Nova et Vetera, English Edition, Vol. 6, No. 1 (2008): 1–62

Veritatis Splendor §78, St. Thomas, and (Not Merely) Physical Objects of Moral Acts

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A WORD that often comes up in contemporary scholarly work on ethics is "physicalism." It is nearly always a term of reproach. However, it does not always mean the same thing. The senses are at least two. Sometimes it refers to a way of establishing moral norms. In this sense, it means, roughly, an uncritical use of a physical entity or nature as a criterion for judging moral goodness and badness. At other times the word refers to a way of conceiving the items to which moral goodness and badness belong: human acts. It then means, again roughly, an undue reduction of human acts to their physical features, with too little weight given to the role played in their constitution by factors such as intention, or choice, or reason.

Not infrequently, Catholic moral doctrine is said to be physicalist on some matters, for instance, sex. Sometimes it is the first sense that is meant; sometimes, the second; sometimes both. An evident concern of the encyclical *Veritatis Splendor* is to address the charge of physicalism and, I would say, in both senses of the term. Our symposium's theme, however, points us toward on a tiny portion of the encyclical (§78) and its teaching on "the moral object." This I think regards less the issue of moral norms, and more that of the constitution of human acts, "action theory." So the second sense of "physicalism" would be the more pertinent one. In any case it is the only one pertinent to this essay. But I wanted to call attention to the other sense, the one regarding moral norms, so as to keep the issues distinct. I do suspect that despite my efforts to avoid it, some readers will

find the account of human acts that I shall be putting forward here to be physicalist. I would ask them at least to remember the distinction.

The main question I want to pursue is whether or to what extent a physical or bodily feature can be a principle of the "specification" of human action; that is, whether it can make a human action be of a determinate kind. In the first part I offer a reading of the first lines of *Veritatis Splendor* §78. There my aim is mostly negative: to show that, despite what it may seem, the passage does not mean to deny that a human action—an object of deliberate choice—can be something physical. In the other two parts I explore some elements in Thomas Aquinas's account of human actions, first regarding his general conception of how "exterior" human acts are specified, and then regarding his view of how physical entities can be involved in their specification. I hope to show that their involvement can be quite decisive, "formal."

As Professor Levering explained in his invitation to contribute to the symposium, part of its inspiration was provided by an article published in *Nova et Vetera* by my colleague Martin Rhonheimer.[1] My essay is not an assessment of that article. It does cover a good deal of the same ground, and this is not a coincidence. Clearly on some important matters my readings of the encyclical and of Thomas do not match with his. Yet I balk at defining the differences because I am not fully sure of having mastered his views. Further on I shall stress two very fundamental points on which I heartily agree with him. Any contrasts that emerge should be seen in their light. Also, the entire discussion should be taken as a "work in progress."

What *Veritatis Splendor* §78, Sentences 1–6, Is and Is Not Saying About the Moral Object

In this part I present a reading of the first six sentences of *Veritatis Splendor* §78. My main focus will be the fifth sentence, as to what it is and is not saying about how the "object of the moral act" should be understood. Here is the official Latin version, with the sentences numbered for later reference. The published English translation is given in the footnote. As I go through the sentences I will sometimes suggest alternate renderings.

> [1] Actus humani moralitas pendet in primis et fundamentali modo ex "obiecto" deliberata voluntate rationaliter electo, sicut evincitur in acuta etiam nunc valida sancti Thomae investigatione. [Note 126: cf. *Summa theologiae*, I–II, q. 18, a. 6.]

[1] Martin Rhonheimer, "The Perspective of the Acting Person and the Nature of Practical Reason: The 'Object of the Human Act' in Thomistic Anthropology of Action," *Nova et Vetera* 2 (2004): 461–516.

> [2] Proinde, ut actus obiectum deprehendi possit, quod ei moralem proprietatem tribuat, se collocare necesse est in prospectu personae agentis.
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> [3] Obiectum enim actus voluntatis est ratio sese gerendi libere electa.
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> [4] Cuiusmodi obiectum, utpote ordini rationali congruens, est causa bonitatis voluntatis, moraliter nos perficit atque expedit ad nostrum agnoscendum finem ultimum in bono perfecto, in amore primigenio.
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> [5] Ergo nefas est accipere, velut obiectum definiti actus moralis, processum vel eventum ordinis tantum physici, qui aestimandus sit prout gignat certum rerum statum in mundo exteriore.
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> [6] Obiectum est finis proximus deliberatae delectionis, quae voluntatis personae agentis est causa.[2]

The Context

Veritatis Splendor §78 appears in chapter 2, part IV, which is on "The Moral Act." It belongs to a section titled "The object of the deliberate act." This section is meant to help correct some errors previously surveyed in the chapter. I think that if the sentences from §78 are to be rightly understood, both as to their overall intention and as to the meaning of certain terms and expressions, their context needs to be kept in mind. Here are some passages that I find especially pertinent. After each I make some brief remarks. I will apply them to the interpretation of our sentences in sections B and C.

1. From chapter 2, part I ("Freedom and the Law"), §48. Here is described a mistaken conception of freedom in its relation to human nature and the moral law. In this conception,

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[2] Ioannes Paulus PP. II, littera encyclica *"Veritatis Splendor," Acta Apostolicae Sedis* 85 (1993): 1196. Here is the published English version: "The morality of the human act depends primarily and fundamentally on the 'object' rationally chosen by the deliberate will, as is borne out by the insightful analysis, still valid today, made by Saint Thomas. In order to be able to grasp the object of an act which specifies that act morally, it is therefore necessary to place oneself in the perspective of the acting person. The object of the act of willing is in fact a freely chosen kind of behavior. To the extent that it is in conformity with the order of reason, it is the cause of the goodness of the will; it perfects us morally, and disposes us to recognize our ultimate end in the perfect good, primordial love. By the object of a given moral act, then, one cannot mean a process or an event of the merely physical order, to be assessed on the basis of its ability to bring about a given state of affairs in the outside world. Rather, that object is the proximate end of a deliberate decision which determines the act of willing on the part of the acting person." www.vatican.va/edocs/ENG0222/__P8.HTM

> human nature and the body appear as presuppositions or preambles, materially necessary for freedom to make its choice, yet extrinsic to the person, the subject and the human act. Their functions *[dynamismi]* would not be able to constitute reference points for moral decisions, because the finalities of these inclinations *[dynamismi]* would be merely "physical" goods, called by some "premoral." To refer to them, in order to find in them rational indications with regard to the order of morality, would be to expose oneself to the accusation of physicalism or biologism.

We see here that the expression "merely physical," as used by proponents of the erroneous conception, is meant to convey the "premoral" status of the goods in question. Certainly they are "physical" goods, pertaining to the human body. But when they are called "merely" physical, the thought is that they do not contain "rational indications with regard to the order of morality." The encyclical will insist on the "moral meaning of the human body" (§49).

2. From chapter 2, part III ("Fundamental choice and specific kinds of behavior"), §65.

> A distinction thus comes to be introduced between the fundamental option and deliberate choices of a concrete kind of behavior. . . . There thus appears to be established within human acting a clear disjunction between two levels of morality: on the one hand the order of good and evil, which is dependent on the will, and on the other hand *specific kinds of behavior, which are judged to be morally right or wrong only on the basis of a technical calculation of the proportion between the "premoral" or "physical" goods and evils which actually result from the action. This is pushed to the point where a concrete kind of behavior, even one freely chosen, comes to be considered as a merely physical process, and not according to the criteria proper to a human act*. The conclusion to which this eventually leads is that the properly moral assessment of the person is reserved to his fundamental option, prescinding in whole or in part from his choice of particular actions, of concrete kinds of behavior.

Here again the erroneous view is said to equate the "physical" with the "premoral." But note especially the part that I have put in italics. I think it will shed considerable light on §78.

3. From chapter 2, part IV, first section, §71.

> Human acts are moral acts because they express and determine the goodness or evil of the individual who performs them. They do not produce a change merely in the state of affairs outside of man but, to the extent that they are deliberated options, they give moral

> definition to the very person who performs them, determining his profound spiritual traits.

Notice here that the encyclical is not denying that human acts produce changes in the state of affairs in the outside world. It is simply insisting that in addition to this, and more significantly, they also affect the moral character and spiritual traits of their own agents.

4. From chapter 2, part IV, first section ("Teleology and teleologism"), §72.

> If the object of the concrete action is not in harmony with the true good of the person, the choice of that action makes our will and ourselves morally evil, thus putting us in conflict with our ultimate end, the supreme good, God himself.

In this passage the concrete action that is the object of a choice is presented as having an object of its own, one that may or may not be in harmony with the true good of the person. This will be important for my discussion of the objects of commanded acts (part II).

5. From chapter 2, part IV, first section, §74.

> Certain ethical theories, called "teleological," claim to be concerned for the conformity of human acts with the ends pursued by the agent and with the values intended by him. The criteria for evaluating the moral rightness of an action are drawn from the weighing of the non-moral or premoral goods to be gained and the corresponding non-moral or premoral values to be respected. For some, concrete behavior would be right or wrong according as whether or not it is capable of producing a better state of affairs for all concerned. Right conduct would be the one capable of "maximizing" goods and "minimizing" evils.

The passage is saying that on the erroneous view, "concrete behavior" is judged only for the overall balance of premoral goods and evils that it can produce. As in (3), the encyclical is not saying that a chosen action cannot be considered with respect to such results. It is saying that this is not the sole or even the primary consideration bearing on their moral evaluation.

6. From chapter 2, part IV, first section, §75.

> But as part of the effort to work out such a rational morality (for this reason it is sometimes called an "autonomous morality") there exist false solutions, linked in particular to an inadequate understanding of the object of moral action. Some authors do not take into sufficient consideration the fact that the will is involved in the

> concrete choices which it makes: these choices are a condition of its moral goodness and its being ordered to the ultimate end of the person. Others are inspired by a notion of freedom which prescinds from the actual conditions of its exercise, from its objective reference to the truth about the good, and from its determination through choices of concrete kinds of behavior.

Here the document is explicit about the fact that the central problem is the way in which chosen action is understood. On the mistaken views, even when a "concrete kind of behavior" is chosen, it may not be, in itself, a "moral object," with its own intrinsic moral value and its own influence on the moral quality of the agent's will.

7. From chapter 2, part IV, first section, §75.

> The teleological ethical theories (proportionalism, consequentialism), while acknowledging that moral values are indicated by reason and by Revelation, maintain that it is never possible to formulate an absolute prohibition of particular kinds of behavior which would be in conflict, in every circumstance and in every culture, with those values. The acting subject would indeed be responsible for attaining the values pursued, but in two ways: the values or goods involved in a human act would be, from one viewpoint, of the moral order (in relation to properly moral values, such as love of God and neighbor, justice, etc.) and, from another viewpoint, of the premoral order, which some term non-moral, physical, or ontic (in relation to the advantages and disadvantages accruing both to the agent and to all other persons possibly involved, such as, for example, health or its endangerment, physical integrity, life, death, loss of material goods, etc.).

This is another place where "physical" is shown to be taken as equivalent to "premoral."

8. From chapter 2, part IV, first section, §77.

> In order to offer rational criteria for a right moral decision, the theories mentioned above take account of the intention and consequences of human action. Certainly there is need to take into account both the intention . . . and the goods obtained and the evils avoided as a result of a particular act. Responsibility demands as much. But the consideration of these consequences, and also of intentions, is not sufficient for judging the moral quality of a concrete choice. The weighing of the goods and evils foreseeable as the consequence of an action is not an adequate method for determining whether the choice of that concrete kind of behavior is "according to its species," or "in itself," morally good or bad, licit or illicit.

Again, the problem is the denial that the choice of a concrete kind of behavior always has an intrinsic moral quality.

9. From chapter 2, part IV, third section (" 'Intrinsic evil': it is not licit to do evil that good may come of it"), §79 (first sentence).

> One must therefore reject the thesis, characteristic of teleological and proportionalist theories, which holds that it is impossible to qualify as morally evil according to its species—its "object"—the deliberate choice of certain kinds of behavior or specific acts, apart from a consideration of the intention for which the choice is made or the totality of the foreseeable consequences of that act for all persons concerned.

This passage, following on the heels of §78, confirms that the thrust of §78 is chiefly against the position that an object of choice—a freely chosen kind of behavior—may not be a "moral" object, such that the choice of it is intrinsically apt for moral qualification.

Some Glosses

Now let us go through our six sentences one at a time, keeping the above passages in mind. In this section I will examine all but the fifth sentence, leaving that for section C.

> [1] The morality of a human act depends primarily and fundamentally on the "object" rationally chosen by the deliberate will, as is borne out by the insightful analysis, still valid today, made by Saint Thomas. (126)

Note 126 cites *Summa theologiae*, I–II, q. 18, a. 6.

In several of the texts given above, we saw that the erroneous views were said to assign a merely "premoral" character to the object of choice, not recognizing that what is chosen, as such, is inevitably a "moral object." In light of those texts, I think a good way to gloss this sentence would be to say: *so far* is it from being the case that the object rationally chosen by the deliberate will can be merely premoral, that in fact the morality of a human act depends *primarily and fundamentally* on the object of choice. This is the moral object *par excellence*.

What may not be quite so clear is why the note sends us to *Summa theologiae*, I–II, q. 18, a. 6. That article is not about the inevitably moral character of the object of choice. In fact choice is not even mentioned. The question raised in it is whether the good and evil that human acts have from their ends diversify their species. Thomas says they do. Acts are human insofar as they are voluntary. Voluntary acts are of two sorts, interior (or elicited) acts of will and exterior (or commanded) acts. Each of

these has its own object, giving it its species. The specifying object of an exterior act is "id circa quod est," that which it bears upon. But the specifying object of an interior act is an end. And since an exterior act is an act of a power used by the will, and is voluntary on that account, the species of the interior act is *formal* relative to that of the exterior act. Human acts are *chiefly* specified by ends.

Although I am not sure why sentence [1] cites this text, the very fact that it does so will be important for my discussion in part II, where I stress the fact that commanded acts have genuine objects,[3] which specify them: their *circa quod* or, as Thomas more often says, their *materia circa quam*. Whatever the reason for the citation, there can be no doubt that the sentence's affirmation of the primacy of the object of choice is in harmony with Thomas's view. Thomas teaches that what gives the first moral quality to any human act is the object specifying it;[4] and clearly, for him, the human or moral act *par excellence* is choice. At the very beginning of the *Prima secundae* he tells us that human acts are those over which a man is *dominus* or has control. These are acts falling under his power of *liberum arbitrium*, free decision, and proceeding from a deliberate will.[5] Earlier he asserted that the proper act of *liberum arbitrium*, the act that properly terminates the process of deliberation, is choice.[6]

> [2] In order to be able to grasp the object of an act, which confers on it its moral quality, it is therefore necessary to place oneself in the perspective of the acting person.

I notice that although the encyclical refers often to the person, this is its only use of the phrase "the perspective of the acting person." The phrase's meaning is not elaborated. I do not find this a problem. I think it suggests that nothing very abstruse is intended, and that all the help needed to determine its meaning is supposed to be provided by the context; maybe especially by the next two sentences, which are tied to it (as is clear from the Latin version's *enim* in the third sentence). These tell us what it is that we see when we take the perspective of the acting person. We see that the objects of a person's choices cannot but have a bearing on his moral quality, because they are objects of his will. This is the power by which he is related to the last end, "primordial love." Moral goodness consists in a person's conformity with the rule of reason order-

[3] See also text 4 in the previous section.

[4] See *Summa theologiae*, I–II, q. 18, aa. 2 and 5. Translations of Thomas in this paper are mine.

[5] *ST* I–II, q. 1, a. 1.

[6] *ST* I, q. 83, a. 3.

ing toward the last end; and the will, which is nothing other than rational appetite, is its proper subject. This point was already asserted in several of the texts cited above; those which, albeit without mentioning the "perspective" of the acting person, insist that a person's moral goodness or badness is a function of his specific choices.[7]

So the gist of our second sentence seems to be this: We are not going to grasp anything as an object of a human act, or understand how it qualifies the act morally, unless we are considering the human act as proceeding from the acting person's will. We must see the act in function of its agent's power to determine his own will, or to order himself to an end, through deliberation and choice. To see it so is nothing other than to consider it as a human act, originating from its agent according to his status as *dominus sui actus*; that is, as person.[8]

The sentence is rooting the properly *moral* approach to the human act in the consideration of its proper agent. We find something similar in St. Thomas's account of the subject matter—that is, the center of focus—of moral philosophy. First he speaks in terms of a certain kind of act, but then he roots this in a certain kind of agent. "Just as the subject of natural philosophy is movement, or mobile reality, so too the subject of moral philosophy is human operation ordered to an end, or indeed man, insofar as he is one who acts voluntarily for an end."[9]

[3] A freely chosen kind of behavior is in fact an object of an act of will.

As I said, I take this sentence, together with the fourth, to be aimed at explaining what it is we see when we take the perspective of the acting person. But I should note that here my translation departs considerably from the published version. That runs, "The object of the act of willing is in fact a freely chosen kind of behavior." This sounds like a definition,

[7] See especially texts 2, 3, 4, and 6 in the previous section.

[8] On the connection between "dominus sui actus" and "person," see *ST* I, q. 29, a. 1.

[9] *In I Ethicorum,* lect. 1, §3. (Cf. *ST* I–II, *proem*.) As Kevin Flannery observes, the "therefore" in sentence [2] of *Veritatis Splendor* §78, ties it to sentence [1], which appeals to Thomas; so there are hardly grounds for interpreting sentence [2] as a shift *away* from Thomas's approach. Quite perspicaciously, Flannery sees Thomas giving us the "perspective of the acting person" precisely in *ST* I–II, q. 18, a. 6, where Thomas says that exterior acts do not have morality except insofar as they are moved by the will's interior act and are voluntary. See Kevin L. Flannery, S.J., "Placing Oneself 'In the Perspective of the Acting Person': *Veritatis Splendor* and the Nature of the Moral Act," in *Live the Truth: The Moral Legacy of John Paul II in Catholic Health Care*, ed. Edward J. Furton (Philadelphia: National Catholic Bioethics Center, 2006), 47–49.

or at least a universal affirmation, making any and every object of an act of will to be a freely chosen kind of behavior. The official Latin version does allow for such a reading, but it also allows for mine. "Obiectum enim actus voluntatis est ratio sese gerendi libere electa." I do not think this is meant to be taken as a universal statement about the object of the will's act.

For one thing, to take it so would hardly fit with *Veritatis Splendor* §78 itself. It tells us that our last end is the perfect good, primordial love—God himself, who alone is good—and that the ultimate and decisive moral perfection is that by which our acts are ordered to God through charity. None of this would make sense if an object of will were always a "freely chosen kind of behavior." God is not a freely chosen kind of behavior, and yet he is, or at least should be, the will's *primary* object, what it loves above all, its utterly last end.

Another reason is that if a freely chosen kind of behavior is an object of the will, then so is that behavior's *own* object. But this need not, in turn, be another freely chosen kind of behavior. We already saw that St. Thomas, in the text cited in the first sentence, asserts that not only the will's interior act, but also the exterior act, has an object. Below I will discuss the nature of the exterior act's object at some length.

Still another reason is that not all objects of will are freely chosen. The will wills some things *naturally*, not deliberately or freely. At least this is Thomas's view, and I see no reason to think that the encyclical opposes it.[10]

So I would suggest that the sentence be read simply as affirming that freely chosen kinds of behavior are, as such, objects of the will. Surely this is the point that the encyclical is concerned to uphold. What is problematic about the positions that it is criticizing is not their holding that realities other than freely chosen kinds of behavior, for instance God, or "states of affairs," can be objects of the will. What is problematic is their neglect of the fact that freely chosen kinds of behavior too are objects of the will, and are, as such, moral objects.[11]

> [4] To the extent that it is in conformity with the order of reason, it is a cause of the goodness of the will; it perfects us morally, and disposes us to recognize our ultimate end in the perfect good, primordial love.

[10] See *ST* I–II, q. 10, a. 1.

[11] Of course my translation alters the word order of the Latin version. I treat "ratio sese gerendi libere electa" as the subject, and "obiectum actus voluntatis" as the predicate complement. Such constructions are very common in Latin. See, for example, "Spiritus est Deus" (Jn 4:24). This is not a definition of spirit, nor even a universal proposition about it. (Cf. 1 Jn 4:1.) It means that God is spirit.

This requires little comment. It is giving us the proper criterion of morality: the order of reason toward the true last end. It is in relation to this that we evaluate a freely chosen kind of behavior, when we are looking at it from the perspective of the acting person.

> [5] (See section C below.)
>
> [6] The object is a proximate end of deliberate choice, which is a cause of the will of the acting person.

Here, I assume, "the object" is the one indicated in the previous sentence, the "object of a given moral act." A moral act is an act proceeding from a deliberate will. Not every moral act *is* a choice, but if it is not, it is at least an object of a choice. The object of a choice, that which is chosen, relates to the choice as "proximate end." It relates as "end," because a choice is nothing other than a kind of desire or inclination, a deliberate one, and to be an object of inclination is to be an end; and it is called "proximate" so as to distinguish it from any further end or ends for the sake of which it is chosen. Further ends are of course important, but they do not enter into the very substance of the choice, or specify it, as its object does.

By presenting the object of choice as an end, the sentence shows how the choice is a "cause," a determination, of the acting person's will. A person's power to relate to things as ends is nothing other than his will. The sentence is reaffirming that what is chosen always pertains to the domain of that upon which the goodness or badness of the will depends.

For the present purposes, I do not think the rest of *Veritatis Splendor* §78 needs to be examined in detail. It gives the conclusion toward which our sentences are moving. While granting that the chooser's further intentions ("remote" ends) and the "totality of foreseeable consequences" are important factors in moral evaluation, it insists that these are not the only "moral objects." The object of the choice itself is a moral object, indeed the first to be considered. It is good when it is in accord with the pursuit of the person's true good, which requires respect for the "elements of human nature" and which has as its ultimate terminus and measure the goodness of God. But now let us go back to our passage's fifth sentence.

The Object of Choice Is Always a Moral Object

> [5] It is therefore wrong to understand, as object of a given moral act, a process or an event of the merely physical order, to be assessed on the basis of its ability to bring about a given state of affairs in the outside world.

This is the sentence that bears most directly on the main question of this paper: whether physical or bodily entities can be objects of moral acts. Taken by itself, the sentence does seem to answer negatively. Nevertheless I think it would be a mistake to read it in this way, because I do not believe that it is meant to answer that question at all. The question that it is meant to answer is whether an object of choice can be something "premoral," or "ontic," or "*merely* physical"—something that is not in itself a moral object. To this the answer is no. But this is not to say that the object of choice cannot be something physical. It is only to say that the object cannot be *merely* physical. Whatever else an object of choice is, it must be moral too. It must be susceptible, in itself and not just in view of what it can bring about, of evaluation according to the rule of reason ordering to the last end, that is, moral evaluation.

Read in its context, can the sentence admit any other interpretation? Prior to *Veritatis Splendor* §78, the document has repeatedly signaled the existence of erroneous positions according to which the object of choice may be something that in itself is "non-moral" or "premoral" or "ontic" or "merely physical." Of course no one is saying that what is merely premoral can itself be a moral object. But according to the encyclical, there are those who say that the object of what is *in fact* a moral act, indeed what is in some way the *primary* moral act—choice—may be only premoral. They are divesting choice itself of its moral character.

As we read in passage 6 above,

> Some authors do not take into sufficient consideration the fact that the will is involved in the concrete choices which it makes: these choices are a condition of its moral goodness and its being ordered to the ultimate end of the person. Others are inspired by a notion of freedom which prescinds from the actual conditions of its exercise, from its objective reference to the truth about the good, and from its determination through choices of concrete kinds of behavior.

Our six sentences from *Veritatis Splendor* §78 are a synthetic response to both groups. The fifth is a very direct and explicit response to the view presented in text 2, according to which

> specific kinds of behavior, which are judged to be morally right or wrong only on the basis of a technical calculation of the proportion between the "premoral" or "physical" goods and evils which actually result from the action. This is pushed to the point where a concrete kind of behavior, even one freely chosen, comes to be considered as a merely physical process, and not according to the criteria proper to a human act.

The entire concern of *Veritatis Splendor* §78 is to affirm the moral character of *all* choices—not just the "fundamental options"—and the evaluability of their objects according to the criteria proper to a human act, moral criteria. The objects of the chooser's further intentions and the "totality of foreseeable consequences" are important too; but they are not the only "moral objects."

The erroneous positions treat the object of choice as though it were not always something embraced by the chooser's own will. They are making it subject to moral evaluation only in a kind of indirect way. It is as though the chosen behavior were on a par with an event that the chooser's will does not directly originate or intend, one that is "in his power" only in the sense that he could voluntarily prevent it.[12] Whether or not he should prevent it would depend on factors outside the nature of the event itself: its foreseeable consequences, the chooser's other responsibilities at the time, and so on. Only if, in view of these other factors, he ought to intervene to prevent it, can he be held responsible for its occurring or be considered a voluntary cause of it.[13] On this account, nothing about the moral quality of the chooser's will can be determined by looking solely at the chosen behavior or the choice of it. The behavior cannot even be judged morally indifferent. It is simply premoral, not yet pertaining to the moral order, "merely physical." But in truth this is not how a person relates to his chosen behavior. It is not just something that he does not will to prevent. It is something that he positively, directly wills to do. It has become an end of his, by his very choice of it.

But does this say anything about what a person's chosen behavior can or cannot *consist* in? The sentence is certainly not denying that the behavior can bring about results in the outside world.[14] It is saying that these are not the sole factors to consider in assessing the behavior. The chief factor is the behavior itself. As is clear from passage 2, what is at stake is whether moral *criteria*, moral norms, are applicable to the behavior itself. Of course the theories being criticized give the term "physical" a technical sense that excludes moral criteria, the sense of "premoral." But if we take the term in the ordinary sense of "bodily," I see no reason to read the sentence as a denial that the behavior can be something physical.

[12] In this paragraph I am drawing on the interpretation given by Enrique Colom and Angel Rodríguez Luño, *Elegidos in Cristo para ser santos* (Madrid: Palabra, 2000), 163–67, 182–85. The authors explain that the erroneous positions treat the object of choice as though it were praeter-intentional, to be evaluated according to the principle of "double effect." See also Angel Rodríguez Luño, "*Veritatis splendor* un anno dopo. Appunti per un bilancio (II)," *Acta Philosophica* 5 (1996): 57–58.

[13] On this sort of situation, see *ST* I–II, q. 6, a. 3.

[14] See also texts 3, 5, and 8 above.

If anything, it seems to me, the document's argument is much more to the effect that *no matter how* physical or bodily a chosen behavior is, it is nevertheless *also* a moral object. It is moral by the very fact that it is chosen. Surely one of the chief concerns of *Veritatis Splendor* is to reject the relegation of bodily entities and bodily goods to the domain of the merely "premoral." It is insisting on the "moral meaning of the human body." Passage 1 is just one place where this concern is expressed. Of course the "moral meaning" is not itself a bodily feature. It is a relation to man's whole true good and to the order of reason directing the pursuit of that good. But what has this relation is the body itself.

As I indicated earlier, I will not address the question of how moral norms about the use of our bodily parts and functions are formed. I think this is complex. It surely involves more than simply considering how a given use of a bodily part or power relates to that part's or power's own particular nature. For instance, although amputation goes against the nature of the part amputated, it may in some cases be quite legitimate or even praiseworthy. The primary moral question is always how the action relates to the order of reason toward the last end.[15] But how moral norms are reached is one question, and what the norms apply to is another. Does the rebuttal of the charge of physicalism require denying that the actions that moral norms measure, or that pertain to the moral order, can even *consist* in uses of bodily parts and powers? Would that not render some of the norms themselves nugatory? In any case, what I have tried to show is that *Veritatis Splendor* §78 is making no such denial. It is not drawing a rigid separation between objects of choice, or moral objects, and the "physical order." It is only insisting that an object of choice cannot belong solely to the physical order. An object of choice must in any case belong to the moral order; that is, it must be a moral object.

Now I shall turn to Thomas's account of moral acts, their objects, and their specification. As I said, I am not sure just how far my reading of Thomas on this differs from that of Professor Rhonheimer. I am not even sure how far the reading I have just given of *Veritatis Splendor* §78 differs from his, though some difference seems undeniable.[16] In any case, before looking at Thomas, let me note two very fundamental points on which I fully concur with Rhonheimer.

The first point is one of the most prominent ideas in his ethical writings: that the first proper principle and measure of moral acts is *reason*. We

[15] See *Veritatis Splendor* §72.

[16] Cf. Rhonheimer, "The Perspective of the Acting Person," 461–62.

should be grateful to him for insisting on this and keeping it before us. There can be no doubt that it is Thomas's view.[17]

The other point is that many human acts have a bodily dimension. In these, Rhonheimer says, "a materiality proper to the 'physical' nature of the act is also present," and sometimes so much so that it is "a materiality that enters into the constitution of the object. In particular cases, this natural matter of the act can have a special importance for reason, due to the fact that we are speaking of a nature that doesn't merely surround us, but that we ourselves *are*."[18]

Where I think I differ from Rhonheimer is on exactly how far a physical nature can enter into the constitution of a moral act and its object. I wish to say that it can play a *formal* role. I do not see how to say otherwise without consigning everything physical about what we do to the domain of the praeter-intentional, and so, ultimately, to the "merely premoral" domain. However, I stress that if indeed a physical nature can play this role, it will only be insofar as the role is conferred upon it by reason. Reason is the *first* formal principle of human acts. All others depend on it. In a way, then, the issue would be only the scope of reason's dominion. I think my account makes it broader.

St. Thomas on Commanded Acts and Their Objects

Before getting into the question of the possibility of physical or bodily objects of human acts, it will be helpful to survey some general elements of St. Thomas's doctrine of the human act, especially regarding what he calls exterior or commanded human acts and their specification. I take these up in section C below. Before that, I explain why I focus on commanded acts (section A), and I offer some reflections on the general notion of the "specification of action" and on what it means to say that acts are specified by their objects (section B).

The Typical Object of Choice: A Commanded Human Act

As we saw, the central concern of *Veritatis Splendor* §78 is choice and its object. I suggested that for St. Thomas as well, choice is in some way the moral act *par excellence*. What sorts of things can be objects of choice? The field is very broad. But it does not include absolutely everything. Thomas identifies three features that any object of choice must have.[19]

One is that it is *ad finem*, ordered toward some end that is distinct from it (though perhaps intrinsic to it). Every choice presupposes a desire for

[17] See, *inter alia, ST* I–II, q. 18, a. 5; q. 100, a. 1; q. 104, a. 1.

[18] Rhonheimer, "The Perspective of the Acting Person," 508.

[19] *ST* I–II, q. 13, aa. 3–5.

some end. What is chosen is understood to be somehow favorable to the end, and it is chosen on this account.

Another feature is possibility. No one chooses what he thinks impossible. What is impossible cannot be favorable to anything.

And third, what is chosen is always a human act, something the chooser can do. In saying this, Thomas does not entirely exclude other entities, which he lumps together under the term *res*, "things," from the scope of choice. We do speak of choosing a president, a tie, a color; and indeed such entities can be both possible and favorable to an end. But, Thomas says, some action will also fall under the same choice: an action by which the "thing" chosen is either made or used. We choose to name a president, to wear a tie, to paint the wall green.

Now, as we saw, Thomas divides the genus of human acts into two sorts, elicited or interior, and commanded or exterior.[20] These are not quite on a par. That is, they are not two independent species of the genus. Commanded acts are human in *virtue* of elicited acts. All human acts proceed from the will. Some proceed from it immediately, such as to will, to intend, to choose, and so on; they are elicited from it. Others proceed from it mediately, through powers under the will's command. The powers are moved to them by elicited acts of will. Note that in fact Thomas calls both types acts *of will*. " 'Act of will' is of two sorts: one which is of it immediately, namely, to will; and another which is an act of will commanded by the will and exercised through another power, such as to walk and to speak."[21]

Choice is of course an elicited act. As for its object, Thomas makes it clear that both elicited and commanded acts can be chosen. We can choose between willing and not willing, and between doing and not doing; and also between willing this or willing that, and between doing this or doing that.[22] Still, I think that we can say that the more typical object of choice is a commanded act, one carried out by some power other than the will—what *Veritatis Splendor* calls a "freely chosen kind of behavior." The things that we choose are the things that we deliberate about. Do we not deliberate more about whether and what to *do* than about whether and what to *will*?

In any case, Thomas characterizes the relation between the will and the power that exercises a commanded act as that of a principal agent to

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[20] Very helpful on this distinction is David M. Gallagher, "Aquinas on Moral Action: Interior and Exterior Acts," *Proceedings of the American Catholic Philosophical Association* 64 (1990): 118–29.

[21] *ST* I–II, q. 6, a. 4.

[22] *ST* I–II, q. 13, a. 6.

an instrument. By the will, we *use* the powers that are subjected to it. Several of the powers of the human soul are subject to the will's use: reason, the will itself, the sense-appetites, and the motor powers of the external bodily members. Concerning the bodily members, Thomas quotes St. Augustine: "the mind commands that the hand move, and it is so easy, that the command is hardly distinguished from the service."[23] Some commanded acts, then, include bodily movements.

This is not to say that they are *nothing but* bodily movements. Here I am not referring to the fact that they are also "moral" acts, as *Veritatis Splendor* is insisting any object of choice must be. I am referring to the fact that every commanded action includes, as an integral component, a certain elicited act of the will; namely, the will's very use of the power or member by which the command is executed.[24] This "usus" is an act distinct from the choice to perform the action. The choice is a certain tendency or inclination in the will toward the action, and it may exist before the action is even begun; as one might choose today to take a walk tomorrow. But when tomorrow comes, it is not that one's legs simply set off on their own, as though they had been preprogrammed by the choice. What is preprogrammed by the choice is only the will itself. There must also be an act of will that begins simultaneously with the exercise of the motor powers. This is not another choice. (Of course one *could* make another choice at that time.) It is the will's application of the powers to the execution of the chosen action, its use of the powers. It is *I* who take a walk, using my legs. Commanded acts are acts *of* the will. Although they are attributed to other powers too, this is only as to their instruments. What they are chiefly attributed to, the primary agency, is the will.

Because a commanded act is an act of will, which is intellectual appetite, it also involves a certain act of practical intellect. The will's application of a power to some act, its use of the power, requires a conception of the act and of the power's order to it. Conceiving order is proper to intellect. In fact the choice of an action already depends on the intellect's having formed a conception of the action and a judgment of its choice-worthiness, typically through deliberation. But in virtue of the choice, the conception takes on a kind of moving force or active thrust. It becomes a command. This is the intellect's most properly *practical* kind of act.[25] And just as the will's use of the power of executing is integral to the act as a whole, so is the intellect's command. Thomas in fact says that the

[23] *ST* I–II, q. 17, a. 9, *sed contra*.

[24] See *ST*, I–II, q. 16, *passim*; and q. 17, a. 3.

[25] See *ST* II–II, q. 47, a. 8. On command as an act of intellect having "moving force," see *ST* I–II, q. 17, a. 1.

command and the act commanded constitute a single, composite human act. The command is the *formal* component.[26]

So a commanded human action is never a purely bodily affair. Nor is it only something that has previously been conceived by the intellect, in deliberation, and accepted by the will, in choice. Acts of intellect and will are also integral to it, *as* an action; that is, as proceeding from its agent.[27] This is why it is intrinsically voluntary, even if only secondarily so.

But of course the operation of the power that is used to execute the action is also integral to the action. It is the use's very terminus and completion. Sometimes the power used is bodily. Can we say, then, that sometimes a "freely chosen kind of behavior," a commanded human act, is a kind of bodily operation? Or more precisely: in order to have before us an item that is fit for moral evaluation, can it suffice to name a kind of bodily operation and add the qualification "voluntary"? Do such names, by themselves, even allow that qualification? Can, for example, raising one's arm, or swallowing a morphine capsule, or stabbing someone with a dagger, or copulating, be, as such, a voluntary action—and so, as such, a moral object?

It may seem that the answer is obviously yes. Yet there are serious problems.[28] These begin to emerge when we consider more closely what is meant by a "kind of behavior" or a "kind of action," and what is required for a kind of action to be a possible object of choice, and a moral object, at all. What is called the "specification" of commanded human acts is a more complicated topic than one might suspect. I shall return to the particular issue of bodily kinds of acts in part III. In the rest of this part, I shall explore some problems concerning the specification of commanded acts generally. They all have to do with Thomas's simple affirmations in the article cited by *Veritatis Splendor* §78 (*ST* I–II, q. 18, a. 6), that the interior and exterior acts of the will each has its object, and that the exterior act takes its species from the object that it bears upon, "ab obiecto circa quod est." In the following section, I offer a few reflections aimed at avoiding misunderstandings about the meaning of the "specification of acts by their objects." Then in section C, I take up three problems concerning the possibility of specifying commanded human acts by objects.

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[26] *ST* I–II, q. 17, a. 4.

[27] "Actio consideratur ut egrediens ab agente": *ST* III, q. 13, a. 1, ad 2.

[28] Several of the problems that I shall entertain reflect arguments advanced in Rhonheimer, "The Perspective of the Acting Person," which I shall signal with "cf." However, the formulations of them are my own. I cannot always be sure that Rhonheimer would endorse these. If not, then of course my resolutions are not genuine responses to him. (What I most hope is that they are genuine resolutions.) In a few places I do firmly ascribe certain assertions to him and discuss these.

The Meaning of "Specification by Object"

Acts are specified by their objects. This is a very familiar teaching of Thomas's. But we should make sure not to lose sight of what "specification of action" refers to in the context of this teaching. It is easy, I think, to take it as referring to the identification of what an agent is doing at a given time. "What is he doing?" Is this not a request to "specify" his action? In a sense it is, but not in the sense in which an action is specified by an object. It is one thing to say or show or display that something is of this or that kind; it is quite another to be the formal principle in *virtue* of which the thing is of the kind that it is. Objects "specify" in the latter sense. It is analogous to the way in which substantial forms specify substances. Horses, for instance, are specified by horse souls. Their souls are what make them to be the kind of substance that they are—horses. But if you see some beasts roaming far off in the field, and you cannot quite make out what kind they are, it will not help much to be told that they are whatever kind their souls make them to be. What could help is a pair of binoculars.

Now, whereas a single substance can only be of one kind, it is quite possible for a single agent to perform many different kinds of action, even at the same time. There can be many true answers to the question, "What is he doing?" For each answer, or for each kind of action that he is performing, there will be something, distinct from the action, to which the action is related, and on which the action's being of that kind depends. This is the object of that kind of action. The kind depends on it, in the sense that it is included in the kind's essence or definition. In the definition of stealing, for instance, there is what Thomas calls *res aliena*, "a thing that is not one's own."[29] To steal is to take a thing, secretly, that is not yours to take.[30]

Of course, even with a substance, it is possible to give many different true answers to the question, "What is it?" by using terms of greater or lesser generality. A horse is at once a horse, and an animal, and a living

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[29] Thus, "res aliena est proprium obiectum furti dans sibi speciem": *De Malo,* q. 2, a. 7, ad 8.

[30] I say "not yours *to take*." For Thomas, the relation of *aliena* that the thing has to the thief may be solely with respect to his taking it. There are cases in which something taken does, absolutely speaking, belong to the taker, but his taking it is nevertheless wrong; and Thomas calls such taking theft: *ST* II–II, q. 66, a. 3, ad 3, and a. 5, ad 3. Conversely, I think we can say that although a policeman who confiscates stolen goods in order to restore them to their owner takes things that, absolutely speaking, are not his, nevertheless, under the circumstances of the confiscation, they *are* his to take. Cf. Rhonheimer, "The Perspective of the Acting Person," 464–65. (As for the case of someone who takes something from its owner merely in order to play a joke, this would be blameless only on the supposition that he restores it quickly, such that practically speaking the owner is not really deprived of it.)

thing, and a body, and a substance. Likewise, if someone is committing murder, then he is also injuring someone, and sinning, and performing a human act. But this is not the only way in which many answers might be given to the question of what someone is doing. It is possible for a person to be performing many equally specific kinds of action at the same time. None is merely a genus to which another belongs.

To use an example from Elizabeth Anscombe: A man may be, at one and the same time, moving his arm up and down, pumping water, replenishing a house's water supply, and poisoning the house's inhabitants.[31] There is an order among these: The man performs each subsequent kind of action *by* performing the previous one. However, his performing any one of them does not, by itself, entail his performing any of the others; any prior one is a kind of action that might be done for some other purpose instead, and any subsequent one is a kind that might be done by some other means. The fellow might also be doing something that is not even part of the chain; for instance, she says, beating out the rhythm of "God Save the King" with the pump. This is not related to poisoning the inhabitants either as means to end or as end to means. There is no order between them at all. He just happens to be doing both.

In Anscombe's presentation, all of these are kinds of action that the man performs *intentionally*. They are human actions. He can be doing them all at once, because he can be intending many termini of action at once. There may be order among the termini, one being a means to another; or there may be no order. Thomas is explicit about these possibilities.[32]

He is also explicit about the fact that an object that gives a species to a human act must fall under the agent's intention. Indeed every "agent," human or not, acts from an inclination or a tendency toward something.[33] What is peculiar about human agents is that they can form their own tendencies, through deliberation and choice. But of all the things that are somehow involved in a human agent's action, only what the agent bears or trains the action upon is properly an object that specifies it.[34] A speci-

[31] G. E. M. Anscombe, *Intention* (Ithaca, NY: Cornell University Press, 1963), §§23 and 26.

[32] See *ST* I–II, q. 12, a. 3; I–II, q. 18, a. 7, ad 1.

[33] *ST* I–II, q. 1, a. 2.

[34] It need not be that the action always "touches" or "affects" its object. The expression *materia circa quam* is in fact quite felicitous, because it covers the objects of both "transitive" and "immanent" actions. Only the former really affect the things they bear upon; the action as it were passes from agent to object. An immanent act remains in its agent, even when the object is external. The act bears on the object by way of a likeness of it in the agent. See *ST* I, q. 54, a. 1, ad 3; and I, q. 56, a. 1; also I, q. 85, a. 2; I–II, q. 67, a. 6, ad 2.

fying object of action is something that the agent "targets" and to which he knowingly proportions or adjusts the instruments by which he performs the action, as the archer adjusts his bow and arrow.[35] The target is the object of his bowshot and falls under his intention.[36]

Thus, in his account of the specification of sins, Thomas says that even if the object of a sin is the "matter about which the act terminates," nevertheless it also has the *ratio* of an end, "insofar as the intention of the agent is borne toward it"; and it is in this way that the object gives the act its "form," its species.[37] If a hunter mistakes a man for a deer and kills him, he has not performed a human action of the sinful kind "murder," because a man was not what he *intended* to kill. More succinctly, Thomas says that a sin has its species chiefly according to that which is related per se to the sinner, "who intends to perform such a voluntary act in such matter": *qui intendit talem actum voluntarium exercere in tali materia*.[38]

In a sense, then, we can say that actions are specified by the intentions that they embody. But this is not to eliminate the specifying role of the object or the "matter," or even to subordinate its role to that of the intention.[39] The matter specifies the intention too. An intention is not specified in an "absolute" way.[40] It is essentially relative to something else, and what it is relative to is a principle of it, part of its definition. For instance, the definition of the intention embodied by an act of murder includes "a human being," the intended victim.

If one and the same agent can perform many kinds of actions, even at the same time, it is also possible for one and the same thing to be the object of many kinds of action, even at the same time. Chesterton has a story about a man who devises a "gun camera": as you shoot someone's picture with it, you also shoot him. The same person is at once the object of both "shots," and although they have the same name, they are hardly the same

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35 *ST* III, q. 45, a. 1: "Sagittator non recte iaciet sagittam nisi prius signum prospexerit in quod iaciendum est."

36 Thomas calls the target *(signum)* the end of the arrow's movement in *ST* I, q. 103, a. 1. In I–II, q. 4, a. 4, ad 2, he presents the end as *striking* the target. See below on the distinction between *finis cuius* and *finis quo*.

37 *ST* I–II, q. 73, a. 3, ad 1.

38 *ST* I–II, q. 72, a. 1.

39 For a very helpful inquiry into the relation between intention and *materia circa quam* in the specification of action, see Steven Jensen, "A Defense of Physicalism," *The Thomist* 61 (1997): 377–404, esp. secs. VI and VII.

40 I take this expression from *ST* I–II, q. 35, a. 4: "Est autem considerandum quod quaedam specificantur secundum formas absolutas, sicut substantiae et qualitates, quaedam vero specificantur per comparationem ad aliquid extra, sicut passiones et motus recipiunt speciem ex terminis sive ex obiectis."

kind of action. This might tempt us to think either that there is nothing in the object of one to differentiate it from the other, or alternatively, that the specifying object of each is something other than the "thing" (the person) that it bears on. But what we need to remember is that if a thing has the power to be a formal principle of a certain kind of action, this is because, and insofar as, it has in itself a certain form or *ratio*. This *ratio* is what the action's kind is a function of. It is what sets up the proportion, between the action and the object, that constitutes the kind. The very same thing can be the object specifying different kinds of action, because it has diverse formal *rationes* in it. A person is object of the act of photographing by reason of his color, and so on; he is object of a gunshot by reason of the features enabling him to be struck by a bullet.

The same *particular* formal *ratio* may even specify different actions, insofar as this *ratio* is itself an instance of diverse *common* ones, relating it to diverse *powers*.[41] Each power is defined by a *ratio* that is common to the particular *rationes* of the objects that specify its various acts. Acts of diverse powers differ *generically*. Yet the *ratio* that specifies the acts may be the same. For example, heat, insofar as it has the common *ratio* of physical quality, functions as a *ratio* according to which a body is altered. Insofar as it is a type of tangible form, it functions as a *ratio* according to which something is felt by touch. Insofar as it is a type of sensible form, it functions as a *ratio* according to which something is perceived by the common sense.[42] Insofar as it is a type of perfection or goodness, it functions as a *ratio* according to which something is desired ("turn up the heat!"). And insofar as it

[41] Joseph Pilsner, in his fine book, suggests that the object's specifying role is seen when the object is viewed "not as an isolated component, but as the final and decisive element to be added to *what is already assumed* about the external action": Joseph Pilsner, *The Specification of Human Actions in St. Thomas Aquinas* (Oxford: Oxford University Press, 2006), 90, original emphasis. Pilsner is examining how "a spiritual thing" can be considered the object specifying simony. Simony is not the only kind of action that bears on a spiritual thing; a spiritual thing makes an action bearing on it to be simony only if the action is selling it. So in saying that object specifying the action of simony is a spiritual thing, we are already assuming that the action of simony is some kind of selling. I think this is right. I would only add that in assuming this, we are also assuming something about the object itself. That the action is a selling depends on something in the thing, namely, its being sellable or having a potential buyer. So we could say that the object of simony is a sellable spiritual thing.

[42] Thus, "obiectum sensus communis est sensibile, quod comprehendit sub se visibile et audibile; unde sensus communis, cum sit una potentia, extendit se ad omnia obiecta quinque sensus": *ST* I, q. 1, a. 3, ad 2. The same *ratio* falls under "visible" and "sensible." On the general doctrine, see *ST* I, q. 77, a. 3, esp. ad 3 and ad 4.

is a type of form simply, it functions as a *ratio* according to which something is understood. This point will be important when we return to the question whether a moral act can be a physical act.

The Object of the Exterior Act

Now let us look at some problems connected with the very idea that the exterior act has an object by which it is specified. The discussion of these will help with the question of the possible physical character of the exterior act and of the object of choice. The problems all have to do with the fact that, as can be seen from the various examples already considered, the typical object of an exterior act is a "thing." I use this term in a very general sense: something that is not an action. I say "typical," because it is indeed possible for one exterior action to have another for its object. The object might be someone else's action, as when I listen to someone speak; or it might even be another action of mine, as when I watch myself type. But it seems to me that even if we have a series of actions, each having the next for its object, eventually the series must finish with an action whose object is a non-action. Otherwise there would be either an infinite regress or an action with no distinct object at all.[43]

The examples in Thomas of actions whose objects are "things" are beyond counting. We already saw that he makes the object of stealing a *res aliena*. The object of simony is a spiritual thing.[44] The object of teaching is twofold: the subject-matter and the students.[45] The object of almsgiving would be the alms and the recipient. Quite generally the objects of acts of justice and injustice are "exteriores res," exterior things—not as to producing them, since production is the domain of art or skill rather than of morals, but as to using them in relation to another person.[46] In the article in which he argues that human acts have their first moral goodness or badness from their objects, Thomas illustrates the point by contrasting *accipere aliena*, which is morally bad, with the morally good *uti re sua*.[47] And so on.[48]

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[43] I would maintain that for Thomas, only in God is there action whose specification is not by something distinct from it. Some texts would be *ST* I, q. 14, a. 2; a. 4; a. 5, ad 3; I, q. 54, a. 1, c. and ad 3.

[44] *ST* II–II, q. 100, a. 1.

[45] *ST* II–II, q. 181, a. 3.

[46] *ST* II–II, q. 58, a. 3, ad 3.

[47] *ST* I–II, q. 18, a. 2. Literally this means "using one's own thing." Perhaps its moral goodness would be better conveyed by something like "minding one's own business."

[48] For other examples, see Pilsner, *The Specification of Human Actions,* 79–80.

The Materia Circa Quam *as an End*

But even if it seems obvious that many actions bear upon "things," non-actions, can it really be a "thing" that gives an action its species? A first problem—the chief one, I think—arises from something we saw earlier. What specifies an action must be something that falls under the agent's tendency or intention. This means that it must be an *end*. Ends are what intentions bear upon, and human acts are specified by ends. We did see that Thomas says that the object of an action, even though it is the "matter" about which the action terminates, also has the character of an end insofar as it falls under the agent's intention.[49] But how should we understand this? Are not the ends that specify human acts *practical goods*, and is not a practical good precisely an *action*?[50] An exterior action that is chosen and intended is certainly the object of the choice and the intention, and it specifies them. But if the exterior action in turn has an object and end of its own, and if this is some "thing," a dilemma seems to arise. It comes to a head in relation to the question of the agent's "ultimate" end.

If an agent's intended action is always ordered to an object that is not an action, and if this too is something he intends, then there seem to be only two possibilities. Either this non-action is the agent's ultimate end, or else he intends it for the sake of some still further end. If that further end is another action, then *ex hypothesi* there will also be another non-action that he intends as this other action's own object. So the same alternatives arise again: Either this non-action will be his ultimate end, or else it will be intended for something further. Now, this series of ends, alternating between actions and non-actions, either does or does not come to a stop. If it does, there will be both a last action intended and a last non-action intended; but the absolutely last end will be the non-action, since this will be the object and end of the last action itself. Yet Thomas teaches both that whenever a person acts humanly, there must be something that he intends as his last end, his beatitude (so the series comes to a stop); and that whatever it is that is truly fit to be human beatitude must be an action.[51]

Nevertheless Thomas could hardly be clearer about the fact that the goodness of good actions is a function of the "things" that they are about, their *materia circa quam*, and that the things too, as such matter or objects, have the character of goods and of ends. This comes out perhaps most

[49] See above, at notes 37 and 38. Another text: "Ad quartum dicendum, quod est duplex materia: ex qua, vel in qua, et materia circa quam: et primo modo materia dicta non incidit in idem cum fine: sed secundo modo est idem cum fine: quia objectum finis actus est": *In II Sent.,* d. 36, q. 1, a. 5, ad 4.

[50] Cf. Rhonheimer, "The Perspective of the Acting Person," 485.

[51] *ST* I–II, q. 3, a. 2.

sharply in his treatment of the last end. It is true that the ultimate perfection in man is an action, and this is what happiness is. But happiness is *only* this: the ultimate perfection *in* man, inhering in him. That which is truly fit for a human agent to intend as the ultimate perfection inhering in him cannot be his mere existence, nor can it be some mere part or power or quality: It must be an action. But, this action will have an object. And the object of the action that is true human happiness is a *res* that is *not* a human action and not something inhering in man, not something of which man is the subject or the agent at all. It is God. True beatitude is to behold God. God is what the beholding bears upon, its *materia circa quam*. Of the two—beholding God, and God himself—that which Thomas judges to be most unqualifiedly "the last end of man" is in fact the latter, the *res*, God himself.[52] That man's absolutely last end is God himself certainly seems to be the teaching of *Veritatis Splendor* as well.

Thomas is aware, I think, that it can sound odd to attribute the status of an end to what is not a human action, especially if it is not even caused or affected by one. God is neither an *agibile* nor a *factibile*. He is entirely outside the domain of the contingent and the mobile. Aristotle too was aware that it can seem odd to posit an end or a final cause in the domain of the immobile. This is why he called attention, though only very succinctly, to two distinct senses of "end." Thomas spells out the distinction.

> Something can be another's end in two ways. In one way, as pre-existing: as the center [of the earth] is called the pre-existing end of the movement of heavy things. And nothing prevents an end of this sort from existing among immobiles. For something can tend by its motion toward sharing somehow in something immobile. And thus the first immobile mover can be an end. In the other way, something is said to be the end of something, as that which is not in act, but only in the intention of the agent by whose action it is generated, as health is the end of medical activity; and this sort of end is not in immobile things.[53]

At many points in his treatment of man's last end, and also elsewhere, Thomas appeals to this distinction under the expressions *finis cuius* and *finis quo*.[54] He uses it to explain how God can be man's last end: *as finis*

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[52] *ST* I–II, q. 2, a. 8; q. 3, a. 1.

[53] *In XII Meta.,* lect. 7, §2528 (Marietti). The passage concerns *Metaphysics* XII.7 (1072b1–3). On its seeming that there can be no final cause in immobiles, see *Metaphysics* III.2 (996a22–35).

[54] See, *inter alia, ST* I, q. 26, a. 3, c. and ad 2; I–II, q. 1, a. 8; q. 2, a. 7; q. 3, a. 1; q. 3, a. 8, ad 2; q. 5, a. 2; q. 11, a. 3, ad 3; q. 13, a. 4; q. 16, a. 3; q. 34, a. 3; q. 56, a. 1; *Quodl.* VIII, q. 9, a. 1.

cuius. This is "the *res* itself in which the *ratio* of good is found." The *finis quo* is "the use or attainment of the *res*."[55] Here Thomas again illustrates the distinction with the movement of heavy bodies, the end of which is in one sense the "lower place," and in the other, "being in the lower place." He also gives an example from worldly affairs: The miser's last end is in one sense money, and in the other sense the possession of money.[56] The money, of course, is the *object* of the possession, its *materia circa quam*.

The distinction is not confined to the last, overarching end. Human agents also have "intermediate" practical ends. In comparison with the last end these are only means, *ad finem*; but each is still a genuine terminus toward which the agent orders and aims himself. Most of the actions that we choose to apply ourselves to are "intermediate" ends. What is chosen is, as such, something toward which the chooser, as such, tends. As *Veritatis Splendor* §78 says, it is the "proximate" end of the choice. Thomas explicitly applies the distinction between the two senses of "end" to the object of choice. He does so in the very article in which he argues that choice is properly of human actions.[57] A "thing" can very well be chosen, and be the proximate end of a choice, though only insofar as some action about it is too.

So I think it is clear that both an exterior action and the thing that the action bears on, its *materia circa quam*, can be understood as ends. I have already used the term "target" to try to convey how the thing that an action bears on can be understood as an end. Of course, insofar as things are "ends" and fall under intention, they must be objects of the agent's will. It is the will that relates to something *sub ratione finis*, and intention is an interior or elicited act of the will. But Thomas leaves absolutely no doubt that the will can relate to "things," non-actions, in this way.[58] Indeed he insists that anything that functions as the *materia circa quam* of a commanded or exterior human act, specifying it, *must* also be functioning as an object of an elicited or interior act of the will; this is *why* it specifies the exterior act.[59]

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[55] *ST* I–II, q. 1, a. 8. Here Thomas cites *Physics* II and *Metaphysics* V. The *Metaphysics* V reference is unclear; there is a brief discussion of final cause in V.2 (1013a33–b3 and b25–28), but the distinction between the two senses is not mentioned. Perhaps the intended reference is to Book XII. The *Physics* passage is II.2 (194a95–96). The distinction also appears in *De anima* II.4 (415b2–3 and 17–21).

[56] See also *ST* I–II, q. 16, a. 3.

[57] *ST* I–II, q. 13, a. 4.

[58] See Pilsner, *The Specification of Human Actions,* 87–91.

[59] *ST* I–II, q. 72, a. 3, ad 2: "Obiecta, secundum quod comparantur ad actus exteriores, habent rationem materiae circa quam; sed secundum quod comparantur ad actum interiorem voluntatis, habent rationem finium, et ex hoc habent quod dent speciem actui." For further discussion of this text, see below at note 112.

The exterior act has no object that is not also an object of an interior act. As we saw before, what an action is properly "about" is not just anything that it happens to be involved with. It is what the action is trained upon or targets, and what a human action targets is what its agent intends that it target, what he applies it to by his will.

We should not misunderstand this. It is not that the matter of an exterior act is merely something "out of which" something *else* is constituted as an end, an object of the will, and a specifying principle of the exterior act.[60] The matter itself is an end and object of the will, and it *thereby* plays a formal role relative to the exterior act, specifying it.[61] At the same time, the exterior act itself, as trained upon and specified by its object, is *also* an object and end of the will.[62]

The will bears on the action as specified by the thing, and it bears on the thing as object of the action. The action's status as an end and the thing's status as an end are inseparable from each other. Here is a crucial implication of the distinction between *finis cuius* and *finis quo*. Although action and object are distinct, and although both are ends, we should not think of them as distinct ends. *They are the same end*. This is not absurd, because each "is" that end in a distinct *sense*. Thus Thomas: "[A]s was said above, 'end' is said in two ways: in one way, the thing itself; in another, the attainment of the thing. Which indeed are not two ends, but one end, considered in itself, and applied to another . . . ; therefore God is not one end, and the enjoyment of God another."[63]

Here Thomas speaks of the "enjoyment" of God. Elsewhere the distinction is between the thing and the "use" of the thing. In the case of the very last end, the "use" is the same as the enjoyment. Moreover, it does not in any way affect the thing. In many kinds of action, of course, the "use" of the object is not merely a "having" or a "beholding" it, some sort of "resting" in it and "sharing in its goodness." The use often does affect and modify the object. Sometimes it even destroys the object, as in eating food. Still, we should not have any difficulty seeing food as falling under

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[60] The places in which Thomas absolutely identifies the object of an action with its matter are far too many to leave any doubt about it. One place is this: "circumstantia, inquantum huiusmodi, non dat speciem actui morali, sed eius species sumitur ab obiecto, quod est materia actus; ideo oportuit species luxuriae assignari ex parte materiae vel obiecti." *ST* II–II, q. 154, a. 1.

[61] See *ST* I–II, q. 18, a. 2, ad 2: "obiectum non est materia ex qua, sed materia circa quam; et habet quodammodo rationem formae, inquantum dat speciem."

[62] *ST* I–II, q. 20, a. 1, ad 1. See Pilsner, *The Specification of Human Actions,* 83, note 37.

[63] *ST* I–II, q. 11, a. 3, ad 3.

the eater's intention, and as something he considers good: Food is *what* he intends to eat, and he considers it good, that is, *good to eat*.

We can say something of this sort even when the agent whose action destroys what is acted upon does not expect anything further from the product of the destruction, as an eater may from the product of his eating. For example, Thomas says that sexual pleasures are matter that the virtue of temperance operates about, *materia circa quam operatur*; yet not in the sense that temperance intends to cling to such pleasures, but in the sense that, by *curbing* them, it tends toward the good of reason.[64] But we can still say that they fall under the intention of temperance, *as* objects of this act of "curbing." Temperance intends to curb them, for the good of reason. In this respect, the temperate agent even sees something good about them, though no doubt he would be less likely to say simply that they are good in the way that the eater might say that about food. However, even when the eater says this, what he means is that the food is *good to eat*; and although the temperate person will regard some sexual pleasures (those outside of marriage, for instance) as in themselves positively bad and contrary to reason, he will also, and for the same reason, regard them as *good to curb*. Similarly, a doctor regards his patient as *good to heal*, and a murderer regards his victim, whom perhaps he considers his enemy, as *good to kill*. What I am arguing is that it is *sufficient* that the action's matter be considered good by the agent, and fall under his intention, in this way in order for it to be the action's true object and a formal principle giving it its species.

Recall again that an action and its *materia circa quam* are one and the same end. They are object of the same intention. The action is not a *means* to its *materia circa quam*. Of course it may be a means to something, some effect. An order to some effect may even be in its very definition, as its proximate and proper terminus. This entails that it is specified by the effect. For instance, an action of killing is a means to the death of the one killed, and it is at this that the act properly terminates; and so the death is what specifies the action as "killing." But the killing's *materia circa quam* is not the victim's death. An action's *materia circa quam* is simultaneous with the action. When the victim is dead, the killing has ceased. The *materia circa quam* is the victim not yet dead, the victim *undergoing* the action of killing.[65]

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[64] *De virtutibus,* q. 5, a. 4, ad 5.

[65] Thus, "alimentum transmutatum est effectus nutritivae potentiae, sed alimentum nondum transmutatum comparatur ad potentiam nutritivam sicut materia circa quam operatur." *ST* I–II, q. 18, a. 2, ad 3.

The *ultimate* specification of this action, however, is from the *materia circa quam*. Killings differ according to differences in their victims. This does not short-circuit the specification by the effect. It does not dissociate the killing's species from the death. It means that the *materia circa quam* gives the ultimate specification to the effect itself. The death to which the killing of a man is ordered is a human death; that to which the killing of a dog is ordered is a canine death. The deaths differ in kind, as the killings do, by virtue of what they are of.

As for the dilemma about the last end, we can now see that it involves a misunderstanding. It treats an action and the action's object as two different ends, one a means to the other. The series of ends does indeed come to a stop; but it does not stop at a non-action *rather than* an action. It comes to one stop, one ultimate end, which in one respect, in one sense of "end," is an action, and in another respect, a non-action. The action that is the last end is not a means to the non-action that is its object. The action is not a production, which is only a means to the thing that is the product. A production cannot be man's last end in *any* sense of the term "end." Even if someone does treat a *product* as his last end *(finis cuius)*, there is also some action, *other* than the production of the product, which is also his last end *(quo)*. The *res* that is the glutton's last end is food. His *cooking* it is only a means to it. But his *eating* it is not (for him) a means. It too is his last end, the same one. That the eating is good is a function the food's being good, its being good to eat. Of course the *res* that is man's *true* last end is not a human product, nor is it any merely physical thing. It is not even man himself, nor anything in him. Nor is it a human action.

The Materia Circa Quam *as Giving Moral Goodness and Badness*

A second problem concerning things as objects of commanded human acts arises from the fact that commanded human acts are *moral* acts, with moral species. If their objects are principles of their species, they must be also be principles of the moral goodness or badness that the acts have according to their species. In *Summa theologiae* I–II, q. 18, a. 2, Thomas in fact says that the object that determines the species of a moral act is that which gives the act its primary moral goodness or badness. I have already suggested that *Veritatis Splendor* §78 need not be understood as asserting that the only moral act is choice or that only the object of choice is a moral object. We have also already seen that in some way "things" can indeed fall under choice, albeit only together with actions bearing on them. It is not difficult to see that exterior actions themselves can be moral objects, since they are moral entities in their own right, "acts proceeding from a deliberate will." However, the "things" that are their typical *materia circa quam* are not of this

sort. The *res aliena* that is the matter of the thief's action is not a moral act, nor is it morally evil. How then can it make the action to be so?[66]

Thomas raises this objection quite explicitly. "An object of action is a thing. Yet evil is not in things, but in the use of sinners, as Augustine says in Book III of *De doctrina christiana*. So a human action does not have goodness or badness from its object."[67]

In his reply, Thomas first makes the objection a little more precise, indeed a little more "Thomistic" (and, I would say, "Augustinian"), and then he resolves it. "Granted that exterior things are, in themselves, good, nevertheless they do not always have a due proportion to this or that action. And therefore, insofar as they are considered as objects of such actions, they do not have the *ratio* of good."[68] This reply is quite in the line of our previous discussion. Just as the thing that is the object of the exterior act falls under the agent's intention as object of the act, so it is as object of the act that it can be assigned moral quality. We might draw a homely analogy: Salt is a good thing, and in itself it is quite digestible, but it makes coffee vomit-inducing. It is a vomitous *ingredient* of coffee. An innocent human being is a good "thing," very good; but (for this very reason), he is a bad object of killing, a very bad thing to kill. He is a *morally* bad thing to kill. A *res aliena* is a good thing, in itself; but it is a bad thing to take. In one place Thomas even presents *moral virtue* as something able to be the object of a bad human act: "[S]omeone can use virtue badly as an object, for instance, when he thinks badly of virtue, when he hates it, or takes pride in it; though not as a principle of use, in such a way, that is, that an act of virtue might be bad."[69] Virtue is a bad thing to hate.

We must not be misled by this way of speaking. The moral quality being attributed to the thing is not something "in" the thing. The attribution is not false, but it is only "extrinsic" attribution. The murder victim has a certain *relation* to the murder and to the evil in it.

To be sure, Thomas is also saying that the victim is a certain *cause* of the murder's being a murder, and of its being morally evil—a "formal principle" thereof. But this is not a problem. Thomas's philosophy has ample room for causes that do not have in themselves that of which they are the cause. His typical example is a medicine. This does not have the quality of

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[66] Cf. Rhonheimer, "The Perspective of the Acting Person," 467.
[67] *ST* I–II, q. 18, a. 2, obj. 1.
[68] *ST* I–II, q. 18, a. 2, ad 1.
[69] *ST* I–II, q. 55, a. 4, ad 5.

health in it, yet it can cause health in an animal. It is truly denominated "healthy," according to its causal relation to health in animals.[70]

I would say that the relation between a good thing and the bad action that bears upon it, the relation according to which the thing itself is said in a way to be bad, is not even a "real" relation. That is, the thing does not even have in itself something by which it is *ordered* to the bad action, something such as medicine does have, by which it is ordered toward health. Health is what the medicine is essentially for—it is in the very definition of medicine—whereas the bad action is not what the good thing is essentially for. What orders the thing to the bad action is only the agent who conceives of using it in that way and chooses to do so. The order is only in his intention. Yet not even this prevents the thing from being a cause of the action and of its badness. Not all causes have a "real" relation to what they cause.

A good example of this is the way in which "things" are causes of both *truth and falsity*. Just as things do not properly have moral goodness or badness in them, neither do they properly have truth or falsity. Moreover, their relation to the truth or falsity in *our* minds is not even a real relation.[71] Our thoughts about them are not included in their definitions, as health is included in the definition of medicine. It is the mind itself, by its work of abstraction, composition, and division, that brings things into the domain of the true and the false. Yet things are causes of our thoughts about them, and of the truth or falsity of the thoughts. The components of the thoughts are gathered from the things, and the thoughts are either true, because the things are as they present them to be, or false, because the things are otherwise. The things are formal principles of the truth and falsity of the thoughts. It is legitimate to denominate the things by their relations to the thoughts. "A true tragedian is a false Hector."[72]

As for the *materia circa quam* of an action,[73] this is a principle of the action's moral goodness or badness insofar as it has or lacks "due proportion" to the action. Of course it must have *some* proportion to the action; otherwise the action could not bear upon it at all. But its either having or lacking "due" proportion is its either bringing the action into harmony with the order of reason, or making it jar.

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[70] See *ST* I, q. 16, a. 1, ad 3. Thomas uses the medicine example to illustrate how the interior and exterior acts are denominated good or bad by their relations to each other: *ST* I–II, q. 20, a. 3, ad 3.

[71] *ST* I, q. 16, a. 1.

[72] *ST* I, q. 17, a. 1, ad 1.

[73] In the very next objection and reply Thomas reminds us that the object is the *materia circa quam*. *ST* I–II, q. 18, a. 2, obj. 2 and ad 2.

The Materia Circa Quam *as a Moral Object*

The proper measure of moral goodness and badness is reason's order toward man's last end. Measuring morality belongs to reason because reason is the first principle, in the human agent, of human acts themselves. Generally the goodness or badness of acts is judged by their relation to the principle from which they proceed, as to whether or not they are in accordance with the principle's order. Unlike natural forms, whose effects are always according to their order unless something *else* interferes, reason can be the origin of operations that depart from its own order.[74] It can conceive acts that deviate from its own rule directing toward the last end, and it can even see something good about these acts. That is enough for the rational appetite to be inclined to the acts and to carry them out.

However, Thomas has a passage in which reason's role as first principle of human acts may seem at odds with the thesis that the morality of a commanded or exterior human action is a function of its *materia circa quam*, or that the *materia circa quam* is a genuinely *moral* object. It can sound as though the *materia circa quam* is indeed only "matter," and that the act's moral "form" and species comes entirely from somewhere else—from reason itself. The passage is the first article in the *quaestio* on the morality of the exterior act.[75]

The issue in the article is this: Given that moral goodness and badness belong to both the interior and the exterior act, to which does it *first* belong? Thomas's answer is complex. It draws on his earlier account of the sources of moral goodness or badness in a human act: the object determining its kind or "genus," its circumstances, and the end moving its agent to it.[76]

Since the end is properly the object of the will's interior act, the goodness or badness that the end gives clearly belongs first to the interior act and derives from it to the exterior act. As for the goodness or badness that an exterior act has according to its genus and circumstances, absolutely speaking this too belongs first to the interior act—to the very act of willing the exterior act—since this is the principle moving the exterior act's execution. But in a certain respect, this goodness or badness—that of the act's genus and circumstances—does belong first to the exterior act: not insofar as it is actually executed, but insofar as it is ordained and apprehended by reason and is thereby an object moving the will. In this respect

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[74] On the "order of a form," see *ST* I–II, q. 18, a. 5; on the comparison of nature and reason, I–II, q. 21, aa. 1–2.

[75] *ST* I–II, q. 20, a. 1. Cf. Rhonheimer, "The Perspective of the Acting Person," 468–73.

[76] *ST* I–II, q. 18, aa. 2–4. On the use of "genus" for kind or species, see a. 2.

it is the exterior act that makes the interior act good or bad. Willing the exterior act is either according or contrary to reason insofar as the exterior act is so "in itself," *secundum se*.

For instance, if one gives alms intending the end of vainglory, his act of giving alms is itself thereby vitiated. It is not only a giving of alms, but also part of a pursuit of vainglory. However, it is still a giving of alms. Suppose it is to the right sort of person, in the right time and place, and so on. "In itself" it is a good act, charitable. (This is the very reason why it can serve vainglory.) The bad end prevents the act's performance from being a true exercise of charity. But the end is incidental to the act in itself.[77] Evidently the act even confers some (qualified) goodness on the will, insofar as it is apprehended by reason and moves the will as its object.

But what is it that makes an exterior act good or bad "in itself," *secundum se*? This is the problematic point. Thomas says: "The goodness or badness that an exterior act has in itself, on account of its due matter and due circumstances, does not derive from the will, but rather from reason."[78] Similarly, in the reply to the first objection, he says that "the exterior act is an object of the will, insofar as it is proposed to the will by reason as a certain good apprehended and ordered by reason; and in this respect it is prior to the good act of the will."

What does this mean? In saying that the exterior act's intrinsic morality, the morality that it has in itself, derives "from reason," is Thomas *opposing* this to "from its *materia circa quam*"? If we still want to say that the exterior act has its intrinsic goodness or badness from its "object" (a term Thomas does not use here), should we understand its "object" to be something *other* than its *materia circa quam*; say, some further "significance" conferred upon it by reason, this being what gives it its true moral "form"? I do not think so. Indeed I think the text is quite clear about this: The goodness or badness that an exterior act has from reason is "the goodness or badness that an exterior act has in itself, *on account of* (propter) *its due matter and due circumstances*."[79] Still, the issue is worth dwelling on

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[77] *ST* I–II, q. 18, a. 6, obj. 2 and ad 2. Pertinent here is *ST* I–II, q. 18, a. 4, where an act's "absolute" being and goodness are distinguished from that which is in function of the end.

[78] *ST* I–II, q. 20, a. 1.

[79] Similarly, in a. 2: "*secundum* materiam . . .", "ex materia . . ."; in a. 3: "secundum se, scilicet *secundum* materiam . . ."; in a. 4 "*secundum materiam*. . . ." Note also in a. 4: "*bonitas materiae et circumstantiarum* redundat in actum voluntatis." It is true that throughout this discussion Thomas uses *materia* rather than *obiectum*. (Cf. Rhonheimer, "The Perspective of the Acting Person," 470.) If there is a reason for this, perhaps it to avoid confusion with the *obiectum* of the interior act, which

because it brings out something important about reason's role in the constitution of human acts.

Now of course, what the moral goodness or badness of the exterior act *consists* in is its following or deviating from the rule of reason. In this sense, the goodness or badness of the act depends on the rule of reason. If we do say that the goodness or badness of an act, in itself, depends on its *materia circa quam*, we certainly do not mean that it consists in the act's following or deviating from its *materia circa quam*. That is hardly even intelligible. But the question here is, What is the act's following or deviating from reason's rule a function of? If we are speaking of the goodness or badness that it has in itself, the answer is not the agent's will. That is the explicit opposition: The act's goodness or badness, in itself, "does not derive from the will, but rather from reason." It cannot derive from the will, because the act in itself is in a way prior to the will, insofar as it is an object that moves the will. It is made so by reason's apprehending it and judging it to be a means ordered to the end motivating the will to choose and execute it.[80] The goodness or badness that the act has in itself is already present in reason's conception of it, even prior to its engagement of the will. But is this to say that its goodness or badness in itself is not determined by its *materia circa quam*?

I think it helps here to go back for a moment to the previous *quaestio*, on the morality of the will's interior act. Interestingly, although we might simply take it for granted, what Thomas asks in the first article is whether the interior act's moral goodness or badness depends on its object; we might say, whether its object is a truly "moral" object.[81] He poses an

includes the exterior act itself. In any case, the mention of an act's goodness "secundum genus suum" in a. 1 is a clear allusion to q. 18, a. 2, where the genus is said to a be a function of the object.

[80] I think this is what Thomas means by reason's "ordination" in *ST* I–II, q. 20, a. 1. He is not talking about reason's bringing the act into conformity with the "order of reason"; a bad act does not have that conformity, and from the first objection it is clear that he is speaking about both good and bad acts (almsgiving and theft) as objects of the will that are "ordered by reason." He is seeing the exterior act as something that reason hits upon in deliberating about attaining a presupposed end (in our example, vainglory); thus see *ST* I–II, q. 20, a. 2, where he speaks of "ordinem ad finem." It is through deliberating reason's referring the act to the end that the act takes on the aspect of choiceworthiness and moves the will. In a parallel passage, the setting is explicitly that of deliberation: *In II Sent.,* d. 40, q. 1, a. 2 ("Utrum actio sit simpliciter judicanda bona vel mala ex voluntate").

[81] *ST* I–II, q. 19, a. 1. We might wonder why Thomas has no corresponding question as to whether the goodness or badness of the exterior act depends on its object. (Cf. Rhonheimer, "The Perspective of the Acting Person," 468.) I think the reason is that he has already, in effect, addressed this question, in *ST* I–II, q.

objection similar to the one about "things" giving moral goodness or badness. "As each is, so does it make another. But the object of the will is good with the goodness of nature. So it cannot confer moral goodness on the will. Hence the goodness of the will does not depend on its object." The reply: "[T]he good is represented to the will as its object through reason, and insofar as it falls under the order of reason, it pertains to the genus of morals and causes moral goodness in the act of the will. For reason is principle of human and moral acts."[82]

Although earlier I argued that the *materia circa quam* of an exterior act is to be regarded as an object of the will's interior act too, I do not mean to simply identify the "object" spoken of here with the *materia circa quam* of an exterior act. For instance, the exterior act itself, which is not its own *materia circa quam*, is an object of the will.[83] But what I find interesting about this text is spelled out in the next article (*ST* I–II, q. 19, a. 2), which examines whether the will's goodness depends on reason. Thomas says it does; and his reason is the very fact that it belongs to reason to present the will with its object. "The goodness of the will depends on reason *in the way in which it depends on its object*" (emphasis added).

Is there any reason why we cannot say the same about the goodness of the exterior act? When Thomas says that the goodness of the interior

18, a. 2. This article argues that human acts in general (that is, both interior and exterior acts) have goodness or badness from their objects. But note that here the object is said to give the act its *first* goodness or badness. This is because there may be further goodness or badness, from circumstances and from the end (aa. 3 and 4). Now, in *ST* I–II, q. 19, a. 2, Thomas tells us that the goodness or badness of the *interior* act is *solely* from its object. This is because the object of the interior act *includes* circumstances and end. So an act whose circumstances and end *add* to the object must be an exterior act.

[82] *ST* I–II, q. 19, a. 1, obj. 3 and ad 3.

[83] Nor, I think, should we identify the objection's "goodness of nature" with the goodness that "things" have in themselves, the goodness mentioned in *ST* I–II, q. 18, a. 2, ad 1. Very often in these questions on moral goodness and badness (*ST* I–II, qq. 18–20), Thomas says only "goodness" when he is actually speaking about "goodness or badness" (or even "goodness or badness or indifference"). Here I think the objector is saying that the goodness *or* badness that may belong to the object of the will is only "natural" goodness or badness. There is such a thing as "natural badness," belonging to human actions and to objects of the will. Thus, a little earlier, in an article on morally indifferent acts, Thomas had said that "every object or end has some goodness or badness, at least natural; yet it does not always bring moral goodness or badness, which is considered by comparison with reason": *ST* I–II, q. 18, a. 8, ad 2. The passage from *ST* I–II, q. 19, a. 1, obj. 3 somewhat echoes this. An action that Thomas seems to regard as having a "natural" badness, but no moral badness, would be "walking on one's hands"; see *Summa contra Gentiles* III, ch. 122, §9, "Nec tamen oportet. . . ."

act depends on reason, he is not at all denying that it depends on the interior act's object. He is saying that it depends on reason *because* it depends on the object. It is the same dependence. Does this not also hold true of the goodness of the exterior act? Thomas repeatedly affirms that the goodness of the exterior act, in itself, depends on its object; and he repeatedly identifies its object with its *materia circa quam*. So when he says here that the goodness or badness of the exterior act, in itself, depends on reason, why should we not understand this to mean "in the way in which it depends on its object," and indeed, in the way in which it depends on its *materia circa quam*?

The doctrine that reason presents the object of the will's act is a familiar one. But perhaps we tend to think only of the interior act. Surely this is a mistake. Exterior acts too are acts "of will," albeit by way of other powers. They too get their objects from reason. That is, they get their *materia circa quam* from reason. I think this point is very much worth stressing.[84]

Let us look for a moment at Thomas's general account of the way in which the will is moved by reason.[85] He explains that the will itself is the soul's chief moving power with respect to the "exercise" or "use" of the soul's acts. This is because the common *ratio* of its object is universal good. It acts in function of the good as a whole. The ends and perfections of the other powers are only partial goods. These are for the sake of man's overall good, and they fall under the will's object. So the will controls the exercise of those powers. "We use the other powers when we want." In another respect, however, the will is itself moved: as to its act's "determination" or "specification." In this respect the mover is the act's object. It is in just this respect that the will is moved by intellect. Intellect is what relates the will to the objects of its various acts. That the will's act bears on this or that depends on intellect's first grasping this or that under the *ratio* of good. Intellect can do this, because the common *ratio* of its own object is the most common formal principle of all, universal being and true. Even the common object of the will, the good, falls under this, as a particular being and true.

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[84] I say this not only in view of the present issue, but also with an eye to the anthropology underlying Thomas's action theory. When he says that reason's command and the commanded act relate as formal to material, he likens this to the relation between man's soul and body: *ST* I–II, q. 17, a. 4. I cannot pursue this here, but note that the rational soul is the formal principle not only of what is distinctively "human" about the body, but also of the physical dispositions by which it is proportioned to the soul, and even of its very corporeity. See *ST* I, q. 76, a. 4, ad 1; a. 5; a. 6, c. and ad 1; a. 8. Pertinent is *ST* I, q. 110, a. 2, ad 1. Cf. *Veritatis Splendor* §48.

[85] *ST* I–II, q. 9, a. 1.

What I wish to underscore is that it is in just this way that intellect "moves" the will's acts: as that which presents their objects. Thomas says that not only the interior act, but also exterior acts, are voluntary, "insofar as they proceed from will *and reason*."[86] In what *sense* would they proceed from reason, if it is not that reason determines their objects? The will is the one power that *always* gets its objects from reason; but the other powers *can* do so, just insofar as they can be used by the will. In fact Thomas is explicit: "Reason . . . has direction about all the objects of the lower powers that can be directed by reason."[87]

There is nothing mysterious about this. "We use the other powers when we want." This of course is a reference to the exercise of exterior acts. I take it that Thomas does not mean that what depends on the will is only "whether" a given power acts or not. If we use our eyesight, or look, when we want, surely we also look at this or at that when we want to look at this or at that. We apply the power to this or that matter when we want to. But we do not want to unless our reason has conceived the power's being applied to the matter, and judged it good. That reason can do this is obvious: If even the will's object, despite its great breadth, is comprehended by reason's, then *a fortiori* so are the objects of the other powers.

The exterior act, *with* its *materia circa quam*, exists first in reason's conception. In this way it moves the will as the will's object. The will thus moved moves the power to execute the act. The matter upon which the will trains the power by which it executes an exterior act is the very matter that the power is trained upon in reason's preconception of the act. The act is already good or bad in kind, in virtue of its *materia circa quam*, even as it exists in reason's preconception. Exterior acts are truly *moral* acts, not just objects and consequences of them; and their objects, which are their *materiae circa quam*, are moral objects.[88]

[86] *ST* I–II, q. 20, a. 2, ad 3. He concludes: "and so the difference of good and bad can regard both types of act."

[87] *ST* I–II, q. 74, a. 6, ad 2. See also *ST* I, q. 81, a. 3; I–II, q. 17, a. 7, ad 3; q. 24, aa. 1, 3, and 4.

[88] As we saw, the goodness of the exterior act *as executed* depends on the goodness of the interior act. But now, even this ultimately depends on reason, because that of the interior act itself does. The goodness of the interior act depends in part on the goodness of the exterior act as apprehended by reason. Should we say then that the goodness of the exterior act *as executed* depends on the goodness of the exterior act as *apprehended*? And if so, could we say that the exterior act as apprehended is the *object* on which depends the goodness of the exterior act as executed? Would there thus be a sense in which the exterior act is its *own* object? (Cf. Rhonheimer, "The Perspective of the Acting Person," 483.) I think not. For although the exterior act as apprehended does, in a way, move the exterior act as executed, it does not do so in the way an object does. What it moves in the way

Two objections to this occur to me. One arises from the fact that, as I discussed earlier, something functions as the *materia circa quam* of an exterior act just insofar as it falls under the tendency of the interior act of the agent's will. How can this be, if the act already has its *materia circa quam* in reason's conception of it, prior to its engagement by the will?

I think the answer is this: In reason's preconception of the exterior act, there is included not only the operation of the power by which the act is executed, but also the operation of the will itself moving the power. The thief's preconception of his theft is not just an idea of what (say) his hand is to do. It is also an idea of what *he* is to do, *with* his hand . . . and with his will. He preconceives himself *using* his hand in a certain way, moving it *voluntarily* ("talem actum *voluntarium* exercere in tali materia"). Thus he preconceives himself *tending* to move his hand in a certain way, and to steal.[89] In choosing to steal, he *adopts* the tendency to steal that he has preconceived. Exterior acts are not the only acts that are apprehended by reason before they are actually exercised. All voluntary acts, including interior acts, must be. All of them are *caused* by practical reason, and this requires that they first be apprehended by practical reason, before they are exercised.[90] So the tendency by which an exterior act is trained upon its specifying *materia circa quam* is already found in reason's preconception of the act.

The other objection arises from the claim that the typical *materia circa quam* of an exterior act is a "thing," and indeed a *pre-existing* thing, such as the *res aliena* that the thief takes. It is something already "out there" in the real world.[91] It does not depend on reason (that is, on the operation

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an object does is the will. The will, moved by it, moves the exterior act's execution—not in the way an object does, but in the way an agent does. Still, this consideration reminds us that an act executed by a power other than the will is a moral act, with moral goodness, only insofar as it is voluntary. It is an "exterior human act" only if the will, moved by reason's conception of it, is what moves its execution. The moral goodness of the act, as executed, is still a function of the *materia circa quam* that is the act's object; but the act's being "moral" *at all* depends on its first existing, with this very *materia circa quam*, in reason's apprehension and in the will's intention.

[89] In the act of use, "voluntas *tendit* in id quod est in aliud relatum per rationem": *ST* I–II, q. 16, a. 1, ad 1 (cf. q. 12, a. 1, ad 3); use is the act by which the will tends to "really attain" that which is chosen (*ST* I–II, q. 16, a. 4).

[90] I discuss this point at greater length in my "Natural Inclination and the Intelligibility of the Good in Thomistic Natural Law," *Vera Lex* 6 (2005): 57–78, esp. 68–70.

[91] Of course the agent might be mistaken about it. Perhaps the thing that the thief thinks he is taking is not truly "out there." This however does not show that the objects of intended actions are not "things out there." When we say that the object of the will is "the good," this covers both what is truly good and what is only apparently so (see *ST* I–II, q. 8, a. 1); and likewise, when we say that the

of reason that initiates the act in question). How then can Thomas be referring to this sort of item when he says that the goodness or badness of an exterior act, according to its kind, depends on reason? A little earlier, in fact, he said quite clearly that "the species of moral acts are constituted from forms as they are conceived by reason."[92]

I will discuss this passage at some length below. But I think the reply to the present objection is this: Although the *res aliena*'s being out there—the *res* "in itself"—does not depend on the thief's reason, its being the object of his act does. When Thomas says that the species of moral acts are "constituted from forms as conceived by reason," I do not think he means that they are always constituted from forms "created" or *invented* by reason, certainly not in the very deliberations leading to the acts. In fact, one of the examples that he gives of such a "form" is precisely that of *aliena*: "to take what is another's has its species from the *ratio* of 'another's,' for from this it is constituted in the species of theft."[93] This *ratio* or form, "another's," is not something invented, or even conferred on the thing, by the thief's reason. Its being a "condition" (Thomas's term) of the thing is quite independent of the thief's thought about it. But his reason understands and conceives it, and it is included in the practical conception that moves his will and guides his movements. It is what makes the action that he conceives, chooses, and executes to be a theft, and to be wrong.

This is what depends on the thief's reason: that the *res aliena* be the object of his act. It is in just this way that his act's morality, according to its kind, depends on his reason. It is not that the thing's being *aliena* depends on his reason. Nor is it that his reason has to add some further condition, not already found in the thing, in order for there to be an object that "constitutes an act in the species of theft," a moral object.

To be sure, that the thing is apprehended by reason and conceived as the object of a certain act does in a sense confer on it a new "significance." It makes it a moral object. We already considered that the thing that is the

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object of an intended action is a "thing out there," this covers both what is truly a thing out there and what is only apparently so. The object is always presented by reason, and reason can err, both as to the object's goodness and even as to its existence. It is similar with the exterior action itself: The fact that sometimes it is not truly possible, in the real world, for the agent to do what he intends to do, does not show that the object of intention is not a possible event in the real world. It shows that the object may be either truly possible or only apparently so (see *ST* I–II, q. 13, a. 5, ad 2). On some conundrums in this area, see my *Action and Conduct: Thomas Aquinas and the Theory of Action* (Edinburgh: T&T Clark, 1998), 232–42.

92 *ST* I–II, q. 18, a. 10.

93 Ibid.

materia circa quam of an exterior act does not have moral goodness or badness just in or by itself, but only insofar as it is the *materia circa quam*, the object of the act. Nor does the object have one moral quality, and the act another; just as they are "one end," so they are assigned one and the same moral quality.[94] What first relates the thing to the act, as the act's *materia circa quam* or object, is the agent's reason. Immediately upon taking on this relation, it becomes apt for judgment in comparison with reason's rule. It is no longer a "premoral" entity. Things pertain to the genus of "true and false" only by falling under the consideration of reason generally; and things pertain to the genus of morals only by falling under the consideration of practical reason, and in connection with action. But what fall under this consideration are not just features *conferred* on a thing by practical reason. "Given" features of it do too. Practical reason may invent all sorts of uses for the thing, and only in relation to this or that use does it fall within the moral domain. But the *ratio* or condition of the thing that determines the use's place within the domain (its moral classification) is presupposed to the *ratio* of the use, and it need not be conferred on the thing by the user. It only needs to be conceived by his reason.

However, none of what has been said so far bears directly on the question of how the purely "natural" or physical features of an act or its object may relate to its moral kind and quality. Being a *res aliena*, after all, is not a physical feature. Even if it is not an invention of the thief's reason, it is definitely the invention of someone's, or some community's. So now, finally, let us turn to the question of the physical features of moral acts and objects.

Physical Objects of Moral Acts

No one can deny that many of our human actions involve our bodies. We use our bodies in performing many actions, deliberately chosen actions. The teaching of *Veritatis Splendor* §78 is that any deliberately chosen action, any "freely chosen kind of behavior," is a moral object. It is an object of the will, and of the will's preeminent moral act, choice; and it is fit to be judged according to the rule of reason ordering to the last end.

I argued that when the encyclical insists that the object of the moral act can never be "merely physical," this is only another way of saying that it can never be merely premoral or non-moral. It does not mean that moral objects can never be physical or bodily entities at all. But neither, of course, does it mean that they can. Nor does it tell us that if they can, how this is to be understood. Of those actions that involve the use of our

[94] See *ST* I–II, q. 20, a. 3, ad 3, together with the discussion above at note 70.

bodies, how does the bodily dimension relate to the "kind of behavior" constituting the moral object of choice? Is it indeed a "merely physical," premoral feature, perhaps one without which the chosen kind of behavior would not be possible, but involved in it only in a "material" way, as a sort of presupposition? Must other, non-bodily factors always enter in, before we have something that can even be understood as a kind of behavior that a person might deliberately choose? And, can the behavior's moral goodness or badness ever be a direct function of its bodily dimension, or must the morally decisive factor always be something else?

We can put the questions in another way. Earlier I suggested that the object of choice is typically what Thomas calls an exterior or commanded act, one that the will executes by means of some other power. I also argued that the commanded act has its own object, its *materia circa quam*, upon which depends its being the "kind of behavior" that it is. The commanded act is itself a moral act, with its own moral quality, according to its kind; and its object too is a moral object. It falls under the intention of the agent's deliberate will, and it falls under the judgment of the rule of reason, insofar as it is the object determining the act's kind, and insofar as reason itself is the principle through which it is made to be the act's object. Practical reason directs not only the will's interior act, but also the exterior act, to its object. Now, if the exterior act is executed by a physical or bodily power, then its object will certainly have a bodily condition. Otherwise the bodily power could not bear upon it at all. But we can still ask, How does the physical or bodily condition of the act's object figure into reason's direction? Can it be the very feature of the object that makes the action seem good and choiceworthy? Or can it at most be some sort of material condition, a mere presupposition or inseparable companion of the feature that really clinches reason's approval? And can it be the very condition that determines the action's moral goodness or badness? In short, can it ever be a truly moral condition, or is it always "merely physical"?

A Form Conceived by Reason Can Be a Natural Form

To begin, let us go back to the article in which Thomas says that the species of moral acts are "constituted from forms as they are conceived by reason": *ST* I–II, q. 18, a. 10. The issue raised here is whether a "circumstance" can ever constitute a morally good or bad kind of act, a moral species. The answer is a somewhat qualified yes. A species of act is constituted by the act's object. More precisely, it is constituted according to some "condition" of the object, as the species of theft is constituted by the object's *ratio*—its intelligible form—of *aliena*. But the object almost

always has other conditions too, conditions that are merely accidental to the act's kind. These are circumstances of the act. However, sometimes another condition or *ratio* of the same object has a special relation of its own to the order of reason; and though only circumstantial relative to the species first considered, it constitutes a distinct moral species of its own, relative to which it is not merely circumstantial. Thomas's example is "in a sacred place." If the object stolen is in a sacred place, this condition gives the act the species of "sacrilege." So a circumstance can constitute a moral species, though only insofar as it is not *merely* a circumstance, but also a "principal condition of the object."

In principle, Thomas says, there is no limit to the number of further conditions that an act's object might have, possessing a special relation to the order of reason and constituting another species. This is because the process of reason is not "determined to some one thing." Beyond any given condition of the object, reason can always "proceed further." It can look for other conditions pertaining to its rule and affecting the act's specification. In this, Thomas observes, moral acts differ from natural things. The principle by which any natural thing is produced is indeed "determined to one." Natural agencies are fixed in the kinds of things they can produce. A natural agency is always ordered to some ultimate form, one beyond which its action cannot extend. This form will give the final specific difference and constitute the final natural species of the thing produced. If the thing does have still other forms, these will only be accidental, "circumstantial," not constituting any further natural species of it.

In short, although both the species of natural things and the species of moral acts are "constituted according to forms," the forms constituting the species of natural things do so insofar as they are generated by natural principles; and these have a preset, finite range. But the forms that constitute the species of moral acts do so insofar as they are conceived by reason, whose range is potentially infinite. And so a moral act of any given kind, specified by a given form, is open to further differentiation and further specification, by a further form.

Thomas is here presenting both a broad similarity and a profound contrast between moral kinds and natural kinds. The similarity is that both are constituted from forms. The contrast derives from the difference between the principles from which the forms proceed. A natural principle is determined, bound, to one specific form. Reason is, at least potentially, infinite.

It seems to me that there is a clear echo here of the Aristotelian doctrine that the intellectual soul is potentially "all things," all forms. Thomas fully embraces that doctrine. As we saw, the intellect's object is

the most universal of all formal principles, "universal being and true." I think it is important to remember this here, because otherwise we might misconstrue the contrast that he is drawing between nature and reason. The contrast is *not* directly between the forms themselves, natural forms and forms conceived by reason. We should not take Thomas to be giving us a negative answer to the question, "Can the *ratio* of a natural form ever coincide with the *ratio* of a form conceived by reason?" In the present article he is not addressing this question at all. Nor is he presenting the *rationes* of natural forms and the *rationes* of forms conceived by reason as mutually exclusive sets. The reason why a circumstance of a moral act can constitute a moral species, whereas an accident of a natural thing cannot constitute a natural species, is not that the form constituting a species of a moral act never has a corresponding natural form.[95] The reason is that the way in which the form constituting the species of a moral act is related to the act's principle, reason, differs from the way in which the form constituting the species of a natural thing is related to the thing's principle, a nature. The contrast is not between the forms themselves, but between their ways of proceeding from their respective principles: between "forms as *[prout]* they are conceived by reason" and forms *as* generated by nature. As conceived by reason, they always allow for further forms and further specification; as generated by nature, they do not. Nothing at all is being said about whether a form constituting the species of a moral act can or cannot be the same in *ratio* as a form constituting the species of a natural thing. That they have diverse relations to their principles does not, of itself, entail that they differ in their proper *rationes*.

Obviously many of the forms constituting species of moral acts have no corresponding forms in nature. There is no such thing as a *res aliena* in the natural world, and no such thing as theft.[96] But should we say that a form constituting the species of a natural thing can never have a truly corresponding form—that is, one that is the same in *ratio*—constituting the species of a moral act? We would surely need an argument. And the argument cannot be simply that the species of moral acts are constituted from forms as they are conceived by reason. Reason can very well conceive the forms of natural things. In *some* way it can conceive *all* forms. It is *especially* apt to conceive natural forms. The *proper object* of the human intellect, according to Thomas, is the quiddity of a natural thing.[97]

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[95] Cf. Martin Rhonheimer, "Intrinsically Evil Acts and the Moral Viewpoint: Clarifying a Central Teaching of *Veritatis Splendor*," *The Thomist* 58 (1994): 30. Also idem, "The Perspective of the Acting Person," 476–81, 487, 491.

[96] See *ST* II–II, q. 57, a. 3.

[97] *ST* I, q. 84, aa. 7–8; q. 85, aa. 6 and 8; etc.

One might respond that the forms of natural things are conceived by speculative reason, whereas those constituting moral acts are conceived by *practical* reason. But again, we would need an argument to show that these are mutually exclusive sets of forms. In an earlier article, Thomas asks whether the process of deliberation—practical reasoning—is infinite.[98] While acknowledging that, as the article on circumstances confirms, a deliberation can in certain ways be *potentially* infinite, Thomas argues that it is actually finite. It is so both on the side of its end-term, which is something immediately in one's power to do, and on the side of its starting points. Among its starting points, he distinguishes between the properly practical one, which is the end that initiates deliberation, and others that may be taken over, without any process of inquiry, from another genus. These may be universal moral propositions, or universal speculative propositions, or particular propositions assumed on the evidence of the senses. His examples of the last are "that this is bread" or "that this is iron." Although it may not belong to practical reason to *arrive* at the conceptions of the forms of natural things, it definitely uses such conceptions to form its actions.

Thomas shows no hesitation in using the names of physical operations, with physical objects, to denominate human acts. One of his typical examples of a commanded human act is "walking."[99] Obviously not every act of walking is a human act. But in order for it to be a human act, Thomas sees no need to add anything to its *specification*. It only has to be put in the genus of the voluntary, "proceeding from a deliberate will." Again, he treats such banal kinds of act as "picking up a piece of straw" and "going into the field" as possible kinds of human action.[100] They are not excluded from the genus of moral acts. Insofar as they are performed voluntarily, they are morally *indifferent* kinds of moral acts.

To say that the form that specifies a physical operation can also be a form that specifies a human act is not to confuse nature and reason, or even to put them on the same level. On the contrary, diverse powers that are on the same level, powers in the same proximate genus, cannot perform operations specified by the same form. Acts of the various external senses, for example, cannot have the same proper objects. An act of hearing cannot be specified by the color green. But powers of different genera can very well perform operations that are specified by the same form. Recall the example of heat, which can be an object of physical change, and of feeling by the sense of touch, and of perception by the

[98] *ST* I–II, q. 14, a. 6.
[99] *ST* I–II, q. 1, a. 1, ad 2. Also I–II, q. 6, a. 4; q. 8, a. 1, obj. 3; etc.
[100] *ST* I–II, q. 18, q. 8.

common sense, and of desire, and of understanding. These are *generically* different operations. Heat falls under them by virtue of containing the *rationes* of their diverse common objects. But it is one and the same form that contains all of these *rationes*. Indeed it is one and the same *individual* form that contains them all. The heat in the fire, the heat I feel, the heat I enjoy, are all the very same heat.

I would say that it is *because* reason and will can perform operations whose specifying objects are the same as the objects of lower, bodily powers, that the latter can be *instruments* of reason and will—which of course also means that reason and will are of a different and higher order than those powers. A commanded or exterior act is the act of a power used by the will. If the will did not have control over the power's application to the object of the power's act, it could not use the power. And it would not have that control, if reason were not able to direct the power toward the object of its act. But the result is that the act that is attributed to the power is *also* attributed to reason and will, even though not everything then attributed to reason and will is attributed to the power. Thomas says:

> [T]he proper action of the mover is not attributed to the instrument or the thing moved, but rather conversely, the action of the instrument is attributed to the principal mover; for it cannot be said that the saw disposes the artifact, but it can be said that the artisan saws, which is the work of the saw.[101]

Surely this is all the more true when the instrument is naturally joined to the principal agency in a single substance. Insofar as reason directs other human powers to their objects, the acts of the other powers are also attributed to it. Speaking of the sin of *delectatio morosa*, Thomas says that even when the delight's object is a sensible good, the sin can be attributed not only to the sense-appetite but also to reason, insofar as reason directs the sense-appetite to its object.[102] (What is not attributed to the sense-appetite is the *consent* to the *delectatio*.)

The thief's hand grabs the bag of jewels, and the thief grabs the bag of jewels with his hand. But only the thief steals it. The sorts of objects to which the physical power can relate are a restricted set. It makes no difference to the hand whether the bag of jewels is *aliena* or not; this is incidental to its operation. What would not be incidental to it are such

[101] *De unitate intellectus,* ch. 3, §72 (Keeler). Similarly, "eadem autem actio est eius quod agitur et movetur, et eius quod agit et movet, sicut motus sagittae est etiam quaedam operatio sagittantis": *ST* II–II, q. 90, a. 3.

[102] *ST* I–II, q. 74, a. 6.

features as slipperiness or roughness, heaviness or lightness—features that affect how the bag can be handled. But the thief's reason is not restricted, and it extends also to what his hand can bear upon. That is why he can deliberate between using his hand to take the bag and using some other means, perhaps because he is unsure whether his hand is strong enough to hold it.

But can something like this, just "grabbing the bag of jewels"—a merely physical kind of act—be a kind of human act? Let us consider two problems. One regards the relation of such acts to the agent's will. The other, their relation to reason's rule.

Physical Acts as Objects of Will

If a physical kind of operation, with a physical object, can be apprehended and conceived by reason, can it be an object of the will? Certainly it cannot move the will if it is not apprehended by reason. Physical things cannot act immediately upon the will. No object moves the will except through reason. But of course this does not show that physical entities cannot be objects of the will, any more than the fact that the color green moves eyesight only through the electromagnetic medium shows that green cannot be an object of eyesight. Still, in order for something to move the will, its being apprehended by reason is not enough either. It must also be apprehended as somehow desirable and suitable for the agent to perform—as a *practical good*. If a physical kind of operation cannot be apprehended as a practical good, then it cannot properly denominate a human act or constitute a "chosen kind of behavior." It cannot provide a proper answer to the question, What are you doing? At best it will only be a sort of accompaniment to what you are doing. It will not specify your behavior, because it will not be something that your will directly intends. It will be *praeter intentionem*.

Now, I think it is clear that there are many physical kinds of operation that it would be difficult or even impossible to understand someone's wanting just for their own sake.[103] At best, they can only be wanted as a means to something else. I raise my arm.[104] Maybe I am greeting someone, or changing a light bulb, or testing my strength, or just satisfying an urge I feel to raise it. In none of these cases am I raising my arm just for the raising's own sake.

But this does not show that raising my arm cannot be something I directly choose. *Every* object of choice, as such, is wanted for the sake of

[103] See the examples in Anscombe, *Intention,* §37.

[104] Cf. Rhonheimer, "Intrinsically Evil Acts," 29–33; idem, "The Perspective of the Acting Person," 491.

something else. It is a means to some end. Yet that for the sake of which it is chosen is not the choice's very object, not the choice's *proximate* end. The proximate end too is an object of intention.[105] Can raising my arm, as such, be understood as a means that I choose to some end that I want? I think it can.

Where this may be hardest to see is in cases in which the end is simultaneous with the act in question. I raise my arm, and in so doing I greet a friend. The greeting does not start when the raising stops. In a way they are a single act, though one that is of two kinds. In itself this is not a problem; as we considered, an agent can perform many kinds of act at the same time. But it may be hard to see the raising as a proper terminus and object of my will and intention, one distinct from the greeting. Is it a distinct act of mine, or is it only "material" for the greeting?

Clearly the greeting is the only act here that is *self-explanatory*, including in its own name a reference to a good that can be understood as a motive of my performing it. If you ask me what I am doing, and I say I am greeting a friend, you will not have to ask, "What's the good in that?" Whereas if I say, "I am raising my arm," you may well ask, "What for?" The end is not intrinsic to it. But many kinds of acts that are unquestionably human actions are of this sort. No one commits a murder just for the sake of what is intrinsic to it qua a murder. There has to be a further motive. Yet a murder can be a (seeming) practical good.

If the fact that my action is a raising of my arm does not display what makes the action seem good and desirable to me, I do not think that this is because raising my arm cannot, as such, be a practical good. I think it is because, as such, it is usually only a means to something extrinsic to it, *and* because what it can be a means to is any of a great *multitude* of ends. Its own name is indeterminate with respect to these. But this does not mean that "I am raising my arm" cannot be an appropriate answer to the question, "What are you doing?"

Anscombe observes that when someone does one thing intentionally with the further intention of something else, the object of the further intention can often be expressed by a

> wider description of *what* he is doing. For example, someone comes into a room, sees me lying on a bed and asks, "What are you doing?" The answer "lying on a bed" would be received with just irritation; an answer

[105] Even things done solely for the sake of something else can be called ends and objects of intention: *ST* I–II, q. 12, aa. 2–3; *In V Meta.,* lect. 2, §771; *In II Phys.,* lect. 5, §181.

> like "Resting" or "Doing yoga," which would be a description of what I am doing in lying on my bed, would be an expression of intention.[106]

Is she saying that "lying on a bed" is not a proper answer to the question, "What are you doing?"[107] Clearly not. She is only saying that "resting" or "doing yoga" would be a *wider* description of what she is doing. This means that "lying on a bed" is a *narrower* one. It is just like the man who poisons the house's inhabitants, replenishes the water supply, operates the pump, and moves his arm up and down. Anscombe takes all of these, even the last, to be voluntary and intentional actions. If the answer "lying on a bed" would be received with just irritation, surely this is merely because, in the scenario described, the questioner already both knows it and knows that she knows that he knows it. Suppose instead that her dean phones her and asks what she is doing. If her answer is "lying on a bed," we can again imagine its being received with irritation, but not because it is improper or does not report a "human act"; rather because, for example, she is scheduled to be giving a class at that time. The dean's next words need not be, "Well, but what are you doing in lying on the bed?" Depending on his mood, he might say, "Lying on a bed? Get up! You're late for class!" Indeed, if we follow her analysis of intentional actions, to deny that lying on a bed can provide a proper answer to "what are you doing?" would be to say that the question "why?" in the sense of "what for?" cannot even be applicable to it.

If only "greeting my friend," and not "raising my arm," were something that I can have chosen, how shall we account for the fact that I might also have greeted him by shouting, but instead chose to do so by raising my arm? If the only choosable "action" in either case is "greeting my friend," then my choice would have to be between "greeting my friend" and "greeting my friend." And if we say, no, the actions between which I choose are "greeting my friend by shouting" and "greeting my friend by raising my arm," then the physical acts are still what differentiate them and give me real alternatives. What differentiates also specifies. So the physical act will specify my choice after all. Why can we not simply say that I chose to raise my arm, as a means of greeting my friend? When I execute the choice, I may simultaneously achieve my end, and so I will be performing two kinds of action at the same time, one of which is a means to the other. Granted, they form one, composite action; but this is only to say that one action can have components that are also actions. It is not to say that one of them is not an action. These two kinds

[106] Anscombe, *Intention,* §22.

[107] Cf. Rhonheimer, "The Perspective of the Acting Person," 485 (note 65), 505.

of action differ by their objects. The object, the *materia circa quam*, of my raising my arm is my arm. I am using my motor power to make it rise. By doing this, I signify to my friend my recognition of his presence. The object of this signifying is twofold: the recognition and the friend.

Can swallowing a morphine capsule, as such, be a practical good?[108] Again, perhaps it cannot be deemed good just for what is intrinsic to it. But swallowing a morphine capsule, as such, can be a means of getting morphine into one's system, and this, as such, can be a means of either getting high or relieving pain. As with raising one's arm, there is a *variety* of ways in which swallowing a morphine capsule, as such, can be a practical good. None is determinately included in the meaning of its name. But this is not to say that the meaning of its name positively removes it from the sphere of practical goods. No doubt the difference between swallowing a morphine capsule to get high and swallowing a morphine capsule to relieve pain is considerably more significant morally than, say, the difference between swallowing a morphine capsule to get high and injecting a dose of liquid morphine to get high. Yet the latter too can have practical significance. The morphine user might deliberate between swallowing the capsule and injecting the liquid, considering perhaps that while the one carries less risk of infection, the other takes effect more quickly. Moreover, whatever his purpose in swallowing the capsule, the steps that he takes in order to swallow it could be just the same. The intention that explains his taking these steps is just the intention of swallowing the capsule, as such. So I would say that swallowing a morphine capsule, as such, can very well be a practical good, an object of choice, and an object of intention.[109]

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[108] Cf. ibid., 489.

[109] Rhonheimer often simply asserts, as though it were immediately evident, that a certain physically described kind of act, such as swallowing a morphine capsule, cannot be intended or chosen "as such." I think there is a good deal of ambiguity in the expression "as such." In some senses of it, what he says is true; but it is equally true of many acts which he says *can* be intended or chosen. In the sense in which he must mean it, I do not think it is true. Two of its true senses would be these. (1) One cannot choose to swallow a morphine capsule "as such," but only "as good." The same can be said about anything. It would be a sort of moral Parmenidianism to say that there is only one thing that can be willed, "the good." (2) One cannot choose to swallow a morphine capsule "as such," but only "as a means to something extrinsic to it." Many indisputably human acts are of this sort: murder, suicide, jettisoning cargo, etc. What Rhonheimer must mean is that to swallow a morphine capsule cannot be *directly* chosen; it would only accompany something directly chosen, for instance by being embedded in it. It would be "chosen" only in the way in which a sailor is "moved" when his ship moves. According to Thomas, it is in this indirect way that the disorder of a sin is chosen

Thomas does teach that when one act is instrumental to another, they relate as "material" to "formal." Since specification is by a "formal principle," it may sound as though only the latter specifies. But what he means is that one species of operation, which is specified by its own object and formal principle, is related to another species, which has another object and formal principle, as material to formal. They constitute one *composite* action, and the formal component is dominant. But it is not the only one that is directly attributed to the agent or answers the question, "What is he doing?" Thomas's example is someone who steals to commit adultery. The theft is only instrumental, and the fellow is "more" an adulterer than a thief. But he is also a thief, and the theft is certainly not *praeter intentionem*.[110]

In this example, the fellow's primary end, adultery, is an exterior act that is at some distance from theft. Theft and adultery are two exterior acts, one performed for the sake of the other. Presumably the actual adultery occurs later in time than the theft. And the objects or *materiae circa quam* that specify them are quite distinct "things." More interesting for our purposes are cases in which, within a single event, we can distinguish different kinds of acts, and in which each kind is determined by the same "thing." This can happen when the event proceeds from more than one active power: for instance, both from the will and from a power used by the will. In such a case, how do the various kinds of act relate to the will?

When Macbeth murdered Duncan, he performed a single act that was both a stabbing and a murder. The objects of the stabbing and the murder were the same "thing": Duncan. The stabbing was instrumental to the murder, and the two are related as material to formal. I think Thomas would also say that as proceeding from the powers used to execute it—the

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by the sinner (*ST* I–II, q. 72, a. 1; see I, q. 48, a. 1, ad 2). The sinner does not chose the disorder as such. He does not think that the disorder, by itself, is preferable to the opposing order, by itself. At most he can only choose a composite object in which the disorder is embedded; for example, "this pleasant act containing this disorder," which he does think preferable to "this order without this pleasant act" (see *ST* I–II, q. 78, a. 1, ad 2). But this is because the disorder of the sinner's act is not what makes it favorable to his end. The disorder favors his end only indirectly, by way of what it accompanies. Surely, however, in many cases what makes one's chosen act favorable to one's end is a physical feature of the act. To swallow a morphine capsule is, "as such," conducive to many possible ends. To choose to swallow a morphine capsule in order to get high is to choose directly to swallow a morphine capsule, to choose it "as such."

110 What is "material" is not always *praeter intentionem* or accidental. See *De Malo*, q. 2, a. 2, ad 5, on the fact that the exterior act is related to the interior act materially, but not accidentally.

dagger, Macbeth's hand, his motor powers, and so on—the act may properly be called a stabbing, but not a murder. In relation to the dagger and the hand, it was incidental that the one stabbed was thereby murdered. This is because it was incidental that the one stabbed was murderable in the first place. The dagger's action could be the same even if it were trained on Duncan's corpse, in which case there would be no murder. The murderable falls outside the range of the dagger's *ratio communis obiecti*; it cannot properly differentiate or specify the dagger's action. What it specifies is the action of Macbeth's will. This does not mean that it only specifies his will's *interior* act; his exterior act, too, is an act of his will.[111] But it is precisely as proceeding from his will, not from his dagger alone, that it is properly specified as a murder. Should we say, though, that the *stabbing* can be ascribed to the dagger, and perhaps to his hand and motor powers, but *not* to his will? Is it *no* answer to the question of "what he was doing"? Was Macbeth's action a stabbing only incidentally, *praeter intentionem*?

In the next section I shall entertain a reason why we might be tempted to say that it was. That objection arises from the consideration of its properly moral evaluation, in relation to the rule of reason. But here I am only concerned with how the stabbing relates to Macbeth's will. Thomas said that although the saw is not properly said to dispose the artifact, the artisan is properly said to saw. I think we can likewise say that although the dagger is not properly said to have murdered Duncan, Macbeth is properly said to have stabbed him. The stabbing is a physical act, but not *merely* physical. It is also human. Murdering Duncan was not the only thing that Macbeth chose. He also chose to stab Duncan, as a means of murdering him. He could have chosen some other means instead. It was no mere side effect of his murdering Duncan that in the process a dagger penetrated Duncan's body.

What I think is decisive here, in Thomas's action theory, is that not only human actions, but in fact all actions and all motions, are specified by ends. Earlier I cited a text in which he says that the *materia circa quam* of an exterior act specifies the act because it relates to the will as an end. The text in full is this.

> Objects, according as they are compared to exterior acts, have the *ratio* of *materia circa quam*. But according as they are compared to the interior act of the will, they have the *ratio* of ends; and it is from this that they give a species to the act. Still, even insofar as they are *materia circa quam*, they have the *ratio* of termini, by which motions are specified, as it says in Book 5 of the *Physics* and Book 10 of the *Ethics*. But nevertheless even

[111] See *De Malo*, q. 2, a. 2, ad 6.

> the termini of motion give the species to motions insofar as they have the *ratio* of ends.[112]

Even physical operations and motions are specified by ends. A physical *species* is not just any "physical description" that happens to apply to what is going on. In the physical order too there is a distinction between what is "intended" (tended toward) and what is *praeter intentionem*.[113] If the dagger's movement is properly specified as a stabbing, this means not only that it had the sort of terminus that stabbings have—say, a place inside the body stabbed—but also that the dagger *tended* toward this terminus. But we can ask, Whence this tendency in the dagger? Did it just gravitate on its own toward that place in Duncan's body? Obviously not. The only place toward which daggers gravitate on their own is the center of the earth. The dagger got its tendency to penetrate Duncan's body from Macbeth, from his *will*.[114]

Obviously the dagger did have certain features not dependent on Macbeth's will—for instance, its being a dagger—*enabling* it to penetrate

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[112] *ST* I–II, q. 72, a. 3, ad 2.

[113] Rhonheimer, "The Perspective of the Acting Person," 484: "It is a characteristic property of an act not only that it proceeds from a principle, but also 'ut sit ad aliquid,' it 'tends toward something.' It is therefore not possible to dissolve an exterior act into a collection of material elements, devoid of order or finality, without dissolving it, ultimately, as an action. The exterior act, as the intelligible content of a concrete action, as the object of the will and a practical good, is precisely a coherent and unified proposal that confers significance on a particular aggregation of bodily movements; it is, therefore, precisely that which explains why one does what one does. An exterior act, the object of a choice, can be described as such an object only by including an intentional element in the description. It is, in fact, reason's proper task to order something to an end." Thomas is saying is that it is impossible even to dissolve a bodily movement into elements devoid of finality without dissolving it as a movement. What I am suggesting is that when a person uses his body in the performance of a human act, the bodily movement itself is what it is in virtue of reason's direction. It is not just a presupposition or material element, to which reason only adds direction at a "non-physical" level, though of course reason may also (and often does) do that.

[114] Martin Rhonheimer, "Intentional Actions and the Meaning of Object: A Reply to Richard McCormick," *The Thomist* 59 (1995): 295: "Stabbing Duncan 'as such' is not a sufficient description of a chosen kind of behavior or of an action. . . . It would not make any sense to say: Macbeth chose stabbing Duncan with the *further* intention of causing his death, of killing him. You cannot describe 'stabbing Duncan' as reasonable, freely chosen action without indicating an intention." I am arguing that "stabbing Duncan" *does* indicate an intention, the intention that the dagger penetrate Duncan's body. On "as such," see above, note 109. Surely we can say that Macbeth chose to stab Duncan "in order to kill him" and "with the intention of killing him."

soft bodies such as human flesh, making it apt for stabbing. If it lacked these features, then not even stabbing, let alone murder, could be attributed to it. But the determination toward this particular "stabbable," and even toward actually stabbing at all, did not come from it or belong to it on its own. The determination came from its user.[115] In general, if an instrument's acts were already fully determined by the instrument's own nature and properties, then it could not be an instrument. Its acts could not be under another agent's control. Its pliancy to a user requires some degree of flexibility or indeterminacy with respect to particular acts falling under its general capacity or aptitude. A physical entity can be a tool of our will because the order to its acts and to the objects of its acts, even as to what is bodily about these, can be conceived by reason, and because the will can incline it according to this order. The inclination is first *in* the will, and it is thence communicated to the physical entity. It is communicated to the entity when the will uses it. The dagger tended to penetrate Duncan's body because Macbeth intended it to do so and applied it to doing so. Its act of stabbing was also his act, an (exterior) act of his will.

This account might seem to be in conflict with the following passage, which draws on the distinction between what is material and what is formal in an act. The passage will serve as a preparation for the following section.

> There is a twofold difference in sins: one material, and the other formal. The material is taken according to the natural species of the acts of the sin; the formal, according to the order to one proper end, which is the proper object. Whence some acts are found to be different materially, which nevertheless are formally in the same species of sin, because they are ordered to the same [end]; as strangling, stoning and stabbing pertain to the same species of murder *[homicidii]*, even though the acts are different in species according to the species of nature.[116]

The general point is clear. One and the same kind of sin can be committed by the use of very different physical means. Had Macbeth strangled Duncan instead of stabbing him, he would have been guilty of the same kind of sin, murder. It sounds, however, as though we should say that Macbeth had only "one proper end," the proper object of the murder. The end that defines the kind of act called "stabbing," the "physical" end, seems to be incidental after all.

But this is not what Thomas is saying. It is not that the end that defines the kind of action called "stabbing" is incidental to Macbeth's action.

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[115] *ST* I, q. 103, a. 8: "The arrow's inclination to the target is nothing other than a certain impression from the archer."

[116] *ST* I–II, q. 72, a. 6.

Rather, it is incidental to the kind of action called "murder." Even if some murders are stabbings, an act's being a murder does not entail its being a stabbing or its being ordered to the end that is the proper object of stabbing. It only entails its being ordered to the end that is the proper object of murder.

Thomas says that a sin's formal difference is taken according to the order to one proper end, "which is the proper object." The proper object of what? Surely, of *that kind of sin*, the sin with *that* formal difference, the difference dividing it from other acts in the genus "sin" and making it that kind of sin. The one proper end that is the sin's proper object is the formal principle of that kind of sin. The sin's being ordered to that end, as its proper object, *is* its being that kind of sin; and the order that it embodies is the agent's intention of that end.

But Thomas is not saying that this is the *agent*'s "proper object," as though it were the *only* end that the agent intends; or the species that it gives, the only species that his action has. That would hardly make sense in the case of murder. If no one chooses "to stab," just as such—just for what is intrinsic to stabbing—no one chooses "to murder," just as such, either. The murder of Duncan was certainly not something that Macbeth found desirable just in itself. Indeed the horror of it eventually drove him mad. It was only a means to something else, his becoming king. In murdering Duncan he was reaching for the crown. If we should call anything *Macbeth*'s "proper object," it would be the crown. So he was more a coveter of power than a murderer, just as one who steals to commit adultery is more adulterer than thief.

But he definitely murdered. And he definitely stabbed. Thomas is saying that when someone murders by stabbing, the very same act *has both* the moral species "murder" and the natural species "stabbing." It could not have the species of stabbing unless it were ordered to the end that is the proper object defining stabbing. Its order to this end is its agent's intention of this end. The end defining stabbing and the end defining murder are accidental to each other, but neither is accidental to the action of one who murders by stabbing. It is as with a statue: Its marble and its shape may be accidental to each other, but neither is accidental *to it*.

The difference between "stabbing in order to murder" and "stealing in order to commit adultery" is not that the stabbing is not intentional, whereas the stealing is, but that the stabbing adds no moral species to the murder, as the stealing does to the adultery. Even here, though, we should be careful. For on the one hand, although the stealing does add a moral species to the adultery, it does not *differentiate* the adultery itself; there is no subspecies of adultery called "adultery by stealing." The stealing is

merely material relative to the adultery, and what we have are simply two disparate kinds of moral evil in one individual act.[117] On the other hand, if we know that Macbeth's stabbing of Duncan was intentional—if we know that he intended the end that defines "stabbing Duncan"—then even if we do not know whether his end in stabbing Duncan was Duncan's death, we do already know that he committed a moral evil: He stabbed the good king! Only, since the king's death resulted, and since Macbeth intended this too, the evil of the stabbing was buried, so to speak, in the evil of the murder. It would make no more sense to accuse Macbeth of *both* murdering and stabbing the king than it would to accuse a thief of stealing both a car and the car's motor.

Now, I am not saying that the end that constitutes the proper object of the physical kind of act called "stabbing" is, by itself, sufficient to make Macbeth guilty of moral evil. Not all stabbings are morally evil. But the insufficiency does not arise from his not intending "to stab." Not even all intentional stabbings are morally evil. The insufficiency arises from the fact that we need to know more about *what* he intended to stab—the *materia circa quam*—than the fact that it was a "stabbable." He intended to stab an innocent human being, and a king. (Duncan's being king does add a further evil, and one that specifies the murder itself: It was the kind of murder called regicide.) Still, it is true that these conditions are accidental to the physical kind of act called stabbing and to the act proper to the dagger. King-stabbing is not a subspecies of stabbing. But can we attribute just "stabbing" to Macbeth? If so, then it must be a kind of moral act. How can this be, if we cannot say determinately what its own moral quality is? It seems to be only "premoral"; and hence, not a true object of choice or intention. Should we say that Macbeth did not, after all, properly intend "to stab," as such, but only "to stab the king"? The dagger would be the only "agent" that "intends" the proper end defining the kind called "stabbing." This would be a *merely* "physical" kind. We need to look more closely at the relation between physical kinds of acts and moral specification.

Physical Conditions as Principles of Moral Species

I have been arguing that when a bodily power is used by the will, the action that is thereby elicited from the power is an object of the will. In fact it is also an action of the will, a commanded action. Both the direction of the will to the action and the direction of the action itself to its own object—even with respect to the bodily features by which the object engages the bodily power and specifies its action—are works of

[117] See *ST* I–II, q. 18, a. 7.

practical reason. This in turn means that both the bodily action and its object, as such, must be fit to be compared with the rule measuring reason's practical work. They must be *moral objects*. Is this Thomas's view?

It may seem not. As we have already seen, Thomas distinguishes quite clearly between an action's natural and moral kinds or species. I do not wish to obliterate the distinction. I am not saying that an act's natural kind ever *is* its moral kind, or even that its natural kind is *one* of its moral kinds. (Once again, the same individual act may be of several kinds; otherwise it could not have *both* a natural and a moral kind. And it may have more than one moral kind.) Nevertheless I wish to suggest that an act's moral kind can be a *function* of its natural kind; and so much so, that in some cases the very condition of the object that determines the act's natural kind is also the condition that determines its moral kind.

First we must be sure to be clear about the meanings of "natural kind" and "moral kind" in Thomas. In the context of this distinction, "natural" is not quite synonymous with "physical." It will be equivalent to "physical" only in the case of actions that are elicited from physical powers. Speaking generally, an act's natural kind is the kind that it has in comparison with the power from which it is elicited or from which it immediately proceeds. This may or may not be a physical power. In fact Thomas even distinguishes between the natural and moral species of the will's own elicited acts.[118] Even though all acts of will have moral quality, we can consider them in abstraction from their moral quality and attend only to the will's intrinsic mode of operation. It is by this sort of consideration that Thomas divides elicited acts of will in *Summa theologiae* I–II, qq. 8–16. Willing, intending, choosing, using, and so on are different "natural kinds" of elicited acts of will. In the case of commanded acts of will, the act's natural kind is taken in relation to the power from which the act is elicited, the power used by the will to execute the act. It may be a spiritual power, such as reason, or a physical power, such as the motor power in one's arm. As for "moral kind," this is something belonging to all acts of will, elicited and commanded. It is taken by comparison with reason, considered in its capacity as a principle of voluntary action and according to the order to the primary end to which its practical capacity is proportioned.[119]

Our question then is how a commanded act's natural kind, especially when it is a physical kind, relates to its moral kind. Thomas addresses this

[118] See *In I Sent.*, d. 48, q. 1, a. 2. See also *ST* I–II, q. 20, a. 3, ad 1.

[119] The difference between an act elicited from the will and an act elicited from another power is that the former is per se comparable to the rule of reason, whereas the latter is so only insofar as the power is being used by the will. See *In III Sent.*, d. 23, q. 1, a. 4, qc. 2, co.

question very early in the moral part of the *Summa theologiae*. His treatment may seem unfavorable to the view that I am promoting.

He is in the course of arguing that human acts—moral acts—are specified by ends. An objection says they are not, because a single, individual act can be ordered to diverse ends, and yet one single thing cannot be in many species. Thomas begins his response by saying that a single act can be ordered to only one proximate end, which is what gives it its species; though it can be ordered to several further ends, one being the end of another. Then he says:

> Nevertheless it is possible that one act, according to a natural species, be ordered to diverse ends of the will; as that which is killing a man *[occidere hominem]*, which is the same in natural species, can be ordered, as to an end, to the conservation of justice, and to the satisfaction of anger. And hence it will be diverse acts according to moral species, because in one way it will be an act of virtue, in the other, an act of vice. For a motion does not get its species from that which is its terminus *per accidens*, but from that which is its terminus per se. But moral ends are accidental to a natural thing; and conversely, the *ratio* of a natural end is accidental to a moral. And so nothing prevents acts which are one according to natural species from being diverse according to moral species, and vice versa.[120]

Thomas is talking about *individual* acts having various species. His example is an act of killing a man *(occidere hominem)*. This is not murder *(homicidium)*, which is a moral kind, but simply the physical act of taking a person's life. Someone taking another's life starts off having as his will's motive and end the conservation of justice. But as he proceeds, his motive changes; he is overcome by anger, and he carries on with the killing only to satisfy that. He no longer cares about justice. Here we have two moral ends, neither of which is ordered to the other. They exclude one another, as virtuous and vicious. That which is one individual physical act, and of one physical kind, is two individual moral acts of two moral kinds.[121] What makes this possible, Thomas says, is that physical ends (by which physical kinds are determined) and moral ends (determining moral kinds) are accidental to each other.

Now, Thomas can hardly be saying that in this case, the end that defines the physical act of killing a man is outside the intention of the agent's

[120] *ST* I–II, q. 1, a. 3, ad 3.

[121] There is a similar discussion in *ST* I–II, q. 20, a. 6. Someone might perform a continuous (physically unified) act of walking, in the course of which his will and the purpose for which he is walking changes; it is one physical act but two moral acts. See also I–II, q. 88, a. 4; *In II Sent.,* d. 40, q. 1, a. 4; *De Malo,* q. 2, a. 4, ad 7.

will.[122] The agent first wanted to conserve justice *by* killing the man; then he wanted to satisfy his anger *by* killing the man. The killing was, in both cases, a means to his end; and he intended that the man die. Indeed, Thomas says that the one act—one according to its natural species—is *ordered to* diverse ends of the will. It is chosen for their sake and is therefore intentional. Thomas's point is simply that the agent must have made two individual, successive choices of it: one moved by justice, the other by anger.

Moreover, it is not just any act of killing a man that can fit this scenario. If the killing can be ordered to the conservation of justice at all, the victim must be one whom it is just for the agent to kill. He must be an enemy in a just war, or a criminal guilty of a capital crime, or something of the sort. It will be in consideration of this condition about him that the killer, seeking to conserve justice, initially judges him "good to kill." When the killer's motive changes, this condition becomes incidental; what then makes the victim seem "good to kill" will be whatever it is about him that arouses the killer's anger. But notice that even then, although the killing's motive is no longer the virtue of justice but a vicious passion, the killing is still the sort of act that *could* be moved by justice. A mere change in the killer's motive does not change the victim from one whom it is just to kill to one whom it is unjust to kill. If we consider the killing, not according to the end moving the killer, but only according to its own object—the victim—it is still something just. The exterior act of killing the person is just in its own kind, according to its object, even if it is not performed justly, for the end of justice; as giving alms is a charitable act in kind, even though, when moved by vainglory, it is not performed charitably. The vicious end is accidental to the act's proper kind.

A comparable passage from the nearly contemporaneous *De Malo* is rather clear on this.

> If in some continuous act, the intention is first directed toward the [morally] good, and then toward the bad, it follows that it is numerically one act according to its nature; but yet it is differentiated in species according as it is in the genus of morals; *though it can also be said that that act always retains the goodness or badness that it has from its species,* even if about the same act, the acts of intention can vary with respect to diverse ends.[123]

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[122] Cf. Rhonheimer's remarks on this text in his "On the Use of Condoms to Prevent Acquired Immune Deficiency Syndrome," *National Catholic Bioethics Quarterly* 5 (2005): 43.

[123] *De Malo,* q. 2, a. 4, ad 7, emphasis added. The example given in the objection is that of a man who starts off toward church with a bad intention, and then while he is on his way his intention changes to something good. Thomas is saying that in any case going to church is a good *kind* of thing to do.

The act is "continuous"; it is physically one. But it is two acts of will, according to the agent's diverse and opposed intentions. This means that it is also two exterior acts, at least in number, since the agent, motivated by a new end, had to make a new choice of what was for the end and a new application to it, a new usus. But the action that he newly chose and applied himself to happened to be the same in kind as before, picking up where the previous choice and application left off. The exterior acts are two in number, but they are one in their proximate end, according to their proper objects, and one in their proper moral kind.

So when Thomas says that physical ends and moral ends are accidental to each other, it seems to me that either he is taking "moral end" in the sense of an end that a moral agent intends for what is intrinsic to it, one that is not merely instrumental to some extrinsic end; or, as I think more likely, he does not mean to make this thesis absolutely universal. It is not that *any* physical end and *any* moral end are accidental to each other. In order to make his point, it suffices that in some cases one and the same physical end can be ordered to many diverse and opposed moral ends, and that one and the same moral end can be pursued by means of many diverse and opposed physical ends. (For instance, a single pursuit of the end of temperance might consist in first eating and then abstaining.) In a way it is true that moral ends are always accidental to physical ends, since any given physical end might by sought by an agent acting non-voluntarily; it is accidental to that end that the agent is acting humanly at all.[124] But surely some physical ends are *essential* to some ends that define moral acts, some moral objects. For instance, although the end defining "stabbing" is accidental to the end defining murder, the end defining "killing a man" is essential to the end defining murder. Similarly, the end defining physical "copulation" is essential to the end defining fornication.

Recall Thomas's account of how a "thing" can give moral goodness or badness to an act: It does so not by simply being the thing that it is, but by having or lacking due proportion to "such an act." That the object of one's action is an innocent person does not make the action bad, unless it is the type of action that an innocent person is not suited to be the object of. The condition making a killing morally evil presupposes the condition making it a killing.

This however is not to turn the act's natural kind into a moral kind. Even if an individual act of killing a man cannot change from being a just killing to being an unjust killing, merely by a change in the killer's intention (it might do so if some condition in the victim changed), its being

[124] See *In II Sent.*, d. 40, q. 1, a. 1, ad 4.

of the natural or physical kind "killing a man" does not tell us whether it is just or unjust at all, according to its own object. The justice or injustice of it depends on non-physical conditions, conditions outside the scope of the physical power used to execute it: the victim's being, for instance, an enemy soldier, or a law-abiding civilian. These fall outside the act's natural kind, but not outside its moral kind. However, what we are interested in is whether and how that which determines the natural kind may fall within the moral kind.

The problem is this: Whereas "killing in order to satisfy anger" does at least have a moral species and moral quality, which we can ascribe to it even if we do not know whether the killing in itself is just or not, it does not seem that we can assign *any* definite moral quality to the simple kind of act called "killing a man." It is like Macbeth's "stabbing," or even "stabbing a man." We need more information before we can assign any moral quality to it at all. Another example would be "heterosexual copulation." Is this morally good or bad? It is good (in kind) if it is between spouses; bad if it is not. If we cannot assign a moral quality to this kind of act, how can we say that it can be a kind of human or moral action?[125]

We might be tempted to say that what the physical kind gives us is a morally *indifferent* kind of human action. I would not say this.[126] To call it morally indifferent would be to say that any moral goodness or badness belonging to an individual action instantiating it must derive from something other than the thing that is the action's object. This is why an act of "picking up a piece of straw" is morally indifferent in kind: There is *nothing* about the piece of straw that gives the act goodness or badness. It is not just that no goodness or badness belongs to the act on account of the piece of straw's being "a piece of straw"; it is that none belongs to it on account of *any* condition belonging to the piece of straw.[127] By contrast, an individual act of "killing a man" will be morally good or bad on account of something about the man himself, even if it is something more than his simply being "a man." It will never be an act that is indifferent in its moral kind, even if "killing a man" does not tell us what moral kind it is. The same is true for "stabbing a man," "taking valuables," "heterosexual copulation," and so on.

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125 Pertinent here is Rodríguez Luño, "*Veritatis splendor* un anno dopo," 59–60.

126 Nor, I take it, would Rhonheimer: See his example of taking a watch in Rhonheimer, "The Perspective of the Acting Person," 490.

127 Thomas is surely talking about "ordinary" straw in *ST* I–II, q. 18, a. 8. If we had a "special" piece of straw, for instance, one that had been in the manger in Bethlehem and was now an object of veneration, an act of handling that might *not* be indifferent in kind, "according to its object."

Does "killing a man," then, give us only a kind of physical act, and not a kind of human act too? Is its moral indeterminacy, which is not moral indifference, owing to its not really being fit to be compared with the rule of reason at all? This seems odd, at least if we grant that the form or *ratio* constituting this kind is one that can be "conceived by reason," and that the execution of an action of this kind can, as such, be a means to some end.

I think the article on circumstances (*ST* I–II, q. 18, a. 10) holds the key. This kind of act can indeed be compared with reason's rule. The comparison's result is: the very demand for further differentiation. As conceived by reason, the condition or *ratio* of the object, by which this kind is constituted, *cannot* be the final condition. In this case, reason not only can but must "proceed further." Its own rule requires it. "Voluntarily killing a man" is something to which moral reasoning does apply. The judgment is that more information is needed. And reason knows what sort of information to look for ("Is the man innocent?" etc.). This kind of act is morally indeterminate, not because the *ratio* of its proper object, "a man," prevents it from being a kind of moral act at all, but because that *ratio* prevents it from being an *ultimate* kind. The *ratio* is such that what it belongs to *must* have some further *ratio* pertaining to the order of reason; and it is such that *only* the further *ratio* makes the act determinately suited or repugnant to that order. "Killing a man" is what we might call an "inchoate" moral kind.[128]

My final thesis is that in some cases the condition of the object that constitutes an act's natural or physical kind constitutes a determinate moral kind as well. Sometimes it is indeed sufficient to know that someone performed a certain physical kind of act voluntarily, in order to ascribe to him an action of definite moral quality. A clear example, in Thomas, is that of sexual acts other than heterosexual copulation, the acts "contra naturam." The relation of such acts to the sexual power differs from that of heterosexual copulation. They differ in physical kind.[129] What gives them

[128] Thomas has a notion of "indeterminate" kinds emerging in the course of animal generation: *ST* I, q. 119, a. 2.

[129] Thomas observes that although the marital act and adultery differ in moral species, as compared with reason, they have the same physical species, as compared with the sexual power; and this is why they can have effects that are the same in physical species (human offspring): *ST* I–II, q. 18, a. 5, obj. 3 and ad 3. Both effect procreation, and they do so "according to their species," which is to say, in function of their objects. This implies that acts *contra naturam*, which by reason of their objects are not proportioned to procreation, are a different physical species of sexual act. The sexual power's nature is constituted in relation to procreation, and so an exercise of it that does not have a procreative "shape" cannot be the same in kind as one that does.

this difference also gives them a different relation to reason. According to reason, the good kind of sexual act is the marital act. There are also bad kinds of heterosexual copulation—for instance, simple fornication—which is bad just because the object is not the agent's spouse. This of course is not a physical condition. But reason distinguishes simple fornication from the acts *contra naturam*, judging the latter even worse.[130] Here the object's differentiating condition is physical.

Let me stress once more that I have said nothing about the constitution of moral norms. I have stated as a mere fact that, according to St. Thomas, voluntary sexual acts *contra naturam* are morally bad in kind and morally worse than the bad heterosexual kinds. I have not given his grounds for this view. I think these involve more than the consideration of the disorder that such acts have in relation to the sexual power, their "natural" badness.[131] The sexual power's own relation to reason, reason ordering to the last end, must also be determined. But we can certainly say, with *Veritatis Splendor*, that it *has* such a relation, a determinate one. For it has its own nature, and it is part of human nature. It cannot but have a moral meaning.[132] NV

[130] *ST* II–II, q. 154, aa. 1, 11, 12.

[131] See above, note 83, and the chapter of *Summa contra Gentiles* indicated there.

[132] I am grateful to Kevin Flannery, S.J., for very helpful comments on a draft of this essay.