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Finnis, John. *Aquinas: Moral, Political, and Legal Theory*.
New York: Oxford University Press, 1998. Pp. xxi + 385. \$52.00 (cloth), \$18.95 (paper).

In some ways this study complements Finnis's *Natural Law and Natural Rights* (1980) and other writings on ethics and philosophy of law. Those are theoretical works which draw amply on Aquinas. Formally this one is history, but the dominant concerns remain theoretical.

This is not to say that we are given only reports or reformulations of Aquinas's thought. Indeed, the documentation is massive, almost overwhelming. But throughout, interpretation is intertwined with, and subordinated to, engagement over issues. I know of no other such full-scale rethinking of Thomas's political philosophy in the recent literature, and we should be grateful to Finnis for the hard work.

Politics in Aquinas is inseparable from ethics, and after a nice biographical sketch, Finnis dwells long on what he considers the salient general features of Thomas's moral philosophy. The first, which becomes a kind of refrain in the sequel, is that the subject of moral science is a genus of its own, with its own mode of intelligibility. The key text is the beginning of the commentary on Aristotle's *Ethics*. There Aquinas divides science into four types, according to four orders, which Finnis calls "irreducibly distinct" (p. 21): the natural (the objects of the speculative sciences), the logical, the moral, and the technical.

The moral order is the order of things formed by deliberate choice. Its first principles are the ends, or reasons for choice, naturally ordained by practical reason in the primary precepts of natural law. These ends are the "basic human goods." This notion, like several of the more prominent ones in the book, will be quite familiar to readers of Finnis and Germain Grisez. Finnis tells us in the preface that writing this book has confirmed his understanding both of "the foundational principles" of their ethical theory and of "Aquinas's subscription to them" (p. ix).

Not surprisingly then, as he lays out the Thomistic moral landscape, Finnis is emphatic and constant in making practical reason the primary reference point. Even his scheme reflects this approach. Thus, chapter 4 brings together the themes of happiness, the common good, and morality. The link is evidently the constitutive role played in each by practical reason. Regarding happiness, the point is that practical reason directs not only to each of the basic goods but also to their coordination and integration. So it is as a sort of "synthesis" (p. 85) projected by practical reason that the one "last" end enters the human scene, at least as viewed by moral philosophy. (Metaphysics and theology get a brief say in the

final chapter. Why, though, are we never told that for Thomas, the question of the last end is the very first one, in any moral inquiry?) Similarly, it is from reason ordering the integral (and common) pursuit of the goods that properly “moral” principles emerge. These regulate the moral virtues, chief among which are those pertaining to social life, the parts of justice.

The specific norms of justice must be articulated. This is done in terms of its objects, the *iura*. Finnis renders this as “rights.” Aware that some eyebrows are rising, he pushes further and argues that for Thomas, natural rights enjoy a certain priority over the very norms of natural law. They are prior in their ontological, “first order” basis: the natural equality and dignity of human persons.

Does this claim encroach upon the primacy of practical reason? In the context of the whole account, not much. Practical reason too has a first order side, as part of human nature, and the clear drift of Finnis’s treatment is toward making it the core of our dignity. For he presents our ultimate perfection—at least our earthly one, proportionate to our nature—as the full working of practical reason in action (pp. 104-10). He also considers it quite in the spirit of Aquinas, if not the letter, to see practical activity as that whereby our nature and its dignity are manifested to us most satisfactorily (pp. 90-94, 176-80).

Eventually we reach more strictly political and legal matters: “Distribution, Exchange, and Recompense” (chap. 6); “The State: Its Elements and Purposes” (7); “The State: Its Government and Law” (8); “The Power of the Sword” (9). These pages, I would say, are where we find Finnis at his best, exploiting his great erudition in legal history and theory. At the same time, the chapters on the state defend two interpretations which, I expect, students of Thomas will want to dispute. These are that Thomas treats specifically political community as a merely instrumental good (with a slight qualification as regards “restorative justice”), and that the promotion of virtue is only a remote end of good legislation, more a private than a public matter.

But I would raise another issue. It has to do with the kind of primacy that Finnis assigns to practical reason and the kind of autonomy he ascribes to the moral order. Put loosely, my worry is the extent to which he depicts the practical or human good as a sort of closed arena. In more concrete terms, I fear he simply has not come to grips with the dominant role, in the life of reason and in human life as a whole, that Aquinas attributes to speculative intellect. This is intellect as knowing “universal being” and as enabling us to be, “in a way, all things.”

Only grudgingly does Finnis acknowledge that intellectual speculation or contemplation is the primary element in Thomas’s conception of earthly happiness (pp. 109-10). Finnis’s own candidate is the life of “practical reasonableness” (*prudentia*) and moral virtue. He reminds us that Thomas never treats this life solely as a means to contemplation, but as a kind of happiness in itself. He questions how “secondary” it really is for Thomas, and also how distinctive is the life of contemplation. “In the last analysis, contemplation is a form of action and had best issue in (further) action, indeed ‘public’ action.”

Part of my concern is related to this “public” action issuing from contemplation. Finnis’s examples of it are preaching and teaching by bishops and friars. But what is its status in the secular order? Here we miss a discussion of education. Still, the general answer seems clear: the status is minor. “Aquinas never treated contemplation as an organizing or integrating principle of social and political

theory.” Seemingly, the only intellectual activity so treated is that of practical reasonableness.

Yet in *Summa theologiae* I-II, q. 66, a. 5, Aquinas argues that the supreme intellectual virtue is *sapientia*, speculative wisdom. (Among the profane sciences, this is metaphysics.) Wisdom is “architectonic,” judging and ordering all the other intellectual virtues. Against this position, the article’s first objection invokes an assertion by Aristotle, which Thomas endorses: regulating education in civil society belongs to a part of prudence, namely statecraft (*politica*!). The reply, also invoking Aristotle, is that nevertheless “prudence does not command wisdom itself; rather the reverse.” Prudence commands only “about things ordered to wisdom, that is, how men ought to come to wisdom. Hence in this matter prudence, or rather statecraft, is minister to wisdom; for it leads into it, preparing the way to it, as the doorkeeper to the king.”

But symptomatic of what concerns me most is the thesis that “in the last analysis” contemplation itself is a form of action. The prevailing view that we get from Finnis can be summed up in his own words: “nothing can be ... an object of or reason for human action, save what can be realized by human action” (p. 92). Does he not see the implication—that only what can be realized by human action can be judged good? To be sure, “good” is a practical notion, because it means desirable or willable. But not everything that it is said of is something realized by the will! Thomas holds that it is said of all being.

Finnis favors approaching contemplation from the side of the subject, as one good human activity among many. But what secures its preeminence for Thomas is above all the goodness, the loveliness, of its chief objects: the natural kinds (including human kind), and what lies beyond nature. The human mind does not form the best things. They inform it.

Still, do speculative objects have any “directive” function, any formative influence on practical thought? The beginning of Thomas’s commentary on the *Ethics* ought to be read alongside the prologue to his commentary on the *Politics*. Here too he keeps the moral order “distinct” from the natural. But he also says that practical reason works in imitation of nature, and necessarily so. This and companion doctrines figure repeatedly in the moral part of the *Summa theologiae*.

I would submit that in Aquinas, the good of “all being” is in a way the very first reason for action. In another way, it is the object of our ultimate perfection and maximum satisfaction. Of the many things that he has to say to us about conducting human life, might these not be among the very most important?

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