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Book Reviews

Natural Law and Practical Reason: A Thomist View of Moral Autonomy. By Martin Rhonheimer. New York: Fordham University Press, 2000. Pp. xxii + 620. $45.00 (cloth), $19.95 (paper). ISBN 0-8232-1978-X (cloth), 0-8232-1979-8 (paper).

This is a fine translation, by Dr. Gerald Malsbary, of a book published in 1987 under the title *Natur als Grundlage der Moral. Die personale Struktur des Naturgesetzes bei Thomas von Aquin: Eine Auseinandersetzung mit autonomer und teleologischer Ethik*. As the German subtitle indicates, it is a polemical work, with two main foes: the currents in moral theology dubbed "autonomous morality" (e.g., Auer, Böckle) and "teleological ethics" (Schüller, McCormick, etc.). These currents are denounced as historically inaccurate interpretations of Thomas Aquinas and philosophically unsound accounts of moral normativity.

Autonomous morality, adopting a purely spiritual conception of moral agency, involves a dualistic view of man. It reduces freedom to self-reflexivity, and the natural moral law to a formalism. Its notion of reason as "creative" of norms is not at all St Thomas's view of reason's role in the moral order. Rhonheimer grants, or even insists, that reason does in a sense enjoy autonomy. But on the whole, he judges, it would be better to speak of "participated theonomy." (His sorting out of meanings of "autonomy" is very helpful [195-206].) Reason has an active share in the work of ordering things according to the eternal law of divine providence.

He also discerns a kind of dualism infecting teleological ethics. For all the charges of physicalism brought by its proponents against more traditional, "neo-thomistic" Catholic morality, it is they who turn out to have a physicalist account of the object of the moral act. In the final analysis they substitute mere calculation and technique for truly moral reasoning, which always moves within the horizon of the dignity of the human person.

In these polemics Rhonheimer is very effective. Perhaps they are now somewhat dated. However, his way of understanding "nature as a basis of morals" also involves him in another controversy. For in fact he agrees that neo-thomistic moral thought is often physicalist. He works hard to free Thomas's own ethics from it. This side of the book seems less dated. With regret, I must say that I also find it much less effective.

The physicalism that Rhonheimer finds in authors such as Cathrein, Manser, Pieper, and many others (all German, as it happens) consists in treating natural law as a "law of nature," identical with the natural order or even the very natures of things. Properly, he urges, natural law should be considered a "law of practical reason." It is not "read off" from the "naturally given," nor is it formed in light of "metaphysical essences," even man's. It is "constituted" through practical reason's own preceptive activity.

In this matter Rhonheimer has much in common with Grisez and Finnis, whose influence he avows (44 n. 7, 556). He is impressed by Hume's and Moore's charges of fallacy in any derivation of "ought" or "good" from mere speculative facts of nature (5-7, 43 n. 4). He is also persuaded that since we know a nature by its acts, knowledge of human nature cannot be presupposed to the primary acts or precepts of practical reason; rather it presupposes them (17-22, 30-31). What seems most distinctive of his view is the role he assigns to man's natural inclinations. He finds these essential in the genesis of the moral order, if not its proper "basis."

It is hard to say exactly what sort of entities he takes these inclinations to be. They cannot be

acts of will, since practical reason presupposes them (28, 75-78). Yet their objects do not seem confined to those of sense-appetite or purely physical tendency. In any case, they are said to constitute a "structure of striving" in which reason is "embedded" (27). This is the precondition for reason's having a practical operation at all, and so issuing any moral dictates (78, 284). Just how they influence reason, however, is not explained. The term 'experience' is used often. At one point judgment by connaturality is mentioned (53 n. 55).

Rhonheimer assures us that although reason would not be practical without the natural inclinations, it is not their slave. It raises their objects to its own rank, by the very fact of apprehending them as good. For this apprehension is in the form of precepts, those of natural law; and through these, the order of action in pursuit of the goods is first erected (76). This is the moral order. Its proper source is thus practical reason itself (59-64, 319). Yet it makes sense only in conjunction with the inclinations. They are not moral themselves, but the moral law must be proportioned to them. In that way they do contribute to its constitution. It is a law for man, not for "any possible rational being."

It is a clever account. Is it Thomas's? Rhonheimer says, "I follow the explicit statement of St. Thomas in holding that the *inclinatio naturalis* has a standard-giving function in relation to the *ratio naturalis*" (565). His reference is to *STh* I-II, q. 91, a. 3, ad 2. He appeals to this passage repeatedly. It is his best one. It reads, "human reason as such is not a measure of things, but principles naturally instilled in it are certain general rules and measures of all that is to be done by man, of which natural reason is a rule and measure, even though it is not a measure of what is by nature." That "explicit statement" is nowhere to be found. To make the passage say what he wants, Rhonheimer must in fact gloss "principles" and "what is by nature" with "inclinations" (74). And the gloss is untenable. The body of the article shows that "principles" refers to the precepts of natural law; and his claim (305 n. 74) that "things" (*rerum*) here covers

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inclinations is, if anything, contradicted by the other text he cites (*STh* I-II, q. 64, a. 3), where "things" is said in direct opposition to "appetite" (*appetitus*).

Without the natural inclinations, however, Rhonheimer has no way of accounting for practical reason's natural understanding of human goods, the objects of the precepts of natural law. If he is certain of anything, it is that these cannot enter the natural law by being grasped as goods of man's abstract "nature" or "essence." From the start he is categorical: in the texts of Thomas "one searches in vain for a statement that nature is the measure of what is good" (8).

It is a disconcerting claim. Here is a statement taken from a very prominent text on good and evil in human acts: "for each thing, that is good which suits it according to its form; and evil, that which departs from the order of its form" (*STh* I-II, q. 18, a. 5). This is simply a reminder of the fundamental account of "the good in general" in *STh* I, q. 5. There goodness is presented as an immediate function of the perfection of a being. A perfect being is one "lacking nothing, according to its mode of perfection." What sets its mode? Its form, through which it "is what it is" (*STh* I, q. 5, a. 5). The idea also stands out in the general treatments of evil (*STh* I, q. 49, a. 1) and vice (*STh* I-II, q. 71, a. 2).

But can the "naturally given" really be a source for the precepts of natural law? Thomas's answer seems perfectly clear. "Human acts can be regulated according to the rule of human reason, which is gleaned [*sumitur*] from the created things that man naturally knows" (*STh* I-II, q. 74, a. 7). Readers may judge for themselves how Rhonheimer handles this passage (17).

If Thomas is explicit about anything, it is that practical reason naturally does, and should, imitate the general order found in nature. See, for example, *In Politicorum, proem*.; *STh* I, q. 60, a. 5; II-II, q. 31, a. 3; II-II, q. 50, a. 4; II-II, q. 130, a. 1. We even find him teaching that a natural *inclination* in man derives from physical things (*STh* I-II, q. 87, a. 1). Rhonheimer insists that "things" are not moral rules and that the moral order is not found in them (17). "The natural law is not the

'imitative' reflex of a 'natural order,' but rather a practically cognitive, cooperative completion of the ordering of the eternal law" (535; see 235). Yet it is for the very sake of conforming our works to God's mind or to the order of divine wisdom, that is, of cooperating in the ordering of the eternal law, that Thomas deems the imitation of nature necessary. Obviously he does not mean a slavish sort of imitation, sheer mimicry. The moral order is not a copy of the natural. They are analogous. They have common, sapiential principles. And the natural order must come first, both in reality and in knowledge. For one of the common principles is nature itself. (A few pertinent texts: *STh* I, q. 60, *passim*; II-II, q. 64, a. 1; II-II, q. 154, a. 12.)

But then there is Rhonheimer's notion of nature. "In the realm of pure nature, there is no 'ought,' as Kant correctly recognized: there are only necessary regularities" (196). By "ought" Rhonheimer means, quite generally, the "claim of the good" (198). So in other words, pure nature is not under the sway of the good. Fortunately he does not say that Thomas "recognized" this too. But neither does he explain why such a deep disagreement with Thomas's thought

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is not a grave problem for his own. (On *debitum* in nature, see *STh* I, q. 21, a. 1, esp. ad 3; I-II, q. 21, a. 1. On the necessaries, see *STh* I-II, q. 93, a. 4, esp. obj. 4 / ad 4.)

I am not arguing that for Thomas the good is "derived" from the natural, as though contained in its very concept or *ratio*. The *ratio* of good does add something, namely, desirability. But for us the simpler *ratio* comes first. The concept of good--that is, final cause--presupposes the concepts of efficient and formal cause (*STh* I, q. 5, a. 4). Indeed "every existence and good is considered through some form" (*STh* I-II, q. 85, a. 4). Like existence, every good is proportioned to some nature, while also transcending it. "Suited to nature" is contained in the concept of the good. Thomas sees it as so close to the surface of what the good is, so formal in the *ratio boni*, that he judges it impossible to will what does not seem somehow to suit one's nature (*STh* I-II, q. 6, a. 4, ad 3; cf. I-II, q. 19, a. 10).

Of course the "perfect" good, the good that "leaves nothing to be desired" and constitutes the will's primary object, is that which is proportioned to intellectual nature (*STh* I, q. 26, a. 1). But does our grasp of ourselves as intellectual presuppose our grasp of the good? Quite the contrary. "First intellect grasps what is [*ens*] itself; then it grasps itself understanding what is; then it grasps itself being attracted to what is. Hence first comes the *ratio entis*, second the *ratio veri*, third the *ratio boni*" (*STh* I, q. 16, a. 4, ad 2; cf. *STh* I, q. 87, a. 4, ad 3). So a knowledge of our nature is indeed presupposed to any work of practical reason.

Not even the expression '*ratio boni*,' however, means the same for Rhonheimer as for Thomas. "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" (72). Thomas teaches that intellect bears upon the abstract *ratio boni* and *not* just the concrete *bonum appetibile* upon which the will bears. This is why intellect is an intrinsically nobler power (*STh* I, q. 82, a. 3). The *ratio boni* is what gives intellect an act that is formal, constitutive, for any act of will (*STh* I-II, q. 9, a. 1).

It also sets intellect off from sense in an important way. The senses do not incite desire of a good until pleasure in it is experienced. But although intelligible goods are by nature even more pleasant, intellect requires no such experience before moving desire. Its grasp of the universal good is enough (III *De Anima*, lect. 12, §771; cf. *STh* I-II, q. 4, a. 2, ad 2). By knowing the *ratio boni*, intellectual beings "are most perfectly inclined to the good" (*STh* I, q. 59, a. 1; cf. XII *Metaphys*., lect. 7, §2522). Intellect as it were unleashes the good's full power to attract. This means, I believe, that in order to be practical, reason needs no other inclination than what its own understanding of the human good elicits.

But for Rhonheimer, does practical reason really even "understand"? "The object of the practical reason . . . is the 'good' itself that is in question; the practical reason does not produce a

statement but rather a *prosecutio*, and this takes the form of either an intention or an *electio*, from which an action immediately follows" (59). This is the description of a will, not an intellect (see

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also 31-32, 58-64). Wanting to secure some autonomy for practical reason, he makes it consist entirely in what distinguishes it from speculative reason. As a result he degrades it.

The book is stimulating, and its ultimate goal quite positive. Had his immediate object not been so polemical, perhaps Rhonheimer would have been less apt to read his own ideas into St Thomas. Their presentation would then have been clearer and, philosophically, even more engaging.

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