conclusion**

The concept of law can be combined with practical reason because they describe two different points of view—the agent’s and God’s. On the level of the psychological explanation of action, therefore, Aquinas can follow Aristotle faithfully, and his teaching on law does not affect the psychological description of potencies and their activation in intention, deliberation, and choice. The notion of law does not introduce the concept of obligation into the motivation for action.

The doctrine of law is a description of the exterior principle of action, the expression of God’s providence directing actions to an end. Without a doctrine of creation and a wise and loving God who desires to share his being this perspective is hardly possible, which is why we do not find this in Aristotle (who had to use the commonly recognized wise person as the standard for practical wisdom).

Prudence was described by St. Thomas as the perfection of practical reason, requiring the development of other moral virtues, but not a notion of law as obligation. Nevertheless Augustine’s doctrine of law fit well with a Christian view of prudence, because the agent who understands the correct means and ends for his life and is able to order them properly is the one who by the Holy Spirit participates in both God’s wisdom and charity.