The faith that does prudence: Contemporary Catholic social ethics and the appropriation of the ethics of Aquinas

Author: Brian M.T. Reedy

THE FAITH THAT DOES PRUDENCE: CONTEMPORARY CATHOLIC SOCIAL ETHICS AND THE APPROPRIATION OF THE ETHICS OF AQUINAS

A Thesis
Submitted in Partial Fulfillment
of the Requirements for the S.T.L. Degree
from the Boston College School of Theology and Ministry

By: Fr. Brian M. T. Reedy, SJ

Co-mentors: Stephen J. Pope
Dominic Doyle

12 April 2013

CONTENTS

INTRODUCTION

The moral category of justice is granted particular privilege in contemporary ethical discourse. As one of the foundational concepts used to describe desirable circumstances within human relations the category of justice carries a certain prestige that renders it useful in almost any domain of interpersonal interaction. The concept of "justice" has enjoyed this privilege for centuries and emerges out of a profound and complex history that imbues it with a symbolic value that is powerful enough to steer political campaigns, inspire theologies of orthopraxy, mobilize revolutions, inspire heroic acts of selflessness, and to coax even the most parsimonious soul into acts of generosity and parity. However, also arising from the profound and complex history is an equally complex set of differing definitions, conceptualization, and faculties granted to the moral category in order to meet specific needs in society. These competing conceptualizations of justice can cause confusion and hinder productive dialogue unless the differences are clearly understood. This is especially true in the realm of *social justice*.

One of the most important contemporary issues within the Society of Jesus is the way in which contemporary evangelization impacts social evolution and social structures. Under the umbrella term of "social justice," the Society is committed to analyzing and changing social and economic structures that impact human lives so that the values of the Gospel can be actualized within the human family. Understanding what St. Thomas Aquinas has to say about the issues involved in social justice is important for two reasons. First, the theological and ethical language of the Society, and the Catholic Church in general, draws deeply from the Thomistic tradition. Many of the categories and much of the language used to discuss ethical and political issues are drawn from Aquinas' theory. Therefore, understanding our traditional formulations and our patrimony of ethical reasoning requires an understanding of his theory.

Second, the tradition of social justice grew in the Society of Jesus out of the natural law theory fashioned by Aquinas. The landscape formed by social justice objective, the horizon of possibilities established thereupon, and the mode of operation therein were all initially derived from the natural law and virtue theory. Although the contemporary commitment to social justice has evolved beyond a strict adherence to Aquinas' theory, and it has assimilated sundry philosophical and political values, methods, and principles along the way, it remains deeply connected to the view of the human person expressed in Aquinas' virtue theory. The commitment to social justice lights up with greater intelligibility when it is placed in proximity to Aquinas' theory.

Third, there is a vigorous resurgence of attempts to reappropriate Aquinas' ethical theory according to contemporary sensibilities, because his treatment of the human agent as a deeply contextualized and organically related person is very attractive. The theory of virtue ethics, which he adapted from Aristotle, promises to help ethicists navigate out of many of the rocky waters produced by deontological methods or by philosophical perspectives that treat the agent as acting from a place of Cartesian isolation. The recontextualization of the human agent within a robust and organic account of human experience, the fluid and dynamic perspective of the virtues, and the rational principles outlined in natural law theory all serve as points of interest in contemporary ethics, especially for Roman Catholic ethicists. Therefore, understanding how to move forward and engage current ethical theories is also assisted by an astute grasp of Aquinas' ethics.

Understanding the ethical heritage of the Society of Jesus and Catholic theology in general, as well as engaging with the contemporary appropriations of natural law and virtue ethics, requires an understanding of Aquinas' ethical theory. If one is dedicated to the

constellation of issues described as the "promotion of social justice" within a Catholic context, then it is helpful to understand how these issues fit into Aquinas' overall system. One will only be frustrated if one looks narrowly to Aquinas' theory of *iustitia* (justice) to find the theoretical framework upon which a commitment to social justice can stand. For Aquinas, the purview of the virtue of *iustitia* is limited to the will, and it simply does not possess the rational faculties necessary to accomplish the analysis that is essential to contemporary social justice. For all those interested in promoting social justice within a Catholic framework it is important to understand how social justice issues relate to Aquinas' theological project. The constellation of issues commonly referred to as the promotion of social justice includes: 1) the acceptance of a radical equality for all human persons and a protection of the rights of individuals in relationship to various subgroups or the overall society; 2) a critique of social and economic structures such that there can be an equal access to goods, services, and opportunities for all people; and 3) a commitment to the preferential option for the poor. While we consider these criteria necessary for promoting social justice we are using the term "justice" in a manner that is quite different from Aquinas. To understand how Aquinas' ethical theory can be applied to contemporary social justice one must recognize how the term "justice" has changed through time and how, through the eighteenth and nineteenth centuries, a new hybrid virtue arose that dominates contemporary American usage.

One must also realize that, although Aquinas does provide a theoretical framework in which the issues of social justice can be addressed, he does so employing a different rubric. Because of the limitations he places on *iustitia*, many of the issues associated with social justice belong under the care of other Thomistic virtues. The contemporary convictions of radical equality and individual rights belong to the Thomistic domain of theoretical reasoning through

wisdom. The critique of social structures according to contemporary economic theories and sensibilities belongs to the Thomistic domain of practical reasoning through prudence. The commitment to the preferential option for the poor belongs to the Thomistic virtue of charity. In Aquinas' language, the faith that acts with justice—if justice is understood as social justice—is more accurately a faith that acts prudently. To demonstrate how this is the case I will first elucidate how Aquinas envisions the human person acting, how he relates the faculties of intellect and will, and how these are perfected by the virtues of charity, wisdom, prudence, and justice. I will also demonstrate how to map the concerns of social justice onto Aquinas' virtues, and finally I will give examples of contemporary ethical theorists who are implicitly using the mapping scheme I propose.

CHAPTER 1 THE HUMAN ACT WITHIN AQUINAS' ETHICS

1.1 Intentional becoming and human flourishing

Aquinas' ethical theory, drawing deeply from the embracive, systematic philosophy of Aristotle, attempts to account for every aspect of the human act. Following Aristotle, he founded his ethics not upon a philosophy of law but upon a metaphysics of being.[1] Aquinas envisions people as creatures, intimately situated in a specific social and environmental framework, and drawn towards the goals that attract them. Properly human actions, or moral actions, are the voluntary movements towards a goal that is perceived as good. These goods can be simple, concrete objects presented to the senses—like food or clean water—or complicated, abstract objects whose presentation is necessarily mediated by an act of the intellect—such as social constructs, concepts of happiness, or God. Aquinas not only agrees with Aristotle that all things seek their proper good, but expands the domain of goods to include all of created reality. It is within this dynamic of all things seeking their proper good that Aquinas' analysis of human acts is located. According to Aquinas, people move toward that which perfects and fulfills them according to their nature and according to their proper place within the domain of goods.

Aquinas understands the process of human maturation as one of natural development. Any particular instance of human flourishing, or happiness, is not given from the start but is a goal towards which we are supposed to deliberately move. The human agent is endowed with the faculties necessary for the recognition of the necessary goods for happiness and must develop the habits of mind and will that help them attain these goods. For people to act ethically, and to move towards happiness, they must have a sufficient intellectual grasp of what human life is

[1] Fr. Daniel Westberg notes: "This is not a disjunction, however, since the harmony of law and human action is achieved in the doctrine of participation in the mind of God, who governs the universe with wisdom and love." Westberg, 43. Westberg graduated with a DPhil in moral theology and ethics from Oxford University. He currently teaches ethics and moral theology at Nashotah House Theological Seminary in Nashotah, Wisconsin.

supposed to be, what flourishing looks like, and have a rightly ordered will such that they desire this proper end.

1.2 The intellect and the will

In order to provide a theoretical framework in which each of these stages of intentional becoming can be understood, and according to which any specific act may be scrutinized and discussed, Aquinas employed a precisely defined set of distinctions with respect to human psychology. Aquinas emphasizes that the healthy human person acts as a single, whole unit, and not with competing faculties that cause a schizophrenic duplicity or multiplicity in the self; however, his conviction that realities that are external to the human person present themselves in a variety of ways, and with a variety of effects upon the person, prompts him to elucidate distinct "faculties" of the soul according to the external object. In his discussion of the pursuit of happiness, Aquinas employs the distinction between intellect and will. He was very clear that the intellect and will work closely together, and indeed include each other, he believes that the difference in the way that the two faculties interact with their objects warrants the distinction. Indeed, the broader presuppositions of Aquinas' metaphysics require and underwrite his description of the division of the intellect and will. In his analysis of Aquinas' metaphysics of agency Daniel Westberg warns that if the broader metaphysical presuppositions that give rise to the distinction between intellect and will are played down or ignored then "the explanation of the motivation for action will inevitably make false turns."[2] In order to avoid such false turns it is necessary to situate the intellect and will within the broader context of Aquinas' metaphysics.

According to Aquinas, the taxonomic difference between intellect and will is primarily derivative of the difference between their objects. He states, "The appetitive and intellectual powers are different genera of powers in the soul, by reason of the different formalities of their

[2] Westberg, 43.

objects."[3] The primary object of the intellect is *truth* and the primary object of the will is the *apparent good*.[4] The will is dependent upon the intellect for the determination of the goodness of objects, especially the less concrete the object is. Aquinas states, "The object of the intellect is the very character of the attractive good, while the object of the will is the attractive good thing, the rationale of which is in the intellect."[5] Aquinas defends the metaphysical priority of the object of the intellect over those of the will by demonstrating that the objects of the intellect are metaphysically simpler, i.e. not compounded, and more universal: "The object of the intellect is more simple and more absolute than the object of the will; since the object of the intellect is the very idea of appetible good; and the appetible good, the idea of which is in the intellect, is the object of the will."[6] This metaphysical priority of the intellect over the will holds for the determination of the good intrinsic to any object presented to the will, no matter how concrete. Even the simple determination of the gastronomic desirability of a familiar berry is dependent upon an action of the intellect. As the complexity and compoundedness of an object increases, this dependence becomes even more acute.

Aquinas continues by stating that the taxonomical differences between the intellect and the will are not only dependent upon the differences of the objects to which they are oriented, but also to the mode of operation they employ in relation to their objects. Since the mode of operation deals more with the psychological unity of the agent, Aquinas begins his discussion of the modes of operation by emphasizing the interconnection and interdependence of the powers of the soul, "…the appetitive power agrees partly with the intellectual power and partly with the

[3] *ST*, I, Q79, Art. 3.
[4] Westberg, 54.
[5] *ST*, I, Q82, Art. 3. See also: Westberg, 55.
[6] *Ibid*.

sensitive power in its mode of operation." [7] Having restated the psychological unity of the agent, Aquinas then places an external source of the differentiation of the powers of intellect and will by relating each to its act. Aquinas states that a power is related to its act, so that the nature of a power is taken from the act to which it is directed.[8] To further explain the acts of the intellect and will, he provides an analogy in which he relates the acts of each to the metaphysics of motion. He elucidates:

> A thing is said to move in two ways: First, as an end; for instance, when we say that the end moves the agent. In this way the intellect moves the will, because the good understood is the object of the will, and moves it as an end. Secondly, a thing is said to move as an agent, as what alters moves what is altered, and what impels moves what is impelled. In this way the will moves the intellect, and all the powers of the soul.[9]

The agent is moved towards some course of action through a combination of the intellect and the will. The will is a moved mover. As the rational appetite it moves the intellect to investigate and judge the goods of the environment and it moves the agent to choose among these goods. However, the intellect is also a mover in that it determines the "intellectively cognized appetibles"[10] that form the domain of goods chosen by the will. That is, the intellect must act in order to elucidate the nature of the good according to its ends. By itself the will makes no determinations of goodness. Apprehending or judging things as good is, as Aquinas scholar Eleanor Stump of St. Louis University says, the "business of the intellect." She indicates that the intellect presents to the will as good "certain things or actions under certain descriptions in particular circumstances," and the will wills them because "it is an appetite for the good and they are presented to it as good."[11]

---

[7] *ST*, I, Q79, Art. 3.
[8] *ST*, I, Q77, Art. 3.
[9] *ST*, I, Q82, Art. 5.
[10] Stump, 278.
[11] *Ibid*.

Aquinas emphasizes the metaphysical priority of the intellect in his discussion of how the intellect and the will guide an agent towards the state of relative fulfillment translated as "happiness." Because happiness is dependent upon the correct discernment of both means and ends, the intellect is primarily responsible for attaining it:

> Two things are needed for happiness: one, which is the essence of happiness: the other … [is] the delight connected with it. I say, then, that as to the very essence of happiness, it is impossible for it to consist in an act of the will. For it is evident from what has been said[12] that happiness is the attainment of the last end. But the attainment of the end does not consist in the very act of the will. For at first we desire to attain an intelligible end; we attain it, through its being made present to us by an act of the intellect; and then the delighted will rests in the end when attained. So, therefore, the essence of happiness consists in an act of the intellect: but the delight that results from happiness pertains to the will.[13]

According to Aquinas, the intellectual appetite for the good moves the intellectual apprehension to investigate our nature and to form principles of understanding by which we can know how to move towards the end that our nature suggests. The intellect makes use of *reasoning* to move along a line of investigation until various goods are determined that are consistent or necessary for attaining our end of happiness.[14] The intellect then presents a possible course of action that will facilitate movement towards the end. The job of a well-ordered will is to choose both the ends and the means presented by the intellect, and to delight in the state of affairs as much as it contains the happiness according to our last end. The more complicated the good, the higher degree of interaction there must be between the intellect and the will. If something were presented to a well-ordered will as perfectly good, the will would necessarily be drawn to it. However, many if not most of the higher-order goods necessary for human happiness, including the whole realm of social interaction, are never presented as absolutely good with no

[12] *ST*, I-II, Q2, Art. 7.
[13] *ST,* I-II, Q3, Art. 4.
[14] *ST*, I, Q79, Art. 7. "Reasoning is a mode of the intellect through which one moves from one understood thing to another."

qualification, but are presented to the will as something pluriform and complex which does not necessarily determine the will.[15]

The high degree of interaction between the intellect and the will gives rise to concerns about their relative temporal priority and the ordering of operations in decision making. Indeed, in his commentary on Aristotle's *Nicomachean Ethics*, Aquinas states that Aristotle is vulnerable to charges of circularity of logic. He states that for Aristotle the "truth of the practical intellect is determined by comparison with a right appetitive faculty and the rectitude of the appetitive faculty is determined by the fact that it agrees with right reason."[16] However, Aquinas breaks this circularity in two ways. First, he simply declares that the intellect enjoys both metaphysical and temporal priority: "Every act of the will requires that cognition precede it, but a motion of the will does not precede every act of cognition."[17] Secondly, he breaks the circle open by referring to a point of reference external to the self; that is, he states that the ends to which the appetitive faculty tends are determined by nature. Understanding this invention of Aquinas requires a closer investigation of his theory of the operation of the intellect.

1.3 Theoretical and practical reasoning

Aquinas states that the action of the intellect, i.e. reasoning, can be understood as having two different aspects, or as working in two different ways. The first way he calls *theoretical reasoning* and the second he calls *practical reasoning*. Theoretical reasoning is concerned with the comprehension of natures, forms, and principles. It is, therefore, abstract and speculative. Theoretical reasoning investigates the issues surrounding human flourishing. It is responsible for apprehending our human nature, articulating the principles that flow from said nature, and relating our nature to the social and environmental structures in which we live. In short,

[15] *ST*, I, Q82, Art. 2, ad 1. Also see: Westberg, 55.
[16] Aquinas, *Commentary on* NE, Book VI, Chapter 2, Lecture II, §1131, pg. 360.
[17] *ST*, I, Q82, Art. 4, ad 3.

theoretical reasoning applies to the entire intellectual analysis of what it means to be human and to the logical conclusions that can be drawn from such analysis. Theoretical reasoning concerning human nature gives rise to a conceptual articulation of what human flourishing and happiness look like according to the final ends of the human person. Since the human person is a social, embodied, and situated creature, the articulation of theoretical reasoning as pertains to human nature necessarily includes definitions of the ideal states of various human interpersonal relationships, relationships to various external goods, and other issues surrounding the human situation. The conceptual analysis and investigation of the functions of state, family, matrimony, and economy, for example, is in principle the proper domain of theoretical reasoning.

Practical reasoning is the process by which the means of attaining the goods associated with happiness are determined and presented to the will. The human person has a natural aptitude for discerning the means and ends to which they are related by connaturality; however, practical reasoning is also concerned with applying the conclusions and conceptual articulations of theoretical reasoning to specific situations. Practical reasoning, when applied to the issues surrounding human flourishing, is responsible for ascertaining the means by which the ends, as articulated by theoretical reasoning, can best be achieved. It is focused on practical concerns and operates within the sphere of the "real world" of experience, finitude, and limitation. Practical reasoning makes judgments about what sort of actions should be taken, according to the circumstances, towards the intended goal. Again, since the human person is a social, embodied, and situated creature, the articulation of practical reasoning as applied to specific situations necessarily includes specific means of organizing and practically living within the various human interpersonal relationships, relationships to various external goods, and other issues surrounding

the human situation. The practical day-to-day functioning of the relationships of state, family, matrimony, economy, etc., is the proper domain of *practical reasoning*.

1.4 The functions of synderesis and conscience

It is in relation to a virtue specific to the functioning of practical reasoning that Aristotle's chicken-and-egg problem with respect to the functions of the intellect and will is further resolved. For Aquinas, practical reasoning begins with general principles immediately recognized by the intellect as true. These principles are comprehended according to the virtue of *synderesis*, which is a disposition of the intellect such that it can grasp fundamental principles of human action. Aquinas makes an analogy between the principles grasped through *synderesis* and those elucidated earlier in the *Summa* regarding speculative knowledge, "in the practical reason, certain things pre-exist, as naturally known principles, and such are the ends of the moral virtues, since the end is in practical matters what principles are in speculative matters."[18] Just as in the case of first principles of speculative reasoning, the principles of action grasped by *synderesis* are not *a priori* knowledge contained in the soul, but basic principles of action arrived at by experience and informed by multiple external points of reference through the habit of *synderesis*.

Although Aquinas does not develop the concept of *synderesis* as much as one might hope in the *Summa*, he does develop the analogy between practical and theoretical reasoning in the *Disputed Questions*: "Thus, just as there is a natural habit of the human soul through which it knows principles of the speculative sciences, which we call understanding of principles, so, too, there is in the soul a natural habit of first principles of action, which are the universal principles of the natural law. This habit pertains to *synderesis*."[19] As natural reason investigates the human condition, and delineates the characteristics necessary for human flourishing, it is able to deduce

[18] *ST*, II-II, Q47, Art. 6.
[19] *QDV*, Q16, Art. 1.

primary principles of action that are necessary for any motion towards those goals. The overall functioning of human reason with respect to the characteristics of human flourishing and the means necessary to get there is defined as the natural law. Aquinas does not expound on the content of the first principles because, instead of providing a base set of legal instructions, or deontological demands, he places the moral agents in direct contact with their immediate experience and describes the habit through which the basic moral precepts are derived. This connection between the agent and creation, through which the reason of the creator is made manifest, defines the basic dynamics of his natural law theory. Aquinas explains the relatively limited scope of the set of primary principles grasped through *synderesis* and how they form the basis of the natural law:

> Consequently the first principle in the practical reason is one founded on the notion of good, viz., that *good is that which all things seek after.* Hence this is the first precept of law, that *good is to be done and pursued, and evil to be avoided.* All other precepts of the natural law are based upon this: so that whatever the practical reason naturally apprehends as man's good (or evil) belongs to the precepts of the natural law as something to be done or avoided.[20]

It is through this connection of practical reasoning, acting through the virtue of *synderesis*, that Aquinas makes the other chicken-and-egg eliminating proposition. Not only does he state that the intellect has metaphysical and temporal priority over the action of the will, but he also endows practical reasoning with the habit of *synderesis* through which the intellect is able to draw immediate and trustworthy principles of action from the most basic human experiences. This dynamic relationship of the agent to his or her experience opens the circle of causation by including points of reference outside of the agent. Through the investigation of human nature, as presented through experience, the intellect is able to form an image of what human flourishing looks like, and thereby to appoint the end to the moral virtues—the goal towards which all moral

[20] *ST*, I-II, Q94, Art. 2.

actions should be moving. Therefore, Aquinas explains, "natural reason, known by the name *synderesis,* appoints the end to moral virtues."[21]

Interestingly, according to Aquinas, when practical reasoning operates through the virtue of *synderesis* it produces principles of action that are reliably true. Aquinas relates the dependability of practical reasoning operating through the virtue of synderesis to the certain knowledge that can be attained through speculative reasoning:

> Consequently, all changeable things are reduced to some first unchangeable thing. Hence, too, it is that all speculative knowledge is derived from some most certain knowledge concerning which there can be no error. This is the knowledge of the first general principles, in reference to which everything else which is known is examined and by reason of which every truth is approved and every falsehood rejected. If any error could take place in these, there would be no certainty in the whole of the knowledge which follows. As a result, for probity to be possible in human actions, there must be some permanent principle which has unwavering integrity, in reference to which all human works are examined, so that the permanent principle will resist all evil and assent to all good. This is synderesis, whose task it is to warn against evil and incline to good. Therefore, we agree that there can be no error in it.[22]

Since Aquinas does not accept inerrancy in human action, it can be deduced that the scope of such principles is quite limited. It can be very difficult, in a post-Kantian world in which an agent's actions are analyzed with a semi-Cartesian isolation, to recognize that Aquinas' goal is not to underwrite a set of laws, duties, or instructions that can guide human action, but to define and describe the organic relationship of the agent with his full environment—in which one can act with reliable efficacy in matters both theoretical and practical.

If practical reasoning, operating through the habit of synderesis, is able to produce dependable principles of action, and one presumes that the agent will be naturally inclined towards the good, then how does Aquinas account for errors and corruption in human action? To understand error in human action it is helpful to consider Aquinas' definition of *conscience* and

[21] *ST*, II-II, Q47, Art. 6, ad 1.
[22] *QDV*, Q16, Art. 2.

how conscience functions within his system. According to him, there are two primary functions of conscience. The first being an active function and the second being a reflective function. As for the active function of conscience, once a course of potential means of action are selected through practical reasoning, the moral agent exercises *conscience* whereby moral conclusions are drawn about the relative goodness or badness of the act in question. Conscience is not a moral virtue, nor an additional power of the soul, but simply the judgment an agent may come to concerning a specific act, in light of various rational concerns of practical reasoning. Aquinas defines: "For the name *conscience* means the application of knowledge to something. Hence, to be conscious (*conscire*) means to know together (*simul scire).* But any knowledge can be applied to a thing. Hence, conscience cannot denote a special habit or power, but designates the act itself, which is the application of any habit or of any knowledge to some particular act."[23] For Aquinas, the act of conscience presumes that the full contingent of faculties and powers of the agent be functioning and that it be operating under the influence of the full constellation of habits. Conscience is the full bringing to bear of the resources with which the agent is endowed upon some potential course of action in order to prod, urge, or bind the agent with respect to a specific decision.[24]

Conscience also has another function in Aquinas' system, one that bears more relationship to the colloquial use of the phrase in American employment.[25] Aquinas states that conscience also has a reflective function through which it retrospectively declares the goodness or badness of a previous action, based on current knowledge and reasoning. When conscience is acting in this reflective mode, it "is said to accuse or cause remorse, when that which has been

[23] *QDV*, Q17, Art. 1. See also *ST*, I, Q79, Art. 13.
[24] *QDV*, Q17, Art. 1.
[25] When I speak of American usage I could broaden the scope to include British usage; and when I speak of American philosophical and political thought I could expand to include much of European culture.

done is found to be out of harmony with the knowledge according to which it is examined; or to defend or excuse, when that which has been done is found to have proceeded according to the form of the knowledge."[26] Through this reflective feature of conscience one is able to bring new information, new experience, or broader consideration to bear on an action that has already taken place.

The need for a reflective mode of conscience, whereby an agent can revisit a previous decision and include additional elements for consideration, or investigate the truth values of the information upon which the decision was made, indicates the limitations of human consideration and betrays the primary sites for error in human decision making. The exercise of conscience and the practical application of reasoning to a specific situation are vulnerable to error in both the active and reflective modes. Aquinas asserts, "conscience is nothing but the application of knowledge to some special act. Error, however, can occur in this application in two ways; in one, because that which is applied has error within it, and, in the other, because the application is faulty." [27] The two sources of error in human action are accounted for in one of two ways. Either conscience acts upon a set of knowledge and presuppositions that are, in fact, in error; or the agent's application of conscience is simply in error—as would be the case in some temporary or permanent deficit of the intellect.

According to Aquinas, one must act according to the dictates of conscience; that is, according to what is judged as good and right, even if the judgment is faulty because of inept or ineffective reasoning. In fact, it would be a moral *evil* for a well-ordered will to act against reason even if that reason is faulty. Aquinas concludes, "absolutely speaking, every will at

[26] *QDV*, Q17, Art. 1.
[27] *Ibid.*, Art. 2.

variance with reason, whether right or erring, is always evil."[28] This absolute dependence of the will upon proper reasoning emphasizes the importance of his system of virtues by which the intellect, and therefore reasoning, can be improved or perfected. Aquinas assigns three virtues that attend and perfect theoretical reasoning and two that relate to practical reasoning. The virtues that deal with theoretical reasoning are *wisdom, understanding, and science*. The virtues that attend and perfect practical reasoning are *art* and *prudence*.

[28] *ST,* I-II, Q19, A5.

CHAPTER 2 HOW THE VIRTUES OPERATE WITHIN AQUINAS' ETHICS

One of the aspects of Aquinas' ethical system that is very attractive to some contemporary theorists is that it involves a careful dissection of the human act in general, apart from the positive content of any specific legal system. Any specific human act is not treated in isolation; therefore, it is understood as an act *within* a specific legal system, and influenced by the positive content of that system, but the essential characteristics of ethical human behavior are discussed within the theoretical framework established by the *virtues* and not laws or rules. One of the reasons that the virtue approach to ethical reasoning is attracting much attention today is because it frames ethical discourse within the context of the interplay of various habits of the person, and then analyzes how the habits relate to the external realities. This approach proffers an ethical theory that is more highly transportable between groups with differing cultural, legal, religious, and sociological presuppositions. The architecture upon which Aquinas builds his ethical theory is not based on laws or rules of any kind. On the contrary, building upon the same structural elements of Aristotle's theory, Aquinas constructs his ethical theory around his account of the virtues. In her tome on Aquinas, Eleonore Stump states that even in describing and analyzing the virtues, Aquinas "devotes very little space to rules which codify those virtues or prescribe the way a virtuous person would act. He devotes much more attention to explicating the relation among ethical dispositions, including the ordered relations among certain virtues or certain vices and the ordered opposition of particular virtues and vices."[29] According to Aquinas, the virtues are the dispositions, abilities, tendencies, or capacities that direct the actions of human persons such that they might achieve their goals. They are habits that contribute to our flourishing, or to our functioning to our best advantage, so that our needs as human people are

[29] Stump, 311.

satisfied.[30] Although Aquinas admits of both good and bad habits—dispositions that help and hinder our attaining satisfaction as people—he defines the constellation of helpful habits as virtues. He defines virtue as "a habit (*habitus*) which is always for the good."[31]

As we have already seen, Aquinas provides a taxonomy through which he employs distinctions within the active powers driving human activity. The primary distinction he uses with regard to the psychological powers is that between the intellect and the will, each being a power that is defined by the object to which it is attuned: the intellect being attuned to truth and the will being attuned to the attainment of intellectively cognized appetibles. The end of a power is its act, and the complexity of a truly human act—that is, a rational act—is such that it requires a number of attending virtues to assist the intellect and the will in attaining their goal of human flourishing.[32] According to Aquinas, virtue is a "perfection of a power."[33] The virtues are the habits of character by which these powers are made efficient and effective at reaching the relative and absolute goals of happiness or blessedness. The presumed psychological unity and environmental embeddedness of the agent, the interpenetration of the powers, and the interconnectedness of the virtues in Aquinas' system make the radical isolation or elevation of one virtue of the agent above the others impossible and unprofitable; nevertheless, as stated in the previous chapter, when Aquinas is outlining his theoretical psychology he gives both temporal and metaphysical priority to the action of the intellect. When he begins his discussion of the virtues he reiterates this priority:

> Accordingly for a man to do a good deed, it is requisite not only that his reason be well disposed by means of a habit of intellectual virtue; but also that his appetite be well disposed by means of a habit of moral virtue. And so moral differs from intellectual virtue, even as the appetite differs from the reason. Hence just as the appetite is the

[30] For more see: Davies, 239.
[31] *ST*, I-II, Q55, Art 1.
[32] *Ibid.*, corpus.
[33] *Ibid*.

> principle of human acts, in so far as it partakes of reason, so are moral habits to be considered virtues in so far as they are in conformity with reason.[34]

In the same way that the goods that are sought by the will require intellectual warrant, the virtues that attend the will are dependent upon the action of reason for their proper functioning. Understanding how the virtue theory of Aquinas can be best appropriated as a basis for a contemporary ethical system that includes a robust commitment to the issues commonly referred to as social justice requires a careful investigation of the virtues that operate in the social realm, with special emphasis being given to the virtues that function upon the intellect and reason.

2.1 The virtue of charity

Given the metaphysical and temporal priority that Aquinas states of the action of the intellect, it might seem surprising that, in the II^{a} II^{ae}, he defines the central virtue that acts upon and perfects the intellect's theoretical reasoning, the gift of wisdom, as a subcategory to his discussion of charity, which is a virtue that acts upon the will of the agent. However, if one considers the architecture of Aquinas' virtue theory, and its relationship to his overall theological project, his reasoning comes into view. Aquinas agrees, in general, with Aristotle's account of the acquisition of virtue.[35] Aristotle presents a "bottom up" experiential program in which an individual begins by acquiring the virtues that govern the attaining of physical necessities, then moves to exercising the virtues that enable profitable social involvement, continues through to the virtues necessary for the contemplation of practical and philosophic wisdom, and arrives finally to the contemplation of the good, or of God as the highest good. In the *Nicomachean Ethics*, when Aristotle is contemplating the relationship of the highest good to the relative good of human flourishing, he wonders:

---

[34] *ST*, I-II, Q58, Art. 2.

[35] As is evident in the similar taxonomy Aquinas uses, in the I^{a} II^{ae} when he first introduces the virtues in general.

> If anything is the gift of the gods to men it is reasonable to think that happiness, the best by far of all human goods, is the gift of God…on the other hand, if happiness is not sent directly by God, but comes to men by virtue and study and exercise, it would still be judged most divine. As the reward and end of virtue it is apparently most excellent and divine and blessed.[36]

When Aquinas is commenting on this passage he indicates: "A thing is not called divine only because it comes from God but also because it makes us like God in goodness."[37] Aquinas is partially resolving Aristotle's perplexity by providing that both elements are true: God is active in providing the gift of happiness to humanity, by providing both the relative and absolute goods of human experience, and God is active in the process by which we gain the necessary virtues to assist in our journey to enter into that happiness.

When Aristotle continues this line of query in Book Ten, he states: "certainly what pertains to nature is not in our power but comes from some divine cause to a man who is very fortunate. However, discourse and instruction are not effective with everyone but the soul of the hearer must be prepared by good habits to rejoice in the good and hate the evil."[38] When Aquinas comments on this passage he concludes: "because rectitude of the appetitive faculty is needed there must be habituation inclining this faculty to good."[39] There must be a virtue by which the human appetite is initially habituated towards seeking the good; a virtue through which God entices the intellect to contemplate the highest and relative good, and by which God, for whom there is no distinction between intellect and will, directly governs human intellect.[40]

---

[36] Aristotle, *NE*, Book I, Chapter 9, (1099b9-1100a5). "εἰ μὲν οὖν καὶ ἄλλο τί ἐστι θεῶν δώρημα ἀνθρώποις, εὔλογον καὶ τὴν εὐδαιμονίαν θεόσδοτον εἶναι, καὶ μάλιστα τῶν ἀνθρωπίνων ὅσῳ βέλτιστον. ἀλλὰ τοῦτο μὲν ἴσως ἄλλης ἂν εἴη σκέψεως οἰκειότερον, φαίνεται δὲ κἂν εἰ μὴ θεόπεμπτός ἐστιν ἀλλὰ δι᾽ ἀρετὴν καί τινα μάθησιν ἢ ἄσκησιν παραγίνεται, τῶν θειοτάτων εἶναι: τὸ γὰρ τῆς ἀρετῆς ἆθλον καὶ τέλος ἄριστον εἶναι φαίνεται καὶ θεῖόν τι καὶ μακάριον."
[37] Aquinas, *Commentary on* NE, Book I, Chapter 9, Lecture XIV, §169, pg. 56.
[38] Aristotle, *NE*, Book 10, Chapter 9, (1179a33-1180a24). "δεῖ δὴ τὸ ἦθος προϋπάρχειν πως οἰκεῖον τῆς ἀρετῆς, στέργον τὸ καλὸν καὶ δυσχεραῖνον τὸ αἰσχρόν." One can easily imagine Aristotle's disappointment with the virtue of his most famous student as an example of this conundrum.
[39] Aquinas, *Commentary on* NE, Book X, Chapter 9, Lecture XIV, §2144, pg. 640.
[40] *Ibid*., §2145, pg. 640.

Seizing on these points in Aristotle's account of the virtues, Aquinas makes his most profound departures from Aristotle's virtue theory. First of all, when Aquinas structures his account of the virtues in the expanded ethical theory found in the II^a II^{ae}, he deliberately inverts the order of the virtues from that which Aristotle provided.[41] Secondly, he builds the system under the primary category of charity. Aquinas' architecture of the virtues does not follow Aristotle's didactic expression of the order of experience, but rather the ontological expression of the order of causation. Aquinas presents the virtues from a "top down" perspective in which God, as the final and ultimate cause, moves the human person to seek the good. This good is, in an absolute sense, God himself. The good also has a relative sense represented in natural human good and flourishing. Drawn by these goods the human person gains the virtue of prudence, which orders their practical judgment; followed by justice, which orders their relationship to human society; and finally gains the virtues that include such things as magnanimity.[42]

Aquinas' decision to structure his theory of the virtues upon a theocentric, ontological hierarchy as opposed to an anthropocentric, pedagogical model might seem to contradict the previously stated emphasis on the metaphysical and temporal priority of the intellect over the will; however, the agent-side psychology, with priority given to the intellect, remains intact while the agent is considered within the context of a relationship to goodness, truth, and God. Aquinas agrees with Aristotle who, towards the end of the *Metaphysics*, states, "The final cause, then, produces motion as being loved, but all other things move by being moved."[43] Aquinas thus defines the virtue of charity as the primary and primordial virtue. He defines human charity

[41] Aristotle, in the *NE*, structures his virtues as follows: courage & temperance, liberality, magnanimity, amiability, justice, prudence, wisdom, friendship, highest good. In his treatment of the virtues the II^a II^{ae} Aquinas inverts this order: Love of God, charity as friendship with God, extension of charity to others, wisdom, prudence, justice, liberality, magnanimity, courage & temperance. With the exception of liberality, this is a perfect inversion.
[42] I got this idea initially from: Keys, 198, footnote #22.
[43] Aristotle, *Metaphysics*, Book XII, Chapter 7, (1072b4), pg. 879. "κινεῖ δὴ ὡς ἐρώμενον, κινούμενα δὲ τἆλλα κινεῖ."

as a participation in the divine love.[44] In distinction to Aristotle, Aquinas places the dynamism of love at the beginning of his discussion of the virtues as opposed to the end.

One of the benefits of this structure is that it provides a basis for agent-side psychological integration. Aquinas protects the integral unity of powers of the soul, whose distinctions are defined through their objects, by following the order of causation, and beginning his account of the powers and their respective objects, with the philosophically simplest of objects. The psychological unity of the agent is established by the ultimate unity of God who is the source and goal of all that is good. This prevents the potential centrifugal effects that can arise from considering the objects of the powers of the soul in their experiential order. The order of causation provides the centripetal force of love as the source of all being, motion, potential, and unity. Love serves as the basis of the initial motion of both the will and the intellect. In his treatise on the theological virtue of charity Eberhard Schockenhoff, a priest and professor of moral theology, states, "Because the final end is present in everything one does, one's actions gain their unity and inner coherence only in the measure that they succeed in uncovering this final end, to affirm it consciously, and to accept it in free decisiveness."[45]

The second benefit that flows out of Aquinas' architecture of the virtues is that it defines another external point of reference that grounds and supports human experience and reasoning. Similar to his theory of the function of *synderesis*, this provides an external point of reference that helps to ground human experience and virtue. The human participation in divine love, known as charity, connects the agent to the external reality of God acting in and through human experience. Obviously, Aquinas' vision of God was significantly different from Aristotle's

[44] *ST*, II-II, Q23, Art. 2, ad 2.
[45] Schockenhoff, 244. (Error of clause parallelism present in the original.)

relatively sterile vision of "thought thinking on itself."[46] But Aquinas moves well beyond Aristotle's more dynamic and active vision: "We say therefore that God is a living being, eternal, most good, so that life and duration continuous and eternal belong to God, for this *is* God."[47] Based on the content of Christian revelation, Aquinas understands God to be love. Aquinas states that the highest good and true end of human life is friendship with the personal God. This move is not entirely exogenous to Aristotle's thinking, and there are distinct points of contact between what Aquinas is suggesting and what Aristotle was investigating in the metaphysics; however, Aquinas incorporates some of the theological content of Christian revelation into Aristotle's speculation and makes this new synthesis, with explicit God-side interpersonal initiative, the heart of his ethical theory. He postulates two ends in human life: the relative and limited happiness attainable by virtuous persons functioning in human society through their own natural resources; and the absolute and perfect happiness of union with God and others in the beatific vision attainable through God's grace.[48] According to Aquinas, the virtues outlined by Aristotle prove generally adequate to achieve natural happiness. If there was no possibility of perfect bliss in union with God, and no higher measure of truth than human reason, then Aristotle's virtue theory presented in the *Nicomachean Ethics* would be a sufficient guide to the moral life.[49]

However, since there is a state of blessedness that surpasses the natural happiness attainable through natural means, there must be a virtue that allows for this new object to be

[46] Aristotle, *Metaphysics*, Book XII, Chapter 7, (1072b20), pg. 880. "αὐτὸν δὲ νοεῖ ὁ νοῦς"
[47] *Ibid*., (1072b28-30), pg. 880. "φαμὲν δὴ τὸν θεὸν εἶναι ζῷον ἀΐδιον ἄριστον, ὥστε ζωὴ καὶ αἰὼν συνεχὴς καὶ ἀΐδιος ὑπάρχει τῷ θεῷ: τοῦτο γὰρ ὁ θεός."
[48] *ST*, II-II, Q23, Art. 1, ad 1. *ST*, II-II, Q23, Art. 7 "Accordingly just as the end is twofold, the last end, and the proximate end, so also, is good twofold, one, the ultimate and universal good, the other proximate and particular." "Sicut ergo duplex est finis, unus ultimus et alius proximus, ita etiam est duplex bonum, unum quidem ultimum, et aliud proximum et particulare."
[49] For more on this see: Kent, 124.

attainable. For Aquinas, charity is a virtue that exceeds our natural resources and draws the will and intellect into union with God. Aquinas addresses how charity functions in relation to reason:

> Human acts are good according as they are regulated by their due rule and measure. Wherefore human virtue which is the principle of all man's good acts consists in following the rule of human acts, which is twofold: human reason and God. Consequently just as moral virtue is defined as being in accord with right reason, as stated in Ethic. ii. 6, so too, the nature of virtue consists in attaining God…Wherefore, it follows that charity is a virtue, for, since charity attains God, it unites us to God."[50]

Charity is the virtue by which the human agent is in relationship to God. Therefore, it is through charity that our human experiences are established in relationship to ultimate reality, eternal destiny, and common creatureliness. Charity not only allows us to intend God as an object of our will and intellect; but it also is the power through which we are made aware of this possibility, drawn to this possibility, and realize this possibility. Charity is the human participation in divine love such that the human person is drawn into the interpersonal dynamics of the Triune God. Schockenhoff declares that God "out of unbounded love for his Triune nature, and in a movement in response to this original event of love, draws all creatures in accord with their own dignity back to Himself as end."[51] In this way, the interpersonal dynamics of love and charity that we experience with other people become incorporated into the very nature of God, and seen as a participation in the inner life of God.

Because God's existence is not immediately knowable by us, and because God's inner life would be utterly inaccessible without some kind of communication, we are not able to arrive at this kind of charity through our own natural endowments. Aquinas concludes, "Therefore it is most necessary that, for us to perform the act of charity, there should be in us some habitual form superadded to the natural power, inclining that power to the act of charity, and causing it to act

[50] *ST*, II-II, Q23, Art. 3.
[51] Schockenhoff, 245.

with ease and pleasure."[52] In Aquinas' system, charity is a virtue that is given to the human person as a gift of grace. The process by which God endows the human person with such a powerful gift is beyond the scope of this thesis; however, the two ways Aquinas describes this process are that it is a *superaddition* to the natural powers through a kind of *infusion*.[53] In both cases the idea is clear that the virtue of charity is not something that is within the natural capability of a human person apart from God's direct action. The exogenous nature of divine love accomplishes two important things in preserving Aquinas' ethical system. First, it provides for the means by which the human person can intend God as an object of the intellect and will that do not violate the agent-side psychology already stated. Second, it grounds human experience and virtue in an ultimate, transcendent, personal reality that has been communicated by God.

God freely has chosen to communicate the divine inner life within the course of human history, through divine revelation. It is through this process of divine revelation, with the accompanying gift of grace, that the human person enters into a true friendship with God. Since there is a communication between man and God, inasmuch as God communicates divine happiness to us, some kind of friendship must be based on this communication. Aquinas defines, "The love which is based on this communication, is charity: wherefore it is evident that charity is the friendship of man for God."[54] By defining the human relationship to God as one of friendship, Aquinas has returned to a classical category employed by Aristotle; however, he has

[52] *ST*, II-II, Q23, Art. 2. "Unde maxime necesse est quod ad actum caritatis existat in nobis aliqua habitualis forma superaddita potentiae naturali, inclinans ipsam ad caritatis actum, et faciens eam prompte et delectabiliter operari."
[53] *ST*, II-II, Q63, Pro. "Deinde considerandum est de causa virtutum. Et circa hoc quaeruntur quatuor. Primo, utrum virtus sit in nobis a natura. Secundo, utrum aliqua virtus causetur in nobis ex assuetudine operum. Tertio, utrum aliquae virtutes morales sint in nobis per infusionem." It is well beyond the scope of this thesis to address the fascinating issues surrounding Aquinas' theory of infusion of virtue. I would not be surprised if, upon investigation, it turns out that the normative economy by which virtue is infused in the person is through participating in the life of the Church, especially its sacramental system. Although I would suspect that Aquinas would provide for the possibility of an extraordinary economy of grace as well.
[54] *ST*, II-II, Q23, Art. 1, corpus.

elevated this natural category to the highest dignity possible and endowed it with the very essence of true human fulfillment and happiness. This elevated form of friendship defines and qualifies the category as it is used in any other sense. All human friendship and love are qualified and informed by this more fundamental category of human friendship with God. Aquinas articulates how our other loves relate to our love of God: "Therefore God ought to be loved chiefly and before all (*principaliter et maxime*) out of charity: for He is loved as the cause of happiness, whereas our neighbor is loved as receiving together with us a share of happiness from Him."[55] This, again, is not an indication of temporal or didactic priority; that is, we do not developmentally enter into a relationship with God and then, by extension, enter into relationships with other people. This is a metaphysical priority in which the very condition of possibility for human love is first found in the fact that God's love is made available to us, and that, acting in us, can bring about love within the human community. It is through this dynamic of love, and the metaphysical structure of causation that explains it, that love becomes the fundamental basis for all truly human action, because for Aquinas the principle ends of human acts are: "God, self, and others, since we do whatever we do for the sake of one of these."[56]

The love that we have for God is not limited to some pious expression of adoration, or confined in religious acts of devotion, but the superadded grace is so powerful that it spills over into all of the other virtues, completing them and informing them. In fact, it is by extension of the friendship between a person and God that the human person first, and most perfectly, gains the virtue necessary to be a social creature. Aquinas states that it is on the basis of our friendship with God that we extend friendship and charity to other people. In fact, in the same way that human friendship may be expanded to include the friends of a friend, the friendship that we have

[55] *ST*, II-II, Q26, Art. 2.
[56] *ST*, I-II, Q73, Art. 9, corpus.

for God spills over to all of God's other friends, "so that, in this way, the friendship of charity extends even to our enemies, whom we love out of charity in relation to God, to Whom the friendship of charity is chiefly directed."[57] Therefore, the primary virtue through which the human person relates to other people, and the virtue that primarily defines how human persons *should* relate to one another, is that of charity. Charity is the primary social virtue.

The divine gift of charity also spills over into the other virtues and transforms them. Charity becomes the form of all of the virtues. Schockenhoff states, "Just as revelation does not extinguish natural reason, and grace does not destroy human freedom, so charity is effective *in* justice and *through* justice, *in* courage and *through* courage, and *in* the tactful conduct of prudence and *through* the tactful conduct of prudence.[58] When divine charity is animating the virtues they take on a sufficiently different form that some of them are transformed into the gifts of the Holy Spirit. Aquinas states that these gifts, although maintaining many of the characteristics of the original virtue, are different species from the natural virtue that is attainable apart from the dynamics of grace.[59] This is why the gift of wisdom, which acts upon theoretical reasoning, is found as a subcategory to charity.

2.2 Theoretical reasoning by the virtue of wisdom

The virtues that operate in the intellect to assist it in acquiring theoretical truth are wisdom, science, and understanding.[60] Aquinas orders his list of virtues again in a hierarchy of causality, ranging from highest cause through practicality to the most fundamental principles. This order is also an inversion of the order of experience. The first two virtues in the order of

[57] *ST*, II-II, Q23, Art. 1, ad 2.
[58] Schockenhoff, 245.
[59] A point of great interest for me, and certainly a locus for future research, is how broadly the dynamics of grace are understood in Aquinas' theology. Certainly any contemporary appropriation of Aquinas' ethics must reflect contemporary soteriology and ecclesiology; therefore, the set of people operating "without the assistance of grace" could be attenuated or even eliminated and Aquinas' dynamic of charity might be applied universally.
[60] *ST*, I-II, Q57, Art. 2. "sapientia, scientia et intellectus"

experience, science and understanding, are fascinating in their own right, but have little impact on the social sphere and are, therefore, only of peripheral interest and will receive simply a cursory introduction. Understanding is the virtue by which the intellect comes to ascertain the truth in things that are known in themselves, and comprehended as a principle. The virtue of understanding is the most basic of the virtues that assist theoretical reasoning. It assists the intellect in the apprehension and application of formal knowledge, of the principles of causality, and the simple truths of things that are immediately graspable by the intellect and that underwrite more complicated interactions.[61] It would belong to understanding to operate the intellectual functions of logic, mathematics, and to consider various states of being in the abstract, such as health or flourishing. Science is the collection of virtues necessary for the intellect to know matter and how the objects of the physical world relate to the first principles derived through the application of understanding. [62] It is through science that we would explore the physical properties of our familiar berry, investigate the physical aspects of its life as the fruit of its plant, and determine how it relates nutritionally to human health; that is, should we eat it.[63]

The virtue through which the natures of things are deduced and contemplated is wisdom. It is through the virtue of wisdom that the relationships between things are evaluated. Wisdom is the virtue through which the intellect comprehends things that are not known at once, but are known only by means of reason's extensive inquiry.[64] Through wisdom one is able to unite various aspects of science and understanding, one is able to incorporate the knowledge and understanding of other people contained within tradition, and one is able to order and prioritize the value of goods. Wisdom is able to consider objects in relation to higher goods, highest

[61] *ST*, I-II, Q57, Art. 2, corpus.
[62] *Ibid*.
[63] For more on understanding and science see: Stump, (2003), 351.
[64] *ST*, I-II, Q57, Art. 2, corpus.

causes, and natural ends. According to Aquinas, it belongs to wisdom "to consider the highest cause. By means of that cause we are able to form a most certain judgment about other causes, and according thereto all things should be set in order."[65] Natural wisdom is sufficient for ordering things according to the highest relative good of the person, e.g. common good. Therefore it is according to wisdom that the social order is established and the relationships within the social structure are theoretically based. This aspect of natural wisdom does not require the superaddition of grace or infusion of charity to function for human happiness and an effective social order. However, when the content of divine revelation present in Scripture and Tradition is added to natural wisdom, along with the experience of grace that comes through a relationship with God in the community of the Church, a new synthesis is possible through which the order of things, including the social order and the articulations of the common good, is established according to divine intent. Therefore the *gift* of wisdom, through which relative goods and relative causes are established, is associated to the virtue of charity, by which ultimate goods and ultimate causes are grasped. Aquinas defines the relationship between charity and wisdom: "Consequently wisdom which is a gift, has its cause in the will, which cause is charity, but it has its essence in the intellect, whose act is to judge aright."[66]

It is through wisdom acting upon theoretical reasoning that natures are understood and related to one another. It is, therefore, within the domain of wisdom that theoretical reason comes to know the principles of the natural law. However, with reason acting under the influence of wisdom one can employ divine revelation, human or divine tradition, and various articulations of the principles of the common good to move beyond the requirements of the natural law. When applying the fruits of theoretical reasoning to the domain of ethical action

[65] *ST*, II-II, Q45, Art. 1.
[66] *Ibid.*, Art. 2.

Aquinas states, "…if we speak of virtuous acts, considered in themselves, i.e. in their proper species, thus not all virtuous acts are prescribed by the natural law: for many things are done virtuously, to which nature does not incline at first; but which through the inquiry of reason, have been found by men to be conducive to well-living."[67] Since wisdom is the virtue that governs the inquiry of reason, and that determines and judges the right relationships between things, it is the primary virtue responsible for forming the theoretical principles that underwrite an articulation of the common good and govern human interactions. Wisdom is the primary virtue that governs relationships between things, goods, people, organizations, cities, states, and nations. As such, wisdom is the fundamental social virtue. Although charity guides our contemplation towards the highest goods, and provides the motivation for seeking the good of others as belonging to the good of God, Aquinas states that wisdom is necessary for charity to accomplish this end. He indicates that "it belongs to charity to *be* at peace, but it belongs to wisdom to *make* peace by setting things in order."[68]

In summary, the virtue by which the intellect turns its attention to the highest relative causes and natures, the virtue through which the highest relative good is established, and the virtue through which the articulations of the social order and the common good is made is that of wisdom. When wisdom is infused with charity it can attain to the divine intentions that inform these ultimate ends, and how the common good relates to the divine good. This is the theoretical foundation upon which social interaction can be understood; however, it is not enough to discern these things in the abstract. Theoretical reason, brought to perfection through all of its associated virtues, must give way to practical reasoning through which specific choices can be made, and

[67] *ST*, I-II, Q94, Art. 3.
[68] *ST*, II-II, Q45, Art. 6. (Emphasis mine)

means can be selected by which one may attain the due ends previously assigned through theoretical reasoning. Aquinas states that for a choice to be truly good, two things are necessary:

> First, that the intention be directed to a due end; and this is done by moral virtue, which inclines the appetitive faculty to the good that is in accord with reason, which is a due end. Secondly, that man take rightly those things which have reference to the end: and this he cannot do unless his reason counsel, judge and command aright, which is the function of prudence and the virtues annexed to it."[69]

Therefore, in order to continue our investigation of the way that the social virtues operate within Aquinas' system, we must turn our attention to the virtues that operate upon theoretical reasoning and through which one discerns the most appropriate means to achieve the ends articulated by theoretical reasoning and sought through a well-ordered will that is operating with sufficient moral virtue.

2.3 Practical reasoning and the virtue of prudence

One of the major difficulties that arises when discussing Aquinas' system of virtues is that there are multiple layers of translation operating, and that each layer of language carries its own set of nuances and connotations. One of the central difficulties in translating or understanding Aquinas' virtue of prudence is that he translated Aristotle's Greek word *phronesis*, which can be understood as "practical wisdom," into the Latin *prudentia* which carries the connotation of *foresight* among other things. However, Aquinas defines his use of *prudentia* as "right reason with respect to actions;" therefore, he was using the Latin word but maintaining more of the Greek connotation.[70] To further muddy the linguistic waters, the English word *prudence*, which is used to translate Aquinas' virtue *prudentia*, has many different definitions, each with its own set of connotations. In its current usage, it carries some negative connotations, some of which can be detected in such synonymous terms and phrases as: caution,

[69] *ST*, I-II, Q58, Art. 4.
[70] Phronesis = φρόνησις. Right reason with respect to actions = *recta ratio agibilium.*

discretion, regard for one's own interest, wise management, or frugality.[71] For Aquinas, the word we translate into English as "prudence" does not contain the negative tenor that contemporary English has gained; therefore, understanding how Aquinas uses the term requires that we set aside the contemporary usage and strive to understand the word as he defines it.

As stated previously, it is important to keep in mind that for Aquinas the distinctions and definitions, faculties and habits, and the various aspects of the human person are never absolutely distinct but always acting in concert in the unified human person. Therefore, although we are going to focus our attention on how it is that the virtue of prudence acts upon and perfects practical reasoning, and how it is a virtue that bears much responsibility in the social sphere, it is not to be thought of as exercising its habit apart from the rest of the virtues and faculties. While discussing the cardinal virtues of prudence, justice, temperance and fortitude he says:

> It may also be said that these four virtues qualify one another by a kind of overflow. For the qualities of prudence overflow on to the other virtues in so far as they are directed by prudence. And each of the others overflows on to the rest, for the reason that whoever can do what is harder, can do what is less difficult.[72]

All of the virtues impact one another and work in concert with the faculties of the soul in the process of human flourishing; nevertheless, prudence has primacy of place among them. The interpenetration of the virtues is manifested in the fact that Aquinas follows Aristotle in saying that prudence is the means by which one arrives at the intended good, as determined through wisdom; therefore prudence can be called a type of "wisdom about human affairs."[73] Since it is through prudence that one is able to attain the relative goods of human flourishing, such as basic physical needs, good governance, and peaceful relations, Aquinas says that prudence is "wisdom

[71] Westberg, 3.
[72] *ST,* I-II, Q61, A4.
[73] *ST*, II-II, Q47, Art. 2.

for man, but not wisdom absolutely."[74] In some ways, the greater convergence of prudence and natural wisdom in Aquinas' system, when compared to Aristotle, is a result of the fact that for Aquinas the highest good for the human person is union with the loving and eternal God, and dependent upon the gift of wisdom empowered through grace and the virtue of charity. Relativized by this lofty goal, the ends associated with the natural happiness fall short, and have more of the quality of practical reason than that of true contemplation through wisdom. Nevertheless, this association of prudence with wisdom is only accidental since prudence, when considered on its own, functions only in the practical reason and even the relative goods of natural happiness are assigned by wisdom functioning within the theoretical reasoning. Although prudence and natural wisdom operate very closely together in Aquinas' system, and both are changed and united through infused grace, he reiterates the distinction between them: "It does not belong to prudence to appoint the end, but only to regulate the means."[75]

Aquinas provides the most complete definition of prudence in his treatment of the intellectual virtues in the I^a II^{ae} when he is addressing the virtues somewhat removed from the context of the theological project of the ethics of the II^a II^{ae}:

> Prudence is a virtue most necessary for human life. For a good life consists in good deeds. Now in order to do good deeds, it matters not only what a man does, but also how he does it; to wit, that he do it from right choice and not merely from impulse or passion. And, since choice is about things in reference to the end, rectitude of choice requires two things: namely, the due end, and something suitably ordained to that due end. Now man is suitably directed to his due end by a virtue which perfects the soul in the appetitive part, the object of which is the good and the end. And to that which is suitably ordained to the due end man needs to be rightly disposed by a habit in his reason, because counsel and choice, which are about things ordained to the end, are acts of the reason. Consequently an intellectual virtue is needed in the reason, to perfect the reason, and make it suitably affected towards things ordained to the end; and this virtue is prudence.[76]

---

[74] *ST*, II-II, Q47, Art. 2. "prudentia est sapientia viro, non autem sapientia simpliciter." See also: Aristotle, *NE*, Book VI, Chapter 5. In which Aristotle does say that prudence has this function but does not explicitly call it wisdom.
[75] *ST*, II-II, Q47, Art. 6.
[76] *ST,* I-II, Q57, A5.

While theoretical reasoning produces a description of what human flourishing and happiness look like, the means for moving towards the goal of happiness within the context of the common good are developed and presented through the exercise of practical reasoning assisted by prudence. Therefore, the specific ways in which the common good can be expressed in laws and social structures, that is, how the universal principles contained in the theoretical presentation of human flourishing and the common good can be applied within a specific set of circumstances, is the domain of practical reasoning assisted by prudence.

In his discussion of the relationship between the intellect and will, especially within the context of the priority of the virtue of prudence, Fr. Daniel Westberg warns:

> If one agrees with the common view that the will is the pivot in human action, then one will have a distorted impression of Thomas's view of the interaction of reason and the will in the process of deliberation and choice and in the possibilities for error and sin. If the will is seen as the primary factor in the process of deciding, then it follows that if a wrong decision is made, the will is the responsible factor."[77]

Westberg posits that if one assumes that the will is the primary source of error and sin, then it would only make sense that one must attend most closely to the virtues of the will that act to perfect it and habituate it. Although this is a legitimate theory, with its own merits, Westberg thinks it can lead to a misappropriation of Aquinas, because Aquinas does not structure his virtues in this way, or give priority to the virtues of the will. A contemporary appropriation of Aquinas must accept that for him the intellect, operating through prudence, enjoys priority of place. To shift this priority to the will is to misunderstand Aquinas and contort his system to accommodate theological presuppositions that Aquinas does not share. Westberg goes so far as to say that the proper relationship between intellect and will has "thus become the crux of the problem in understanding the nature of *prudentia* in St Thomas…"[78]

---

[77] Westberg, 37.
[78] *Ibid*., 39.

Aquinas' inversion of Aristotle's architecture of the virtues is not simply a rhetorical device, or an arbitrary architectural decision. It extends from a profound commitment to the order of causation. God is the ultimate source of all things and provides the meaning and rationality of the universe. Since this God is love, and in God the intellect and will are perfectly united, these facts determine the nature of created reality and provide the foundational dynamics of our own experience. The order of causation grounds our experience in the character of God and, since we are created in the image of God and share in his character, we have confidence that our intellect is able to penetrate into the deep realities of the world and provide access to the true causes at play. Even though the individual person is inducted into this order in a manner that follows Aristotle's didactic scheme, the order itself, and the context in which the individual is inducted, are governed according to the hierarchy of causes. Therefore, primacy is given to the fundamental principles that form the structure of reality, and the virtues that help us grasp them. Translating this from the theoretical into the practical reasoning, Aquinas states, "Consequently just as right reason in speculative matters, in so far as it proceeds from naturally known principles, presupposes the understanding of those principles, so also does prudence, which is right reason about things to be done."[79] And, indeed, the principles that govern human ethical behavior, and that govern the moral virtues that perfect the will, are principles of reason that are applied through prudence. Aquinas states that the "ends of moral virtue must of necessity pre-exist in the reason."[80] And this pre-existence of the principles of moral virtue is brought about, as we have seen, through the exercise of *synderesis*. Therefore, there is within Aquinas' moral scheme an implicit hierarchy—*synderesis*, wisdom, prudence, and then the moral virtues.[81] Through the virtue of synderesis the agent is able to grasp the fundamental moral principles, the

[79] *ST*, II-II, Q58, Art. 4, c.
[80] *ST*, II-II, Q47, Art. 6.
[81] *ST*, II-II, Q47, Art. 6, ad 3. For more on this see: Keenan, 260. He enumerates the same list without wisdom.

goals of human action are defined by theoretical reasoning operating with wisdom, the specific means of arriving at these theoretical goals are chosen by practical reasoning guided by prudence, and then guided by the moral virtues the will acts in choosing what the intellect presents to it as good. Aquinas concludes, "Accordingly, when he [Augustine] says that *virtue is the art of right conduct,* this applies to prudence essentially; but to other virtues, by participation, for as much as they are directed by prudence."[82]

Prudence is one of the most crucial virtues for human flourishing and the pursuit of happiness because it has an effect in both the intellectual and moral domains. It is a bridge virtue, and not only does it have the ability to impact both practical and moral reasoning but it serves to unite many aspects of human action. Aquinas demonstrates the simultaneous interconnectedness and primacy of prudence over the other virtues:

> The end concerns the moral virtues, not as though they appointed the end, but because they tend to the end which is appointed by natural reason. On this they are helped by prudence, which prepares the way for them, by disposing the means. Hence it follows that prudence is more excellent than the moral virtues, and moves them.[83]

Daniel Mark Nelson, in his thesis, *Priority of Prudence,* states that Aquinas' ethical theory is not primarily a theory of the natural law, but of virtue in which the organizing dynamic is that of practical reason acting with prudence. Although Nelson elevates prudence to a degree that relativizes and marginalizes other virtues and the need for grace, he correctly identifies the central place of prudence in Aquinas' conceptualization of the human act. Nelson points out that the two aspects of Aquinas' thought that are often used to guide ethical discourse and that dominate the contemporary appropriations of his ethical system. These aspects are the principles of natural law and the subsequent "socialization" of these principles through the virtue of justice, by which the human person becomes connected to other people. The emphasis on these two

[82] *ST*, I-II, Q58, Art. 2, ad. 2.
[83] *ST,* II-II, Q47, Art. 6.

features, Nelson argues, fails to properly appreciate the role of prudence in Aquinas' system. It is clear that, for Aquinas, the virtue of prudence and its context of practical reasoning presume the social context of the human agent and include the relationships therein. One does not have to invoke justice to connect the virtuous person to other people. As we have seen, both wisdom and charity are social virtues. Both govern how people relate to one another through the relative highest goal of the common good and through the ultimate goal of union with God. In addition, Aquinas states clearly that prudence governs the human person in all of his or her relationships:

> Wherefore there must needs be different species of prudence corresponding to these different ends, so that one is "prudence" simply so called, which is directed to one's own good; another, "domestic prudence" which is directed to the common good of the home; and a third, "political prudence," which is directed to the common good of the state or kingdom.[84]

Practical reason is guided by prudence to the correct and appropriate means by which the common good can be achieved. Therefore, the particular characteristics of social institutions, laws, social structures, and the like are the practical applications and manifestations of the ideas and principles of the common good as presented and expressed through theoretical reasoning. Aquinas postulates that there are different species of prudence according to the end: prudence, domestic prudence, political prudence.[85] Because the relative and absolute goods of human flourishing are intrinsically social, there must be a type of prudence that governs all aspects of practical reasoning such that the agent can attain happiness. Accordingly, since it belongs to prudence rightly to "counsel, judge, and command" concerning the means of obtaining a due end, it is "evident that prudence regards not only the private good of the individual, but also the common good of the multitude."[86] Therefore, prudence, like wisdom and charity, is an

[84] *ST,* II-II, Q47, Art. 11.
[85] *Ibid*.
[86] *Ibid.*, Art. 10.

essentially social virtue and governs our interactions with other people according to a specific concept of the common good articulated through wisdom.

For Aquinas, as for Aristotle, the relationship of the individual to the society is one of part to whole, and imperfect to perfect. Therefore, the flourishing and happiness of the individual person is inextricably bound up with the common good and universal happiness presented in the well-ordered society:

> Moreover, since every part is ordained to the whole, as imperfect to perfect; and since one man is a part of the perfect community, the law must needs regard properly the relationship to universal happiness. Wherefore the Philosopher, in the above definition of legal matters mentions both happiness and the body politic: for he says that we call those legal matters "just, which are adapted to produce and preserve happiness and its parts for the body politic": since the state is a perfect community.[87]

It is according to the conclusions of practical reasoning guided by prudence, which are themselves circumstantial manifestations of the universal principles defined by theoretical reasoning, that society is governed and that the relationships between individuals are defined and oriented towards the common good. The more hierarchical the society the more distance there is for the average citizen between the functions of wisdom and prudence, since the structure and positive law of the society are received more passively and obeyed more directly through an act of the will. The more democratic and egalitarian a society is, the more that the virtues of prudence and wisdom are united in their functioning with respect to the articulation of the common good. And the more that, with regard to social interactions, the intellect functioning under the guidance of prudence dominates the will functioning under the guidance of justice.

[87] *ST,* I-II, Q90, Art. 2.

2.4 THE WILL AND THE INFLUENCE OF THE VIRTUE OF *IUSTITIA* (JUSTICE)

It is immediately after the discussion of the virtue of prudence that Aquinas turns his attention to the virtue of *iustitia*.[88] He has already discussed how it is that theoretical reasoning, assisted by wisdom, comprehends human nature and articulates principles of flourishing that include the relationship of individuals to society. In his discussion of prudence it seems that the virtue guides and perfects practical reasoning such that the common good and human flourishing described by theoretical reasoning, according to human nature, can find expression in the real world and become manifest through social structures, laws, and practical application. It is then the duty of the virtue of *iustitia* to move the will of the person to choose to give each person his or her due according to the common good *as articulated by theoretical reasoning*. Therefore, *iustitia* effects the good that is prescribed by prudence.[89]

In agreement with ancient tradition, Aquinas offers the basic definition of *iustitia* as the disposition of the will "to render to each one his due."[90] What each person is due is defined by reason—theoretical reason defining the principles of what is due, and practical reason defining the particulars. Aquinas makes it clear that *iustitia* does not aim at directing an act of the intellect, but of the will:

> Now *iustitia* does not aim at directing an act of the cognitive power, for we are not said to be just through knowing something aright. Hence the subject of *iustitia* is not the intellect or reason which is a cognitive power. But since we are said to be just through doing something aright, and because the proximate principle of action is the appetitive power, *iustitia* must needs be in some appetitive power as its subject. Now the appetite is twofold; namely, the will which is in the reason and the sensitive appetite which follows on sensitive apprehension, and is divided into the irascible and the concupiscible…Again

[88] In order to facilitate the disambiguation I will use the Latin "*iustitia*" when discussing Aquinas' virtue. I will not decline the noun as it changes case but will use the simple nominative. I do not find this disambiguation as crucial in discussing the other virtues because the contemporary use follows Aquinas' use more closely; however, I have judged that protecting Aquinas' use of the term justice is made much easier through referring to it in the Latin.
[89] *ST*, II-II, Q123, Art. 12. "Prudence, since it is a perfection of reason, has the good essentially: while *iustitia* effects this good." "Hoc autem bonum essentialiter quidem habet prudentia, quae est perfectio rationis. *Iustitia* autem est huius boni factiva."
[90] *ST,* II-II, Q58, Art. 11. "Et ideo proprius actus *iustitia*e nihil est aliud quam reddere unicuique quod suum est."

> the act of rendering his due to each man cannot proceed from the sensitive appetite, because sensitive apprehension does not go so far as to be able to consider the relation of one thing to another; but this is proper to the reason. Therefore *iustitia* cannot be in the irascible or concupiscible as its subject, but only in the will.[91]

This is one of Aquinas' most brilliant contributions to the theory of *iustitia*. Aquinas seizes on a phrase in the *Nicomachean Ethics* in which Aristotle is summarizing a typical commonsense understanding of *iustitia*: "Apparently everyone wants to call justice that habit by which men are disposed to just works, and by which they actually perform and *will* just deeds."[92] Launching from this phrase, and others like it in Aristotle's ethics, Aquinas makes a profound adjustment to the nature of the virtue by securing *iustitia* within the domain of the will. Aquinas then declares that the primary function of the virtue of *iustitia* is to turn the attention of the will towards the common good expressed within the social order.[93] Aquinas points out the deficiency in Aristotle's concept of *iustitia*. He says that Aristotle directs "our principal attention to what a man does externally; how he is influenced internally we consider only as a by-product."[94] To correct this deficiency Aquinas locates the virtue of *iustitia* squarely within his psychological structure by attaching it to the power of the will. By doing so he allows for an exploration of how the agent's interior dispositions connect to the external realities of social interaction. In her book that compares and contrasts the concepts of the common good found in Aristotle and Aquinas, Mary Keys states:

> By incorporating natural law, its broader common good, and the will explicitly into his dialectic, indeed into the very definition of justice, Aquinas is able simultaneously to situate justice more deeply in the interiority of the person and to extend its scope more

---

[91] *ST,* II-II, Q58, Art. 4.
[92] Aristotle, *NE* Book V, Chapter 1, (1129a6) "ὁρῶμεν δὴ πάντας τὴν τοιαύτην ἕξιν βουλομένους λέγειν δικαιοσύνην, ἀφ᾽ ἧς πρακτικοὶ τῶν δικαίων εἰσὶ καὶ ἀφ᾽ ἧς δικαιοπραγοῦσι καὶ βούλονται τὰ δίκαια: τὸν αὐτὸν δὲ τρόπον καὶ περὶ ἀδικίας, ἀφ᾽ ἧς ἀδικοῦσι καὶ *βούλονται* τὰ ἄδικα." See also: Keys, 181.
[93] *ST,* II-II, Q58, Art. 6.
[94] Aquinas, *Commentary on the* NE, Book V, Chapter 1, Lecture I, 281.

> broadly toward a universal good. Aquinas can thus defend more boldly than did Aristotle the perfective, nonalienating status of care for the common good.[95]

Locating the virtue of *iustitia* specifically within the will allows the virtue to function as a part of his overall psychological theory. In addition, Aquinas provides yet another external point of reference for the individual agent. The proper object of the will's intention, when operating through *iustitia*, is the existent social order of which the individual is a part. Since Aquinas has a developed concept of the will, it is able to mediate the connection between *iustitia* and the common good in a manner that strengthens and defines both the internal disposition and its connection to the external reality of the social order. For Aquinas the goal of *iustitia* is to hold people "together in society and mutual intercourse…Therefore *iustitia* is concerned only about our dealings with others."[96] It is not the *only virtue* that is concerned about our dealings with others, but it *is* the virtue that is *only concerned* with those dealings. Aquinas admits that there is a metaphorical application of the term *iustitia*. Under the metaphorical use of *iustitia* the term is applied to the whole process by which an agent acts with proper regard for others. This metaphorical extension of the virtue, Aquinas claims, is due to the unity of the agent; however, this use lacks the precision of the term as he is defining it: as a virtue that acts upon the will alone.[97]

Iustitia influences the actions of a person by directing his or her actions towards the common good just as charity directs the actions towards the divine good, but the characteristics of both the common good and the divine good, as has been demonstrated, are the proper domain

---

[95] Keys, 198. Mary M. Keys, is a graduate from Boston College who serves as a professor of political theory at Notre Dame University.

[96] *ST,* II-II, Q58, Art. 2. "*iustitiae ea ratio est qua societas hominum inter ipsos, et vitae communitas continetur*. Sed hoc importat respectum ad alterum. Ergo iustitia est solum circa ea quae sunt ad alterum."

[97] *ST,* II-II, Q58, Art. 2. "Et ideo metaphorice in uno et eodem homine dicitur esse iustitia, secundum quod ratio imperat irascibili et concupiscibili, et secundum quod hae obediunt rationi, et universaliter secundum quod unicuique parti hominis attribuitur quod ei convenit. Unde philosophus, in *NE* Book V, hanc iustitiam appellat secundum metaphoram dictam."

of reason.[98] Since *iustitia* is a disposition of the will, it does not exercise direct influence on the rational articulations of what exactly each person is due; it simply assists the person to act in accordance with whatever the intellect has decided is due to each according to the right social order. Aquinas does allow that *iustitia* is related to reason through a kind of nearness: "Since the will is the rational appetite, when the rectitude of the reason which is called truth is imprinted on the will on account of its nighness to the reason, this imprint retains the name of truth; and hence it is that *iustitia* sometimes goes by the name of truth."[99] However, the will has a two-fold receptivity with respect to the truth of the social order. First, the will is receptive with respect to the action of the intellect. The conclusions of reason are transferred to the will through the exercise of the intellect because of the will's proximity to the functions of reason. Although the will, as the intellectual appetite, would impact the process by initially turning the intellect towards the social structure, and maintaining its interest in the social structure, it would not participate in the process of reasoning itself, be able to register critique of reasoning, or arrive at any conclusions.

The will also shares with the intellect a kind of receptivity with respect to the object of the social order. Since the intellect engages the social order within the context of reasoning, it does so in a more active fashion, and equipped with various critical and analytical tools. However, since the social order predates the agent, and is not a result of the individual exercise of reason, the social order is an actively received reality. One of the great benefits of the active receptivity is that it grounds the experience of the individual person, connects her or him to the order of social interaction, and affords a theoretical framework through which the process of socialization can be understood. For Aquinas, the fact that the social order is actively received

[98] *ST,* II-II, Q58, Art. 6.
[99] *Ibid.*, Art. 4, ad 1.

reflects both the dependence of the individual upon the community, and the dependence of the community on the providence of God, who is involved in the multifarious historical process through which social forms arise.

The drawback of the receptivity of the will and intellect with respect to the social order is that it places some theoretical constraints on the ability of individual agents to act autonomously or to critique the social order. "In those matters that relate to himself," Aquinas says, "man is master of himself, and that he may do as he likes; whereas in matters that refer to another it appears manifestly that a man is under obligation to render to another that which is his due."[100] Therefore the manner in which "that which is due" is defined partially determines the freedom of the individual with respect to the society and the obligations due to the society. This is especially pronounced, as mentioned previously, in social forms in which political power resides in fewer agents. The receptivity of the will and intellect with respect to the social order produces a relationship of the individual to the community that is uncomfortably constrained by contemporary standards, but an articulation that is consistent with most pre-modern political theories and one that can be useful today as society becomes increasingly aware of social sin, structures of sin, unfair economic systems, and the force of political ideology. If one considers the will and the intellect receptive, it becomes clear how a person can act "justly" within a social structure that, when critiqued by another articulation of social order or human flourishing, might be condemned as intrinsically unjust.

For instance, many of the social structures that Aquinas engages in the section on *iustitia* are now viewed with suspicion or even outright rejection. When discussing whether or not "right is the object of *iustitia*," Aquinas presents a theory by which *iustitia* functions as a protector of the values ensconced in the social order—a social order that contains elements that contemporary

[100] *ST,* II-II, Q122, Art. 1.

Western culture rejects on the basis of a presumption of radical equality. To relieve the uncomfortable tension that arises in Aquinas' discussion of *iustitia*, some authors will attempt to interject radical equality into Aquinas' theory through the selective quoting of the following passage:

> It is proper to *iustitia*, as compared with the other virtues, to direct man in his relations with others: because it denotes a kind of equality, as its very name implies; indeed we are wont to say that things are adjusted when they are made equal, for equality is in reference of one thing to some other.[101]

This passage is used to suggest that the idea of absolute and universal equality between human persons exists in Aquinas' ethical theory. Taken out of context, it does seem to support such an idea, but one does not have to look far to see that Aquinas is simply not proposing the kind of absolute and universal human equality that is valued highly in much of Western society today.

Aquinas qualifies the equality he is referring to by saying: "For the equality of distributive *iustitia* consists in allotting various things to various persons in proportion to their personal dignity."[102] Using the political theory present in Aristotle's *Politics* and the *Nicomachean Ethics*, Aquinas mentions some of the inequalities present in the social organization. The first category of inequalities is found in domestic relationships. Aquinas speaks of children, slaves, and wives as "belonging to" the father.[103] There is not *iustitia* between father and son, nor master and slave, because their relations stand in the context of the sharply distinct domestic roles presumed in a profoundly patriarchal structure. Aquinas uncritically employs Aristotle's statements that wives, children, and slaves "belong to the father"

---

[101] *ST,* II-II, Q57, Art. 1.
[102] *ST,* II-II, Q63, Art. 1.
[103] When Aquinas speaks of slaves he is not speaking of the type of race-based chattel slavery practiced in the United States. Stephen Brett, in his book *Slavery and the Catholic Tradition: Rights in the Balance*, states: "Since St. Thomas deemed the kind of slavery know to him (medieval serfdom) to be repugnant to *naturalis ratio*, he could not have failed to categorize the far more pernicious species of slavery based on race in the New World as *a fortiori* repugnant to *naturalis ratio* and therefore by definition to his understanding of the *jus gentium*." Brett, 78.

and that "it is impossible to treat oneself unjustly."[104] Aquinas' use of Aristotle's domestic scheme flatly contradicts the idea that he is dedicated to a concept of absolute equality in his theory of *iustitia*. Aquinas also follows Aristotle's lead in moderating the potential abuse in domestic relationships by offering that *iustitia* does exist in domestic relationships "in a way," but in the domestic structure there is not the kind of unqualified *iustitia* that exists between true equals.

> It belongs to *iustitia* to render to each one his right, the distinction between individuals being presupposed: for if a man gives himself his due, this is not strictly called "just." And since what belongs to the son is his father's, and what belongs to the slave is his master's, it follows that properly speaking there is not *iustitia* of father to son, or of master to slave. A son, as such, belongs to his father, and a slave, as such, belongs to his master; yet each, considered as a man, is something having separate existence and distinct from others. Hence in so far as each of them is a man, there is *iustitia* towards them in a way: and for this reason too there are certain laws regulating the relations of father to his son, and of a master to his slave; but in so far as each is something belonging to another, the perfect idea of "right" or "just" is wanting to them.[105]

If the son or the slave was considered as an individual, and not within the context of the relationships of the house, then *iustitia* does exist between them. Since the domestic relationships are not formally part of the external social order, but are instead part of the internal order of the patriarchal self-rule, they are not properly governed by *iustitia*, but must be governed by another virtue. It is counterintuitive that a son or slave would be given greater protection from abuse when considered apart from their relationship with the father; however, the reason for this is that the domestic relationships are not governed by the virtue of *iustitia*, as defined and codified in the legal structure of the social order, but by the virtue of *charity*. The standard of charity is significantly higher than the standard of mere *iustitia*; therefore, the son

---

[104] Aristotle, *NE*, Book V, Chapter 11, (1138a14).

[105] *ST,* II-II, Q57, Art. 4. This follows Aristotle in Book V, Chapter 11: "In a metaphorical and analogical sense however there is such a thing as justice, not towards oneself but between different parts of one's nature; not, it is true, justice in the full sense of the term, but such justice as subsists between master and slave, or between the head of the household and his wife and children." "κατὰ μεταφορὰν δὲ καὶ ὁμοιότητα ἔστιν οὐκ αὐτῷ πρὸς αὐτὸν δίκαιον ἀλλὰ τῶν αὐτοῦ τισίν, οὐ πᾶν δὲ δίκαιον ἀλλὰ τὸ δεσποτικὸν ἢ τὸ οἰκονομικόν"

and slave are afforded even greater protection and importance than that which would be made available through *iustitia*. Indeed they should be loved as much as the father loves himself.[106]

As Aquinas continues his discussion of how *iustitia* operates it becomes clear that the relationship between husband and wife was also determined through the virtue of charity and not *iustitia*. However, this relationship simultaneously enjoys greater access to *iustitia* through the woman's engagement with the social order, and attenuated independence due to Aquinas' perspective that women are intellectually inferior to men. In this section of his treatment of *iustitia*, Aquinas is not interested in discussing the relationships between men and women extensively; however, Aquinas accepts that women are fundamentally inferior to men and should be governed by them. He formed this opinion using a combination of the *Politics* of Aristotle and the testimony of Scripture.[107] In his letter to the Ephesians St. Paul says that "a husband is the head of his wife" and to the Corinthians he states that "man is the head of woman."[108] Aquinas concludes from this Scriptural reference that men are intellectually superior to women. The combination of this conclusion with Aristotle's justification of social order through the principles of form and matter in his metaphysical biology formed the foundation of philosophical justification of male superiority for centuries. Clearly, any contemporary appropriation of Aquinas' ethics would require that the mistakes of Aristotle's metaphysical biology be corrected, and that contemporary interpretations of Scripture be employed, such that women are understood as possessing the same dignity and viewed as having the same intellectual capacity as men.

[106] For Aristotle the father and child are related through natural affection and obedience "στέργοντες καὶ εὐπειθεῖς" Book X, Chapter 9 (1180b); whereas for Aquinas the father and child are related through charity. In his Commentary on the NE Aquinas notes that charity is the more efficacious in guiding towards the good. Book X, Chapter 9, Lecture XV, (§2159), pg. 644.
[107] Aquinas wrote a commentary on the *Politics* of Aristotle in which he makes very little criticism of the social theory contained therein. See: Richard J. Regan, trans. *Commentary on the Politics,* (Indianapolis: Hackett, 2007).
[108] Ephesians 5:23, 1 Corinthians 11:3. (RSV)

However, in a contemporary appropriation it would be desirable that the domestic relationships are held to the higher standard of the virtue of charity, as opposed to mere *iustitia*.[109]

At the end of his treatment of the domestic relationships between husband and wife, Aquinas shifts to the other category of social inequality:

> …For the good order would have been wanting in the human family if some were not governed by others wiser than themselves. So by such a kind of subjection woman is naturally subject to man, because in man the discretion of reason predominates. Nor is inequality among men excluded by the state of innocence, as we shall prove.[110]

The end of the quote indicates that, in addition to the presumed inequalities of the domestic relationships, Aquinas accepts that there are inequalities based on social status or function. There exists a proportionality of what is due to each person according to how they relate to the common good as expressed in the structure of the functioning society:

> … the matter of *iustitia* is an external operation in so far as either it or the thing we use by it is made proportionate to some other person to whom we are related by *iustitia*. Now each man's own is that which is due to him according to equality of proportion. Therefore the proper act of *iustitia* is nothing else than to render to each one his own.[111]

For Aquinas there is a kind of equality that exists between all people, but this equality is modified and qualified according to each person's relationship to the social structures that are defined and expressed through reason's attempt to comprehend human nature. In Aquinas' view there is nothing unnatural about human governance; in fact, governance would have existed in the prelapsarian world.[112] Aquinas agreed with Aristotle that various individuals were endowed with differing natural qualities such that a natural order of governance would arise among them. However, Aquinas did use Scripture and tradition to temper Aristotle's belief that men were of such radically varied natural endowments that true ownership or natural slavery could exist

[109] And it would emphasize the verses following those used by Aquinas in which husbands are commanded to love their wives. Ephesians 5:25. Expanding this command to include the full set of domestic relationships.
[110] *ST,* I, Q92, Art. 1.
[111] *ST,* II-II, Q58, Art. 11.
[112] *ST*, I, Q96, Art. 4.

among people. Aquinas unequivocally states that in a world unmarked by sin slavery and "dominion through which one person's actions are not directed to his or her own end" would not exist.[113] And that an unhealthy dominion of man over woman, or master over slave, is due to sin and not according to the natural order created by God.

The simple fact of the matter is that Aquinas is not particularly interested in expressing one social structure over another. Both the inequalities of domestic life and the inequalities found in the social structure are simply presented as examples of how *iustitia* functions *within* such a system. Aquinas simply follows Aristotle's presentation of domestic life and the various structures of governance, making a very few changes along the way when Scripture or tradition seemed to warrant further comment. He reconciles Aristotle's account of the social order to his own theory at times. He includes his virtue of charity, and he argues for a greater equality of men through their sharing the *imago Dei*, but he leaves the basic structure the same. As has been previously stated, Aquinas is not interested in forming an explicit theory of government or law. He is not interested in exploring the intricacies of political theory, nor is he endorsing a specific set of domestic or social structures. Indeed, the kind of slavery being discussed in the *Nicomachean Ethics* did not exist in Aquinas' experience and was expressly forbidden by ecclesial law. Aquinas is not endorsing a social theory; he is developing a virtue theory. And in the section on *iustitia* he is simply using Aristotle's political theory to provide examples of how *iustitia* looks when it operates within a given set of social situations. This is never clearer than when he is talking about how distributive *iustitia* functions within various forms of government:

> Consequently in distributive justice a person receives all the more of the common goods, according as he holds a more prominent position in the community. This prominence in an aristocratic community is gauged according to virtue, in an oligarchy according to

[113] *ST*, I, Q96, Art. 4. For an excellent discussion of this topic see: Capizzi, 31-51.

> wealth, in a democracy according to liberty, and in various ways according to various forms of community.[114]

Aquinas simply lists the same governmental forms catalogued by Aristotle. In his discussion of *iustitia*, Aquinas does not put forth one form of government as being superior to another, or one set of domestic relationships as being ideal, he simply explores what the virtue would accomplish within whatever social structure it was located. The virtue inclines the will to give to another what they are due—however that is determined. The common good, as expressed in the extant social order is the object of the will acting under the influence of *iustitia*. With this object in mind, the human agents organize their behavior in a fashion that protects the social order, respects the differentials contained therein, and renders unto others what they are due. *Iustitia* is a fundamentally conservative virtue. It serves to protect the common good by bringing individual actions in line with the social order, however it is expressed. And true *iustitia* only governs relationships that are formally defined within the social structure, especially as found it its legal apparatus.

It is correct to say that Aquinas was simply expressing *iustitia* by drawing somewhat uncritically from the political theory of Aristotle, and making minor adjustments according to his contemporary culture. However, there is no reason to grow embarrassed of his failure to apply the principles of *iustitia* to critique the inequalities presumed in his examples of how *iustitia* operates. For Aquinas, *iustitia* simply does not possess this capability. The reason *iustitia* is applied in a differential manner and according to basic inequalities of individuals is that the differentials and inequalities are manifestations of the common good that are the result of practical reasoning making manifest the principles of theoretical reasoning applicable to the circumstances of his time.

---

[114] *ST,* II-II, Q61, Art. 2.

In order to understand Aquinas, one must understand that social change is not brought about by critiquing social structures, laws, and presumptions according to the virtue of *iustitia*. Social change, rather, is accomplished through a critique of social structures, laws, and presumptions according to reason. If one wants to challenge the domestic and public presumptions of inequality, and challenge Aquinas' conceptualization of how individuals relate to the common good, one does not do so on the basis of *iustitia*, but on the basis of right-reason giving rise to a new articulation of the common good and human flourishing. Although this process would require the virtue of *iustitia* to be present, so that one would remain dedicated to choosing that which gives each their due, the virtues responsible for determining what each person is due are wisdom and prudence acting on the intellect. *Iustitia*, by contrast, acts upon the will. As stated earlier, the will should not contradict what reason dictates, even if the reasoning is in error.

CHAPTER 3 CONTEMPORARY CONCEPTS OF JUSTICE

3.1 The formation of a hybrid virtue

One of the difficulties in understanding and appropriating Aquinas' ethical theory is the way that the fundamental terminology of philosophy and political theory shifts and evolves through time. Linguistic evolution is present, of course, in almost every domain of human communication, and poses its own set of difficulties in translating and understanding documents across the centuries. Sometimes, within the natural process of evolution, a term develops stable and powerful connotations that entirely displace previous connotations or collapse ancient ambiguities into a more univocal usage. Through the rise of utilitarianism and deontological methods, the contemporary American concept of justice has acquired such strong connotations and been employed with such broad application that it can obscure the specific and limited manner in which the virtue of *iustitia* operates in Aquinas' system. Our concept of justice has been informed by the philosophical systems of the influential political and philosophical minds of the seventeenth through twentieth centuries. During these centuries various philosophers and political theorists developed a new lexicon of terms according to the needs of their time. In response to a high degree of dissatisfaction with current political realities, many theorists attempted to develop a theoretical framework through which governmental systems could be evaluated and critiqued based on the perceived needs of the citizens. In order to provide a basis for a critique of government systems, political theorists developed principles that addressed the manner in which individual citizens relate to one another and to the society in general. During these centuries the principle of absolute equality arose and joined forces with a tendency to ascribe specific rights to individuals. This combination has served as the basis for the reevaluation of many social presuppositions, structures, and strictures. One of the most

fundamental political principles called into question was the natural, or divine, right of rulers based on natural differentiation of human qualities.

In the Aristotelian theory, governmental forms grew naturally out of the soil of communal living. Aristotle viewed the human person as an intrinsically social animal and thought that human societies developed through historical processes according to natural differences within the population. For Aristotle, within a group of people defined by a cultural commonality or a geographic boundary there were differential abilities and concomitant responsibilities. The differential character of various persons was naturally derived and easily recognized within the functioning of the community. In his view, various persons were not equal in function or dignity; therefore, he argued that governmental forms developed in response to these natural distinctions. Some citizens were endowed with the skills necessary to govern and others were naturally inclined towards being governed. The relative status in society, and the structures that develop to sustain and protect the right order, develop naturally, in accordance with reason, and through a historical process. Although historical contingencies could produce a variety of different modes in which government took place, and duties and dignities were distributed, each of these had a natural basis and reflected true differences within the population. This differentiation has a profound impact upon the notion of distributive justice, since each person is given what they are due *according to their relative dignity* as defined within the social order. For Aristotle, the degree of differentiation within the human population was so great as to underwrite natural slavery in which one person was competent, because of his or her advanced rational capability, to not only govern another person, but to determine and expropriate the ends of that person's labor and efforts.

Aquinas accepted the fundamental principles of natural differentiation and government that Aristotle espoused. However, Aquinas used Christian revelation and tradition to make profound adjustments in Aristotle's theory. First of all, Aquinas used Scripture and tradition to argue that all people share in the image and likeness of God; therefore there is a kind of fundamental dignity that is shared by all people, although they do possess different capabilities and have differential functions within society. Aquinas founded human dignity and worth not upon a specific set of capabilities present in the person, but upon the relationship of the person to God in love. Since the love of God is the basis of the order of causation, the fact that God is the beginning and end of the human person bestows on each person the dignity of God's love. Aquinas argues that the image of God is in all people but the quality of the image varies according to how the person participates in God's intended ends for humanity.[115] Accordingly, he suggests three fundamental categories into which the spectrum of imaging God falls. All people share in the image of God according to being created, rational beings. The just, i.e. those who are conformed to the image of Christ by grace, share in the image of God through re-creation and habituation. And those who attain heaven share in the full likeness of God in blessedness.[116] Because of this fundamental equality of worth, as expressed in the universal image of God present in all people, Aquinas argued against the notion of natural slavery.

The second major adaptation Aquinas introduced into Aristotle's theory of natural governance is that of a specifically Christian sense of divine providence. God governs all of creation and this includes the governance of human society.[117] God governs all things by bringing them into existence and leading them to their proper end, he does this in a mediated

[115] *ST,* I, Q93, Art. 4.
[116] *Ibid*.
[117] *ST,* I, Q22, Art. 1.

fashion.[118] The natural differentiation that exists within a given society extends from the wisdom of God through which all things are ordered towards their end. Since the human family is intrinsically social and hierarchical, Aquinas believes that the differentiation of status, responsibility, and dignity within a society reflects the ordering of the providential God. All human actions of governance are a participation in the divine ordering of creation. Aquinas admits that governmental forms arise in a manner that is historically contingent; therefore, there arise various forms of government according to time and place. Nevertheless, each of these various forms represent the divine ordering of society towards the common good through which the human family can grow in virtue and happiness. When the human person is acting with a full set of virtues they are able to engage the right order (*ius*) of society with ease and natural affinity.

The contemporary Anglo-American conceptualization of justice has been profoundly impacted by the Rawlsian appropriation of Kant, Rousseau, Locke, and Hobbes. These philosophers were, in many ways, reacting against the political theories of Aristotle and Aquinas and the divine right of the sovereign that their theory of natural government underwrote. In order for the legitimacy of a specific government or a form of government to be called into question one must propose a method by which governmental forms and specific governments arise. Moving past the natural government theories of Aristotle and Aquinas, many empiricists and utilitarian theorists proposed that governments arise when various free agents come together and make a rational decision to cede individual rights in favor of common rights and responsibilities. Through this ceding of individual rights the participants enter into a social contract that forms the basis of government. Outlining the development of this theory, and its

[118] *ST,* I, Q103, Art. 1.

impact on the concept of the natural order, is important for understanding our contemporary American view of justice.

Thomas Hobbes was the first political theorist to provide a detailed social contract theory. In doing so, he was intentionally challenging the Aristotelian understanding of natural government. Hobbes says, "I know that Aristotle in the first book of his Politics, for a foundation of his doctrine, makes men by nature, some more worthy to command, meaning the wiser sort…others to serve…" But Hobbes argues that this is "not only against reason, but also against experience. For there are very few so foolish, that had not rather govern themselves, that be governed by others."[119] He posits that there was a period of human existence before society in which human kind existed in a primitive state. Hobbes proposes that in this pre-social, natural state there existed a "right of nature" that gives individual agents "the liberty…to use his own power, as he will himself, for the preservation of his own nature, that is to say, of his own life, and consequently of doing anything which in his own judgment and reason he shall conceive to be the aptest means thereunto."[120] Although this means that every individual is sovereign over his own affairs, the state of nature and its attendant rights is imagined by Hobbes as being rather penurious and tumultuous. He describes it thusly:

> Hereby it is manifest that during the time men live without a common power to keep them all in awe, they are in that condition which is called war; and such a war as is of every man against every man…In such condition there is no place for industry, because the fruit thereof is uncertain: and consequently no culture of the earth; no navigation, nor use of the commodities that may be imported by sea; no commodious building; no instruments of moving and removing such things as require much force; no knowledge of the face of the earth; no account of time; no arts; no letters; no society; and which is worst of all, continual fear, and danger of violent death; and the life of man solitary, poor, nasty, brutish, and short.[121]

[119] Hobbes, *Leviathan*, Chapter XV, §27.
[120] *Ibid.*, Chapter XIV, §1.
[121] *Ibid.*, Chapter XIII, §9.

According to Hobbes, individuals in the state of nature were apolitical and asocial. Each man was an individual sovereign over his own affairs; however, this not only severely limited the potential of the individual but also inevitably led to a conflict of interests. Therefore, the various men of a region would gather together and intentionally cede some of their individual rights to the collective—forming a rational and deliberate contract. This process of the corporate ceding of individual rights resulted in the establishment of the state, a sovereign entity, which could create laws to regulate social interactions. Operating under a social contract human life was no longer "a war of all against all." Since the formation of the state, through the formation of the social contract, was a rational choice of the citizens of the state, and a collective act of will, the state was also an expression of the will of the people. Just as the individuals in the state of nature had been individual sovereigns, and guided by self-interest, so states now acted in their self-interest in competition with each other. Therefore, the inevitability of conflict present between individuals in the state of nature is transferred to the relationship between states, which were also bound to be in conflict because there was no sovereign over and above the state capable of imposing social contract laws.

John Locke was the second major social contract theorist. In his *Second Treatise of Government* Locke presents a contract theory that contained profound differences from that of Hobbes. In fact, Locke's theory retains only the fundamental notion that individual persons in a state of nature would willingly form a political entity by ceding certain individual rights to the collective. The state of nature imagined by Locke is much more optimistic in tone. Locke believed that individuals in a state of nature are bound by the Law of Nature to respect the natural rights of other individuals. This more auspicious view of the pre-social state of individuals is transferred to the relationships of political entities and Locke does not presume

inevitable and intractable conflict between persons or states. Locke describes the process by which individuals cede natural liberties for the purpose of greater collective protection:

> Man being born, as has been proved, with a title to perfect freedom, and an uncontrolled enjoyment of all the rights and privileges of the law of nature, equally with any other man, or number of men in the world, hath by nature a power, not only to preserve his property, that is, his life, liberty and estate, against the injuries and attempts of other men; but to judge of, and punish the breaches of that law in others, as he is persuaded the offence deserves, even with death itself, in crimes where the heinousness of the fact, in his opinion, requires it. But because no political society can be, nor subsist, without having in itself the power to preserve the property, and in order thereunto, punish the offences of all those of that society; there, and there only is political society, where every one of the members hath quitted this natural power, resigned it up into the hands of the community in all cases that exclude him not from appealing for protection to the law established by it.[122]

According to Locke, the primary impetus for forming the social contract is to extend the self-preservation of life, liberty, and property. This extension allows for greater protection against those who would willingly violate natural rights and thereby promises greater stability and serenity for citizens. It transfers both the responsibility of protecting the citizens and punishing violators to the state. The state arises specifically at the mandate of the people and the power of the state is derived from the consent of the people. Locke's theory of government enjoys such prominence in American thought that many of the principles contained therein are widely accepted uncritically as simple facts of the state. The principle that political power arises from a mandate of the people is fundamental to the American political reality and permeates our concept of justice, rights, and their applications.

Jean-Jacques Rousseau is the final political philosopher important to mention with regard to American political thought, and its foundation in social contract theory. In his most famous treatise, *The Social Contract,* Rousseau proposes a contract that is significantly different from that of either Hobbes or Locke. Rousseau's vision of the natural state, social contract, and

[122] Locke, *Second Treatise of Government*, Chapter VII, §87.

subsequent political reality had a positive note more similar to Locke, but the functioning of the state was envisioned differently. For Rousseau the contract forms the basis for a set of political rights based on unlimited popular sovereignty. The rights attributable in civil society do not arise from nature but must be "founded on conventions."[123] The conventions that give warrant to the civil rights necessary for flourishing are established according to popular consensus. Rousseau argues that citizens cannot pursue their true interests in isolation or self-absorption, i.e. as an egoist, but that they must subordinate themselves to the law created by the citizenry as a collective. Rousseau declares that the social contract can be "reduced to the following terms: Each of us puts his person and all his power in common under the supreme direction of the general will; and in a body we receive each member as an indivisible part of the whole."[124] The process by which the individuals put themselves and their powers under the direction of the general will must be facilitated at times by force. If individuals, or a subgroup, lapses back into egoism and disobeys the leadership, they will be compelled to act in accordance with what has been decided through the collectivity. Thus, the law, inasmuch as it is created by the people acting as a body, is not a limitation of individual freedom, but its expression. Because laws represent the restraints of civil freedom, they represent the transformation from the state of nature into civil society. In this sense, according to Rousseau, the law is a civilizing force, and therefore the laws that govern a people helped to mold their character.

In our discussion of justice, and the development of social justice, the important points to highlight within the contract theories are: 1) the state of nature is not fundamentally social but individual; 2) political entities are formed when individuals freely and willingly cede their natural rights for the purpose of establishing new rights in accordance with collective values;

[123] Rousseau, *The Social Contract*, Book I, §1.
[124] *Ibid.,* §6.

3) this process is both rational and voluntary; and 4) individual laws, and the structure of social order, are an expression of the values ensconced in the social contract. These points are pertinent to our discussion because they not only serve as the basis for much of American political thought, but they are also in intentional opposition to the natural governmental theory espoused by Aristotle and Aquinas. Since in almost all articulations justice is the virtue through which individuals relate to each other within the social construct, the theoretical framework through which this construct is understood will have a profound influence on how the virtue operates. This is not to say that one articulation is correct, simply that each theory will manifest different characteristics. The social contract theory has, at its heart, a reasoned and willful decision to cede certain natural rights in order to gain new communal rights. The social order is an expression of the rational will of the people. Justice is, therefore, a virtue that is an expression of this rational will. This is quite different from the natural government of Aristotle and Aquinas in which the social order is an expression of divine will and a result of final causation. For Aquinas, God is the ultimate source of all governance and in him alone do intellect and will operate without distinction. Human governance is a participation in this divine governance and justice is the virtue of the will through which one intends the right social order. And the social order is a partially received and organic reality in which the individual participates through virtue. Whereas, for social contract theorists the fundamental reality behind the formation of a political entity is an act of the human agents in which there is no distinction between the intellect and will. The fundamental social virtue of justice is both intellectual and voluntary and the relationship of the individual to the collective is one of critical rational choice. Because the causation is different in the two theories, the attendant virtues function differently.

3.2 Justice according to Kant

Another major influence upon contemporary understanding of justice is the ethical theory of Kant. For our conversation, the three pertinent characteristics of Kantian ethics are that: 1) it is deontological and justifies norms of action in terms of rational principles rather than teleological ends; 2) it is formalistic in that it does not explicate natures and substantive moral ideas, but provides a neutral procedure for rational choice; and 3) it is universalistic in that its principles are meant to be valid in any human situation as opposed to a specific culture or historical moment.[125] Kant bequeathed an ethical theory, and a theory of justice, that was at odds with both the natural philosophy of Aristotle and Aquinas, and the social contract theories of the empiricists and utilitarians.

> By the well-being of a state must not be understood the *welfare* of its citizens and their *happiness*; for happiness can perhaps come to them more easily and as they would like it to in a state of nature (as Rousseau asserts) or even under a despotic government. By the well-being of a state is understood, instead, that condition in which its constitution conforms most fully to principles of right; it is that condition which reason, by categorical imperative, makes it obligatory for us to strive after.[126]

Through Kant's outright denial of the ordering power of natural happiness or human flourishing one can immediately ascertain that his method of ethical discourse is, in many ways, antithetical to the theory presented by Aquinas. Similar to the social contract theorists, in his description of moral reasoning Kant combined the powers of the intellect and the will. This combination, once again, leads to an understanding of justice that is radically different from that of Aquinas's virtue of *iustitia*. The reason that Kant eliminated the distinction between intellect and will in his account of practical reason is that he eliminated the concept of final causation by which the agent is drawn towards the good through connaturality. Westberg states:

---

[125] Drawn from: Warnke, p. 1-3.
[126] Kant, *Metaphysics of Morals*, 95.

> Kant did combine intellect and will in his account of practical reason, but separated them from any teleological view of reality and provided the motivation for practical reason in the notion of duty to law. With natural appetite removed in the Kantian agent, intellect and will combine to functions of both internal and external principles of action.[127]

The elimination of final causation, and the collapsing of the distinction between the intellect and the will, means that the virtues that attend social intercourse become deeply rational and critical in nature. For Kant, all principles of moral reasoning, including the reasoning of justice, are formed in a manner that is context independent, and then subsequently applied by moral agents within circumstantial situations. In Kant's theory justice is a hybrid, deeply rational virtue by which the fairness in human exchanges and interactions is judged according to the categorical imperative.

3.3 The Rawlsian veil of ignorance

In his *Theory of Justice* Rawls builds on the presuppositions of Kant and provides a procedure for assessing principles of justice that is both neutral with respect to the different conceptions of the good and independent of the values and interests of particular groups or communities. Rawls begins with the statement, "Justice is the first virtue of social institution."[128] He says that a good society is one structured according to principles of justice. Rawls asserts that existing theories of justice, developed in the field of philosophy, are inadequate: "My guiding aim is to work out A Theory of Justice that is a viable alternative to these doctrines which have long dominated our philosophical tradition."[129] He emphasizes that the principles of justice should not take into account any possible differences among individuals. Moral reasoning is to be guided by choosing principles of justice from behind a "veil of ignorance." This point of view, which he calls the "original position," is intended to ensure that

[127] Westberg, 235.
[128] Rawls, *A Theory of Justice,* 3.
[129] *Ibid*.

the principles of justice selected are intentionally ignorant of historical and societal contexts, including history, society, race, sex, class, wealth, assets, abilities, values, or conceptions of the good. Justice, therefore, is a virtue that seeks to guide moral reasoning according to an absolute claim of universal equality. For Rawls, justice is not an inclination of the will to act in support of the social distinctions that are manifestations of reason's articulation of the common good according to some rational apprehension of human nature. Rather, it is a virtue with a deeply rational character, by which absolute and radical equality is made manifest in social order.

The Kantian-Rawlsian approach is, of course, quite different from the way in which Aquinas understands the virtue of *iustitia* to be operating. For Rawls there can be principles of justice which function specifically to critique and reform social structures according to a fundamental conviction of universal and absolute equality. For Aquinas the primary function of *iustitia* is to protect and ensure the stability of society by reinforcing the need to give to each person according to their relative position in society, with specific regard to the very differences to which Kant and Rawls were blind, and to express a particular view of the common good. For Aquinas *iustitia* is a fundamentally conservative virtue that preserves the social order. Since it is located in the will, it is not the proper virtue to execute social critique or change. Although the dedication of the will toward seeking that which "gives others their due" is an integral part of any rational exploration of social structure, it plays only a supporting role. It is clear that our concept of justice has changed significantly, and has been expanded to include deeply rational components. We must be aware of these changes if we are to successfully understand Aquinas' theory and appropriate his virtue structure in pursuit of the goals often associated with contemporary social justice.

3.4 The evolution of social justice

The Kantian-Rawlsian impact on our current understanding of justice is not the only linguistic evolution that needs attention for a contemporary Catholic appropriation of Aquinas. One of the ways in which justice is commonly discussed in Catholic circles, and certainly among Jesuits, is within the context of promoting *social justice*. The social encyclicals of the Church and the documents of the Society of Jesus both demonstrate the evolution of the phrase "social justice" during the nineteenth and twentieth centuries. Indubitably, the phrase has an evolutionary pathway that is as complex as that of justice simpliciter. However, the history of the phrase demonstrates the deep irony that "social justice" arose in the context of a philosophical struggle *against* the utilitarian, empirical, and deontological methods of the nineteenth century attributable to the same political philosophers previously mentioned in this chapter. And if one looks at the early origin of the phrase, the deep compatibility of the foundational principles of social justice and the ethical theory of Aquinas comes into view.

In their landmark article in the *Journal of Markets and Morality*, Stefano Solari and Daniele Corrado trace the evolution of the concept of social justice as it emerged in the Society of Jesus.[130] According to Solari, in the nineteenth century, the Thomistic tradition of natural law based on practical reasonableness was "reproposed by Jesuits to counter individualistic utilitarianism and materialistic liberalism."[131] I would add that the Jesuits were also struggling against the highly abstract *homines noumena* of Kant and his focus on equally abstract *duty*. The mostly Jesuit natural law theorists were arguing against what they considered to be the philosophical fiction of total self-determination and the historical fiction of the social contract. They insisted that the human person is at least partially circumstantially determined. In addition

[130] Stefano Solari is a professor of economics at the University of Padua, Italy. His co-author, from the same institution, Daniele Corrado, is a professor of philosophy of law.
[131] Solari, 51.

to this partial determination, the circumstances in which a human person is embedded provide goods and meaning beyond the capacity of the individual. The relationship between people and their environment is organic and connatural. Within this environment a person is able to operate within a framework that assists in knowing the right thing to do. There exists an organic relationship between the good, the right, rights, duties, and morality—all of which occur within the context of divine providence and oriented towards the good. Solari states that Aquinas proposed a legal framework based on "*right reason* and on the possibility of discovering and communicating what is good and, consequently, what is just."[132] For Aquinas—and the natural law theorists—duties, obligations, and rights do not emerge from pure rational deliberation in isolation, but they arise from the rational necessity of some means to achieve the common good through which individuals are connected by nature. Solari states that duty is not separable from rights because "the good objectively connects them in a relationship."[133]

The term "social justice" arose from the context of the nineteenth century Jesuits' insistence that the organic reality in which a person is located necessarily connects the entire set of causation—including the final causes associated with flourishing and happiness. Against the total self-determination implied in individualistic theories, the Jesuits were arguing that the human reality is experienced within the degrees of freedom proper to human nature and that freedom is maximized when it is exercised in accord with a rational grasp of the truth which is oriented towards the good. Society does not emerge from the independent rational/volitional decisions of individuals, but emerges as a "necessary consequence of human nature." Solari argues that, for the natural law theorists, the foundation of human society is not based upon deliberate acts of individual wills submitting to the conglomerate will, but based upon the moral

[132] Solari, 51. Italics original.
[133] *Ibid*. Italics original.

order which is "oriented to obtaining truth and good."[134] Solari argues that Jesuit Father Luigi Taparelli d'Azeglio "was one of the most important scholars who renewed Thomistic thought and was largely responsible for its adoption as the official social philosophy of the Church."[135]

Thomas Burke, in his article on the "Origins of Social Justice", traces the development of the concept of social justice from the writings of Taparelli d'Azeglio to the present. According to Burke, the term "social justice" was coined by Taparelli in 1843. Taparelli used the term in the Thomistic fashion according to which justice is the virtue by which the social order was protected because by it the virtuous person would give to other people according to their proper place within a naturally structured society. Although Taparelli, like Aquinas, did not explicitly endorse one schema of social organization over another, he presumed that the social order arose out of natural differentiation between people. God has given all people the desire to seek the supreme good and to do so in a cooperative and social manner. Taparelli openly rejects both the Lockean principle of equality and what he calls the "historical fiction of the social contract."[136] He posits that there is natural authority according to relative prowess:

> Authority…arises because some men are naturally braver, more competent, more intelligent, wealthier, or better endowed with the qualities of leadership than others. When a particular authority grows so strong that it has no superior it attains to sovereignty, and if it exists in a stable territory it becomes a state. The right to govern a state…belongs to the person who has established order in it.[137]

For Taparelli, social justice requires that one recognize that natural inequalities exist among people and to accept that it is due to these inequalities that natural government develops. Social justice, therefore, is a conservative virtue by which these structures of government are

[134] Solari, 52.
[135] *Ibid*, 51.
[136] Burke, 99.
[137] *Ibid*, 100.

recognized as having legitimacy and each person supports the social structure according to his or her place within the society ordered—i.e. made *right*—by the exercise of authority.

These concerns voiced by Taparelli entered official Catholic discourse with the publication of the great social encyclical *Rerum Novarum* by one of Taparelli's students, Pope Leo XIII, in 1891:

> It must be first of all recognized that the condition of things inherent in human affairs must be borne with, for it is impossible to reduce civil society to one dead level. Socialists may in that intent do their utmost, but all striving against nature is in vain. There naturally exist among mankind manifold differences of the most important kind; people differ in capacity, skill, health, strength; and unequal fortune is a necessary result of unequal condition. Such unequality is far from being disadvantageous either to individuals or to the community. Social and public life can only be maintained by means of various kinds of capacity for business and the playing of many parts; and each man, as a rule, chooses the part which suits his own peculiar domestic condition.[138]

According to Burke, the ironic turn in the history of the phrase "social justice" occurred when it was connected to Taparelli's economic theory—which was also fundamentally conservative. Taparelli defended what he considered the more "communitarian economics" of Catholicism against what he considered the "individualistic economics" of Protestant countries. Taparelli argues that economic structures must exist for the advancement of the common good and not for personal gain or private accumulation of wealth. Although Taparelli never uses the phrase "social justice" with respect to his economic theory, the two theories, both fundamentally conservative in his context, were amalgamated as they were appropriated. The phrase "social justice" itself was first used officially by the Church forty years after the publication of *Rerum Novarum*, in 1931, when the encyclical *Quadragesimo Anno* was published to celebrate the earlier Encyclical Letter. In this document, somewhat ironically in light of the background in Taparelli's views, Pope Pius XI uses the phrase "social justice" explicitly as a virtue by which

[138] Pope Leo XIII, *Rerum Novarum*, §17. The choice of the word "unequality" as opposed to "inequality" is present in the official English translation.

social and economic structures are evaluated according to a principle of radical equality and motivated towards an equitable distribution of resources among the citizenry.[139]

> Still, in order that what he so happily initiated may be solidly established, that what remains to be done may be accomplished, and that even more copious and richer benefits may accrue to the family of mankind, two things are especially necessary: reform of institutions and correction of morals…To each, therefore, must be given his own share of goods, and the distribution of created goods, which, as every discerning person knows, is laboring today under the gravest evils due to the huge disparity between the few exceedingly rich and the unnumbered propertyless, must be effectively called back to and brought into conformity with the norms of the common good, that is, social justice.[140]

This Encyclical does not suggest that the radical equality that flows from universal human dignity gives rise to perfectly equal distribution of goods and resources. Pius XI intimates that the method of distribution found in a given society must, according to the norm of social justice, respect the fundamental equality of all human persons and provide sufficient access to the goods and resources of the society such that all citizens have access to what is necessary for flourishing. According to Pius XI, social justice is the virtue by which the modes of distributive and commutative justice are evaluated and critiqued.

In *Faith that Does Justice,* published in 1977, Jesuit Father David Hollenbach describes the way in which the concept of social justice developed and is related to the Thomistic categories of distributive and commutative justice. Hollenbach first rearticulates the Thomistic categories according to a corrected version of the common good in which there is assumed radical equality and dignity among all human persons. He then describes the third "mode" of justice, which he calls social justice.

> The third modality of justice (social) concerns institutionalized patterns of mutual action and interdependence which are necessary to bring about the realization of distributive justice…it refers to the obligations of all citizens to aid in the creation of patterns of societal organization and activity which are essential both for the protection of minimal

[139] See: Pope Pius XI, *Quadragesimo Anno*, §57, 80.
[140] Pope Pius XI, *Quadragesimo Anno*, §77, 85.

> human rights and for the creation of mutuality and participation by all in social life...social justice is a political virtue.[141]

For Hollenbach, the virtue of social justice is a modality of the broader virtue in which the values of a specific conceptualization of the common good—based on radical equality—are practically applied to society through the critique of social structures. This is a clear shift in the understanding of justice within the Thomistic tradition. Despite the overall Thomistic framework in which this new virtue is described by Hollenbach, it has moved beyond Aquinas' concept of *iustitia* as a virtue that orients the will to act in accordance with the present social structure. In Hollenbach's view, social justice is the way in which the virtue of justice motivates prudential reasoning to act with a specific critical apparatus and with a specific egalitarian agenda.

In recent years the concept of social justice has continued to evolve. In some circles it has become almost exclusively identified with a specific form of social critique in which the economic structures of society, and the legal and governmental apparatus that support them, are evaluated and challenged according to a fundamental conviction of radical equality of persons. Social justice has evolved to accommodate the hybrid nature of Kantian-Rawlsian justice that possesses a critical, and therefore rational, component. This can be seen in the statement of a recent General Congregation of the Society of Jesus with regard to our dedication to social justice:

> It is becoming more and more evident that the structures of society are among the principal formative influences in our world, shaping people's ideas and feelings, shaping their most intimate desires and aspirations; in a word, shaping mankind itself. The struggle to transform these structures in the interest of the spiritual and material liberation of fellow human beings is intimately connected to the work of evangelization. This is not to say, of course, that we can ever afford to neglect the direct apostolate to individuals, to

[141] Hollenbach, (1977), 220. Fr. David Hollenbach, SJ is a professor of theological ethics at Boston College.

> those who are the victims of the injustice of social structures as well as to those who bear some responsibility or influence over them.[142]

In the decades following Hollenbach's definition, social justice became more intimately connected to a specific type of economic critique based on the communitarian principles of economics outlined by Taparelli and infused with a good dose of Marxist philosophy. One can hear the echoes of Hegelian philosophy, and its Marxist response, in the declarations of the Jesuit General Congregation:

> The struggle for justice has a progressive and gradually unfolding historic character, as it confronts the changing needs of specific peoples, cultures, and times. Previous congregations have called attention to the need to work for structural changes in the socioeconomic and political orders as an important dimension of the promotion of justice.[143]

Combining the Congregation's dedication to analyzing and understanding the gradually unfolding historical character of justice with a specific interest in the material modes of production produces a Christian appropriation of Marxism that allows for critique of political and economic realities according to reason. This combination has served as a powerful and controversial method of practical theology for several decades now. The effect of political theology and liberation theology, two of the systematic manifestations of social justice, has been felt throughout the world and has produced exciting changes.

However, the controversy has not only marginalized liberation theology, but has started to erode commitment to the principles of social justice in young Catholics and even among many young Jesuits. Part of the controversy results from the suspicion many Catholics and Jesuits have with respect to the Marxist critique. Furthermore, part of the controversy extends from the fact that the term "justice" is operating in two very different ways. For many Roman Catholic

[142] GC32, Decree 4, §89, 40.
[143] GC32, Decree 3, §54, p. 531. For the specific calls for structural change see: GC 32, Decree 4, §20, p. 20; GC 33, Decree 1, §32, p. 46.

theologians and practitioners the term "justice" operates in a manner that is deeply informed by Aquinas' conservative usage in which the virtue acts exclusively upon the will for the protection of society. For others, the contemporary American usage dominates in which the virtue is simultaneously volitional and rational and endowed with profound critical capabilities. This leads to ideological conflicts, based on intuitions derived from semantics, that are not necessary if the goals are discussed within the context of the common good. Therefore, a contemporary appropriation of Aquinas must be very careful to respect the limitations of *iustitia* within his system and to expand the scope of the conversation to include other virtues besides *iustitia*.

Further exacerbating the tensions related to the use of the term "social justice" is the fact that there are additional characteristics, beyond the aspect of structural analysis and critique, that have become intimately associated with the contemporary hybrid virtue. These additional aspects include such things as: 1) the preferential option for the poor, 2) a commitment to living in solidarity with the poor, 3) respect for the dignity of the human person created in the image of God, 4) assuring access to the economic and social rights necessary for life and well-being, 5) guaranteeing the freedoms necessary for gaining these goods, and 6) recognition of the impact of globalization.[144] While discussing social justice the General Congregation states:

> Our faith in Christ Jesus and our mission to proclaim the Gospel demand of us a commitment to promote justice and to enter into solidarity with the voiceless and the powerless. This commitment will move us seriously to verse ourselves in the complex problems which they face in their lives, then to identify and assume our own responsibilities to society.[145]

This litany of associated qualities, which has become so intimately connected to the promotion of social justice, contains some of the most beautiful and exciting practical theology of the contemporary church. It serves as a consistent source of excitement and apostolic activity within

[144] See: GC34, Decree 3.
[145] GC32, Decree 4, §91, 42.

the Church. The apostolic activity that flows out of the contemporary commitment to social justice and its attending characteristics can be easily perceived in the campus ministry efforts of Catholic and Jesuit high schools and universities, including Boston College and BC High. However, in Catholic circles, there often arises a perception of tension between the practical theology associated with social justice and the traditional theology that draws deeply from the virtue theory of Aquinas. To resolve this tension, and to allow for greater exchange of ideas between traditional and progressive ethical commitments, we shall examine how the constellation of principles commonly associated with contemporary social justice relates to the broader virtue theory of Aquinas. One will only be frustrated if one looks narrowly to Aquinas' theory of *iustitia* to find the theoretical framework upon which a commitment to social justice can stand. For Aquinas, the purview of the virtue of *iustitia* is limited to the will, and it simply does not possess the rational faculties necessary to accomplish the analysis that is essential to contemporary social justice. However, as stated previously, Aquinas' virtue theory considered as a whole does provide a theoretical framework in which the issues of social justice can be addressed, but it does so employing a different rubric. The contemporary convictions of radical equality and individual rights belong to the Thomistic domain of theoretical reasoning assisted by wisdom. The commitment to the preferential option for the poor belongs to the Thomistic virtue of charity. The critique of social structures according to contemporary economic theories and sensibilities belongs to the Thomistic domain of practical reasoning assisted by prudence. In Aquinas' language, the faith that does justice, inasmuch as it acts in a critical and constructive fashion, is more closely associated with the virtue of prudence than *iustitia*. Furthermore, in Aquinas' language, the faith that does justice, inasmuch as it seeks the common good and the will of God within social relationships, is a faith that acts with holistic virtue.

CHAPTER 4 AQUINAS' VIRTUES AND SOCIAL JUSTICE

4.1 Integrating social justice into Aquinas' virtue theory

The evolution of the contemporary American political theory, as cursorily described in the last chapter, has contributed to the development of a structure of justice in which rights and duties are bequeathed upon individuals, independent of their relative social status. This development has been beneficial in producing peaceful, pluralistic societies like ours. However, at the same time, the Kantian-Rawlsian concept of justice tends to isolate the individual moral agents and detach their moral reasoning from their natural environment. The moral landscape is marked by individual agents, acting in a critical fashion from a point of almost Cartesian isolation, who focus upon positive law and how it defines individual rights and duties, without giving a sufficient theoretical basis for how they are organically related to the society. Although there indubitably are benefits to this theory of justice, it also has drawbacks. Kant and Rawls deliberately removed teleological considerations from their social theories. This produced several results. First, the individual agent was given greater freedom and self-determination with respect to the society. Second, the removal of teleology stripped the agent of the comforts and constraints of final causation, as experienced immediately in the common good and found ultimately in God. Third, when final causation is eliminated from the philosophical scene, the distinction between the intellect and the will collapses, since the will is the faculty by which final causes are made effective in the agent. In this case the virtues associated with the will, including justice, are largely appropriated to the intellect. While this new hybrid virtue of justice is capable of supporting the contemporary set of individual rights and duties, and endows the agent with profound critical faculties, the question remains as to how the individual is related, for good and for bad, to the community. This limitation of deontological methods and utilitarianism is

most clearly visible in the domain of social justice. The Kantian-Rawlsian hybrid virtue of justice struggles to support many of the issues surrounding social justice.

This limitation is partially due to the fact that social justice grew out of a natural law perspective and, therefore, draws from its pool of definitions and distinctions. But the main reason why the hybrid virtue fails to adequately support the concerns associated with social justice is because contemporary social justice specifically examines the relationship of the individual to his or her full environment. This is why a contemporary appropriation of Aquinas is beneficial in advancing the cause of social justice. Aquinas, and the natural law theorists that derive from him, insists that the human person is a part of the natural environment, by which he or she is at least partially circumstantially determined. The circumstances in which a human person is embedded not only provide goods and meaning beyond the capacity of the individual but they also introduce blindness, sin, and unreflected biases that attenuate the freedom and effectiveness of the individual. Aquinas' ethical theory is particularly adept in supporting a commitment to social justice because it not only provides a theoretical framework through which the agent's psychology is connected to the environment, as described in chapter two, but it also explains how the individual becomes socialized into structures of sin—a source of particular interest in social justice.

However, a narrow focus upon Aquinas' virtue of *iustitia* will not provide the theoretical framework necessary for advancing social justice. Not surprisingly, one has to consider the human person operating with a full set of intellectual and volitional virtues to arrive at a theoretical framework capable of advancing social justice and the associated concerns, like the preferential option for the poor. As opposed to a narrow focus upon rights and duties within a specific commitment to positive law, Aquinas restrains his approval of these details in political

theory and, instead, proposes a theory of natural law in which such things as individual privileges and duties can be understood as flowing from the social order. For Aquinas the natural law is the human participation in divine law such that their place within creation can be understood and their path towards flourishing can be discerned. Natural law is "natural" in two senses. First, it is natural because it is rooted in human nature and its moral precepts conform with and help to fulfill the kinds of beings we are. Human nature is such that it is drawn to the goods necessary for flourishing and happiness by a well-functioning will. Second, it is natural in that it is discernible by natural reason. The human intellect, by its own power and apart from special revelation, can discover at least its most essential truths. The intellect and the will must, therefore, be acting at their full potential for a person to be an excellent moral agent, and this presumes that the major virtues all be present and functioning in concert.

4.2 Charity and the preferential option for the poor

The preferential option for the poor is a theological principle that is closely related to social justice. Not only has it been intimately associated with social justice during its development in the Society of Jesus, but it serves as one of the primary driving forces behind the reforms and critiques that flow from a commitment to social justice. Although Aquinas does address the poor in his discussion of *iustitia*, and touches on the topic several times when addressing the virtues associated with *iustitia*, he does not have a developed treatment of the poor in this section. Aquinas does insist that, since people have a right to having the basic necessities of life, not only do people in extreme need have the natural right to take these necessities from people who have an abundance, but in symmetry, whatever a person has in abundance is owed to the poor for their sustenance.[146] Aquinas states that, "since man is a social animal, one man naturally owes another whatever is necessary for the preservation of human

[146] *ST*, II-II, Q66, Art. 7.

society."[147] Nevertheless, the limitations of *iustitia* in meeting the needs of the poor come into focus when one considers that Aquinas states that *iustitia* is observed "towards all, whereas liberality cannot extend to all. Again liberality which gives of a man's own is based on *iustitia*, whereby one renders to each man what is his."[148] Although a person is called to exercise the virtues associated with *iustitia*, liberality and generosity, with what belongs to him or her, according to *iustitia* the person is entitled to receive from society according to social status:

> Consequently in distributive *iustitia* a person receives all the more of the common goods, according as he holds a more prominent position in the community. This prominence in an aristocratic community is gauged according to virtue, in an oligarchy according to wealth, in a democracy according to liberty, and in various ways according to various forms of community.[149]

Therefore, *iustitia* does not, in itself, provide a sufficient theoretical basis for a preferential option for the poor or a commitment to extending to the poor a type of systematic aid that would improve their condition—beyond that which is necessary for sustaining life.

The virtue that is capable of sustaining the preferential option for the poor is, indubitably, the architectonic virtue of charity. Charity is the habit by which the spiritual person "has an inclination to judge aright of all things according to the Divine rules; and it is in conformity with these that he pronounces judgment through the gift of wisdom: even as the just man pronounces judgment through the virtue of prudence conformably with the ruling of the law."[150] It is through charity, acting in concert with wisdom and prudence, that a person orders things in a way that is pleasing to God and in accord with revelation. Charity is the basis for a critique of social structures and human laws because it compares these to the rule of love.[151]

---

[147] *ST*, II-II, Q109, Art. 3, ad. 1.
[148] *ST,* II-II, Q58, Art. 12.
[149] *ST,* II-II, Q61, Art. 2.
[150] *ST,* II-II, Q60, Art. 1, ad 2.
[151] Thomas distinguished between simple or common love *(amor)* and charity *(caritas)*. The category of *amor* is very expansive and includes banalities like the love of kittens or wine. He defined charity as the "love of friendship"

Charity is the virtue by which the human agent is in relationship to God. Charity not only allows us to intend God as an object of our will and intellect; but it also is the power through which we are made aware of this possibility, drawn to this possibility, and realize this possibility. Charity is the human participation in divine love such that the human person is drawn into the interpersonal dynamics of the Triune God. Charity is God-oriented, but it does not function in spiritual isolation. Just as the love that is expressed within the Trinity overflows to form creation and to draw creation into God, the love that we have for God draws others into itself. In this way, the interpersonal dynamics of love and charity that we experience with other people become incorporated into the very nature of God, and seen as a participation in the inner life of God. Aquinas states that we love people as an extension of the love that we have for God:

> Now by friendship a thing is loved in two ways: first, as the friend for whom we have friendship, and to whom we wish good things; secondly, as the good which we wish to a friend. It is in the latter and not in the former way that charity is loved out of charity, because charity is the good which we desire for all those whom we love out of charity.[152]

In the next question, Aquinas continues:

> Therefore God ought to be loved chiefly and before all (*principaliter et maxime*) out of charity: for He is loved as the cause of happiness, whereas our neighbor is loved as receiving together with us a share of happiness from Him."[153]

Aquinas is not arguing for a temporal or didactic priority. He is not suggesting that in the order of experience a person comes to know and love God first, and then extends this knowledge and affection to other human agents. He is arguing for a metaphysical priority, on the same basis that he reversed Aristotle's ordering of the virtues. God is loved first because God has loved us first and it is only through God's drawing us to goodness and happiness that we learn to love others. We always act towards specific ends, and the principle ends of all human acts are "God, self, and

---

(amor amicitiae) of the person for God, made possible by grace. *ST* II-II, Q23, Art. 1.
[152] *ST*, II-II, Q25, Art. 2, corpus.
[153] *ST*, II-II, Q26, Art. 2.

others, since we do whatever we do for the sake of one of these."[154] It is in the one and same act whereby we love God, and whereby we love our neighbor.[155] Aquinas believes that we love all our neighbors with the same love of charity because they are related to God as our common good.[156] Since the good of all human beings necessarily includes other people, to whom they are connected through the common good, the love of friendship which attracts people to their fulfillment in God necessarily extends to other people as well. David Gallagher states:

> According to Thomas, it belongs essentially to the love of friendship to take as one's own good the good of the beloved. Thus, one's own good can be expanded, so to speak, when one has a love of friendship for another person. One loves one's own good precisely in loving the good of the other person for that person's sake (Ia IIae, q. 28 aa. 2-3). This happens especially in the case of loving God. If a person loves God with the love of friendship (*caritas*) then the good of God becomes his own good and his beatitude consists in possessing (by the *visio beatifica*) this good. The will's natural inclination to beatitude does not lock a person inside himself; rather, it draws him out of himself and into the possession of a larger good, which, through the love of friendship, has become his own.[157]

It is common for people to state that, for Aquinas, justice is the virtue through which the moral agent becomes connected to other people. This is partially true in Aristotle's theory, but it is simply false with respect to Aquinas'. As was indicated previously, in Aquinas' account, the person is connected to other people through charity, wisdom, and prudence before *iustitia* is even mentioned. *Iustitia* describes how one should act within the structures defined by positive law within a legitimate social structure. Charity describes how one should act towards any human person. Therefore, charity is the virtue that connects the agent outside the formal structures. This includes domestic relationships, unprotected immigrants, those on the legal margins, and the poor.

In what I think is the best concise presentation of how the preferential option for the poor

[154] *ST*, I-II, Q73, Art. 9, corpus.
[155] *ST*, II-II, Q25, Art. 1.
[156] *ST*, II-II, Q25, Art. 1, ad 2.
[157] Gallagher, 85. David Gallagher is a professor of moral theology at the Alphonsian Academy in Rome.

connects to Aquinas' virtue theory, Stephen Pope argues that "As a contemporary expression of Christian love for the poor, the preferential option provides an ethical language suited to generating profound commitment to social justice."[158] According to Pope, when charity is operating in a person it gives rise to "internal acts of benevolence and, when possible and appropriate, external acts of beneficence toward any person in need."[159] Almsgiving and other acts of generosity given to those in need are given "out of compassion and for God's sake."[160] Speaking of the works that naturally flow out of charity Pope writes:

> Corporal works of mercy proceed from genuine love of the poor, without expectation of reciprocity or temporal rewards from God. Mercy, as an expression of charity, involves not simply material support for the poor but more importantly the "love of friendship." Mercy includes a giving of *self* that involves affective union and communication as well as benevolence —as St. Paul put it, "And if I bestow all my goods to feed the poor... but have not love, it profits me nothing." Charity calls us to be friends with the poor rather than to see them as mere objects of our beneficence.[161]

By the virtue of charity a person is called to become a friend to those who are in need, not simply to condescend to help them. This entails becoming aware of the needs of the poor beyond their simple place in society. It means associating with the poor and understanding their circumstances, experiences, and feelings. Charity does not replace *iustitia*, or substitute for *iustitia*, it simply exceeds it. Pope declares that specific acts of charity "may go *beyond* the strict requirements of justice but they may *never* legitimately substitute for the latter."[162] Charity, as the primary virtue of the will, draws the person to a standard of ethical behavior that outshines that required by *iustitia* alone. When charity operates as the form of the virtues it orients them towards ultimate ends. *Iustitia* is the virtue by which the will is moved to render unto another person what they are due according to law and in proportion to their relative dignity within the

---

[158] Pope, (1994), 288. Stephen Pope is a professor in the Theology Department at Boston College.
[159] Pope, (1994), 291.
[160] ST, II-II, Q32, Art. 1. See also, Pope, (1994), 291.
[161] Pope, (1994), 291. The quote from St. Paul is from 1 Cor. 13:4, and is cited in *ST*, I-II, Q.114, Art. 4, ad 3.
[162] Pope, (1994), 292. Italics original.

social order.[163] Charity is a virtue by which the will becomes oriented towards God and desirous of drawing all things towards God. When *iustitia* is transformed by charity, or working together with charity, then the principles of distribution shift to favor proportionating according to *need* as opposed to *status*. This is how the virtue of charity gives rise to the preferential option for the poor as a principle of *iustitia* operating under grace. Since the good of the individual is tied up with and reliant upon the good of the society, and since the end of all things is perfect happiness in God, special attention must be paid to those who are the farthest from flourishing so that all may advance towards God. In this way the preferential option for the poor can be seen as a mode of *iustitia* in which charity shines forth. In an earlier article, Pope discusses what the combination of charity and *iustitia* produce with respect to the preferential option for the poor:

> As a principle of distributive justice, the preferential option rests upon the belief that moral concern should be proportioned to need, where "need" can be interpreted to include poverty, but also vulnerability, powerlessness, marginality, etc. Other things being equal, Christians should assign priority to addressing the needs of the poor and otherwise powerless rather than to the needs of others because the former are by definition less capable of providing for themselves than are the latter. As a principle of justice rather than simple charity, this preference is not only morally justifiable, it is morally required. Most important, empowerment of the powerless is pursued so that all "parts" are able to participate properly in the life of the whole community.[164]

When *iustitia* is operating under the influence of charity it becomes clear that individuals have a responsibility to care for those who are in the greatest need and for those who are not, of their own power, able to make full use of the resources at hand. The preferential option for the poor does not stand as a principle of *iustitia simpliciter*, but is grounded in a more comprehensive theory of the common good that is sufficiently robust as to warrant the disproportionate emphasis upon those who have the greatest need.[165] This brings us to a consideration of how a contemporary appropriation of Aquinas makes use of his theory of the common good.

---

[163] *ST,* II-II, Q61, Art. 2.
[164] Pope, (1993), 252.
[165] See: Pope, (1993), 270.

4.3 Wisdom and the articulation of the common good

According to Aquinas, the virtue through which the natures of things are deduced and contemplated is wisdom. Additionally, it is through the virtue of wisdom that the relationships between things are evaluated. Wisdom is the virtue through which the intellect comprehends things that are not known at once, but are known only by means of reason's extensive inquiry.[166] Through wisdom one is able to incorporate the knowledge and understanding of other people contained within tradition, including religious tradition and scripture, and one is able to order and prioritize the value of goods in relation to one another and to tradition. Wisdom is able to consider objects in relation to higher goods, highest causes, and natural ends.

Therefore it is according to wisdom that the social order is established and the relationships within the social structure are theoretically based. The *gift* of wisdom, operating under the influence of charity in the mode of grace, allows for the human person to order things with respect to the ultimate good—God. Aquinas states:

> Now to love God above all things is natural to man and to every nature, not only rational but irrational, and even to inanimate nature according to the manner of love which can belong to each creature. And the reason of this is that it is natural to all to seek and love things according as they are naturally fit.[167]

However, natural wisdom is sufficient for ordering things according to the highest relative good of the person, e.g. common good. In order to advance the cause of social justice the first step is to articulate a vision of the common good that contains contemporary values within it and reflects the current prioritization of goods according to theoretical reasoning operating under the influence of wisdom.

Among the contemporary ethicists using this approach is Jesuit Fr. David Hollenbach. He operates out of a conviction that social change, and social justice, is best advanced through

[166] *ST*, I-II, Q57, Art. 2, corpus.
[167] *ST*, I-II, Q109, Art. 3.

persuasive articulations of the common good, that are then translated into social action through practical reasoning operating with prudence. However, he laments, "Today…the idea of the common good is in trouble. John Rawls speaks for many observers in the West today when he says that the pluralism of the contemporary landscape makes it impossible to envision a social good on which all can agree."[168] The Rawlsian perspective on justice, in which persons are viewed in a manner that eliminates the circumstances of their lives, has eclipsed the idea of the common good in American society, and for some has possibly even eliminated any hope for a consistent commitment to a sense of a common good. Hollenbach asserts:

> This is the intellectual and theoretical challenge to the common good today: diversity of visions of the good life makes it difficult or even impossible to attain a shared vision of the common good…This is the practical challenge: pursuit of a common good as envisioned by Aristotle, Aquinas, and Ignatius must be abandoned as a practical social objective incompatible with modern freedoms.[169]

Therefore, according to Hollenbach, the first task is the theoretical task of articulating the common good in such a way that it can have broad appeal and serve as a motivating force for social change. This is accomplished through theoretical reasoning operating by the power of wisdom. The second task is to use this articulation of the common good as a basis for the systematic evaluation of social structures and customs so that people will be empowered to pursue the good. This is accomplished through practical reasoning operating through prudence.

The problem is that the freedoms, rights, and duties that have developed to support a contemporary pluralistic society have formed into a new constellation of issues that eclipse the common good and relegate its pursuit to subgroups or sects within society. He declares, "Pluralism, by definition, means disagreement about what is finally true and good. A pluralist society is one where people do not share an understanding of the full breadth and depth of the

[168] Hollenbach, (2002), 9.
[169] *Ibid*.

good life."[170] In response to this pessimistic perspective upon the possibility of a contemporary and persuasive articulation of the common good Hollenbach first responds with an equally pessimistic query: "Will a culture in which tolerance is the prime virtue generate a society good enough to sustain its citizens over the long haul?"[171] It is possible that the centrifugal effects that are implied in a pluralistic society inevitably rend asunder social unity, and that societies that make tolerance their primary virtue are doomed to collapse under the weight of their own inability to act in concert. However, Hollenbach indicates his hopes with a more positive query. He wonders if commitment to the common good can be revitalized "without simultaneously encouraging conflicts like the religious wars" that elevated the virtue of tolerance in the first place.[172] For this to be possible, the articulation of the common good would have to be simultaneously non-specific with regard to the issues in society about which there are the deepest disagreements, and robust enough to serve as a basis for social action, solidarity, and evolution. This is certainly a daunting task, however, the centripetal force of such an articulation, and even the process of articulating in common the picture of society we would like to have, is worth the effort. One of the key aspects of this approach to ethics is that it moves some of the most divisive and volatile issues out of the domain of emotion and custom, and into the theoretical space of the intellect. Hollenbach posits that it is only through intellectual solidarity that a common effort towards a persuasive vision of the common good can be attempted in a culturally diverse world.[173]

Hollenbach is particularly effective in presenting his case for a renewed dedication to a contemporary articulation of the common good because he does not leave his theory in the

[170] Hollenbach, (2002), 22.
[171] *Ibid*., 31.
[172] *Ibid*., 61.
[173] Hollenbach, (2002), 138.

abstract. He attempts the kind of articulation he proposes. Charged with the confidence that "any good of a person that is a real good, therefore, is embedded in the good of the community," he outlines one version of what such a contemporary articulation would look like—or at least some of the characteristics that are likely to have broad appeal.[174]

After having made his case for the need of a contemporary articulation of the common good, Hollenbach provides the outline of such an articulation that can be universally recognized as good based on communal and self-interest. He specifically incorporates a commitment to the radical equality that is proper to Christian ethics. Hollenbach recognizes that *iustitia* is limited, and that it simply establishes a "floor below which social solidarity cannot fall without doing serious harm to some of society's members." He provides an articulation of the common good that includes such aspects as adequate housing, accessible jobs, quality education, child care, and health care. Using wisdom, he then draws from the social doctrine of the Church and the spirituality of the Society of Jesus, and places social insertion and participation, based upon a preferential option for the poor, into the heart of his theory of justice. He claims that social involvement serves as a basis of social justice because when a person encounters those who are in great need and do not have adequate access to resources, there is an expansion of interest such that citizens are moved "to use their agency not only for their own good but for the good of the community as well."[175] Social involvement produces awareness, and awareness produces action. He gives the example of the deliberate reduction or elimination of inner-city poverty. He claims that a commitment to the reduction or elimination of inner city poverty should have universal traction, since it would produce effects that would be good for society, good for the assisted inner-city population, and good for the self-interest of all participants. The reduction of inner-

[174] Hollenbach, (2002), 79.
[175] *Ibid*., 196.

city poverty would contribute to the greater safety and peace of mind of all, and open up inner-city resources to all. This argument is quite compelling and Hollenbach successfully demonstrates how a contemporary articulation of the common good can be made, or at least how one goes about suggesting elements that should belong to such an articulation. He advises that through persuasive, rational discourse a society can stimulate commitment to various elements of a vision of the common good. And that consensus concerning even a small constellation of principles within the articulation of the common good simultaneously provides the criteria for evaluation according to prudence, frees the will to choose new possibilities through justice, and affords the energy necessary for concerted action.[176]

Susanne DeCrane is another Catholic scholar that has produced a successful attempt to retrieve the Aristotelian/Thomistic synthesis based on a rearticulation of the common good.[177] In her book *Aquinas, Feminism, and the Common Good* she appropriates the methods and structure of Aquinas, seeking to remain in his tradition, while requiring that the tradition live up to its emphasis on human equity and justice. She accomplishes this by reinterpreting the concept of the common good according to contemporary values and the moral developments that have occurred since Thomas wrote. Since Aquinas believed that the perfection of the soul is found in the good outside of the soul[178] and that this good is the common good—which is ultimately God—the rehabilitation of the concept of the common good leads DeCrane to a rehabilitation of the perfection of the soul and an ultimate rehabilitation of Aquinas's project of connecting the

[176] Hollenbach, (2002), 196. See especially the graphic contained on this page.
[177] Susanne DeCrane is a member of the adjunct faculty at the Ecumenical Institute of St. Mary's University, and in the Religious Studies Department, The College of Notre Dame of Maryland, both in Baltimore. See also: Christina L. H. Traina, *Feminist Ethics and Natural Law,* (Washington D. C.: Georgetown U. Press, 1999), 288-312. Lisa Sowle Cahill, "Feminism and Christian Ethics: Moral Theology," in *Freeing Theology: The Essentials of Theology in Feminist Perspective,* ed. Catherine Mowry LaCugna (San Francisco: Harper, 1993), 211-34; and Paul J. Weithman, "Complementarity and Equality in the Political Thought of Thomas Aquinas," *Theological Studies* 59 (1998): 277-96.
[178] Aquinas, *ST,* I-II, Q1, Art. 2, ad. 7.

soul to God through nature and grace.[179] One of DeCrane's primary interests is to make the necessary changes to the articulation of the common good such that women are empowered to engage in a manner that reflects the evolution in gender roles that has occurred through advances in technology, equal rights movements, and philosophical reflection. She makes the necessary corrections to Aquinas' anthropology so that his philosophical method and virtue theory might be employed in a manner that is consistent with liberation. DeCrane states:

> Aquinas's anthropology was foundational to his conception of goodness and justice, and it cannot be ignored because some significant aspects of it are now judged inaccurate. Passages in his writings regarding women that many today find offensive cannot simply be dismissed without examining them, and the larger context in which they occur, for elements that might be retrieved—shaken loose from their medieval anthropological context—and used in the development of a liberating Christian feminist social ethic.[180]

The heart of her book consists of a retrieval of Aquinas' virtue theory, and its concept of the common good. She then partially repurposes the common good towards the liberation of women from oppressive social structures. She accomplishes this through a systematic critique and refutation of the more controversial aspects of his anthropology. DeCrane understands his anthropology to be the foundation for understanding the common good because she believes that his work is an exploration of the ideal relationship between the individual person and the community. She believes that the common good is sustainable as an ethical principle "to the extent that it is based on a valid conception of the normatively human and of what, in principle, human flourishing requires."[181] She employs a feminist hermeneutical method to appropriate Aquinas' conception of the common good in a manner that reflects contemporary convictions about relationships between the sexes. She then provides an articulation of the common good that contains a balance of perspectives and includes needs and hopes from a female perspective.

[179] DeCrane 58; Aquinas *ST,* I-II, Q109, Art. 3; III, Q46, Art. 2 ad. 3; III, Q65, Art. 3 ad. 1.
[180] *Ibid*., 46.
[181] *Ibid*., 127.

Like Hollenbach, she provides an articulation of the common good that is persuasive, stable, and capable of supporting social critique and motivating social action. They use wisdom to incorporate contemporary values into their articulation. Both Hollenbach and DeCrane move past their articulation of the common good, according to theoretical reasoning operating under the power of wisdom, to a practical analysis of social structures and practices. It is especially here that the power of social justice shines through—when the theoretical investigations become practical, social reflection becomes social action, and oppressive structures and customs are pulled down or transformed in the name of charity.

4.4 Evaluating social structures according to prudence

Practical reasoning is the process by which the means of attaining the goods associated with happiness are determined and presented to the will for choosing. The human person has a natural aptitude for discerning the means and ends to which they are related by connaturality. This natural aptitude is normally sufficient to direct human behavior towards the good; however, practical reasoning is also concerned with applying the conclusions and conceptual articulations of theoretical reasoning to specific situations employing a critical mode. Practical reasoning, when applied to the issues surrounding human flourishing, is responsible for ascertaining the means by which the ends, as articulated by theoretical reasoning, can best be achieved. Since practical reasoning operates within the sphere of the "real world" of experience, finitude, and limitation, it deals with the human experience of inadequacy and the need for change, transformation, and growth. Practical reasoning makes judgments about what sort of actions should be taken, according to the circumstances, towards the intended goal. Again, since the human person is a social, embodied, and situated creature, the articulation of practical reasoning as applied to specific situations necessarily includes specific means of organizing and practically

living within the various human interpersonal relationships, relationships to various external goods, and other issues surrounding the human person. While theoretical reasoning produces a description of what human flourishing and happiness look like, the means for moving towards the goal of happiness within the context of the common good are developed and presented through the exercise of practical reasoning assisted by prudence. Therefore, the specific ways in which the common good can be expressed in laws and social structures, that is, how the universal principles contained in the theoretical presentation of human flourishing and the common good can be applied within a specific set of circumstances, is the domain of practical reasoning assisted by prudence. Since one of the dominant features of social justice is the evaluation of social structures, laws, and customs, it is largely associated with the function of prudence. When Aquinas is addressing the way that the virtues relate to the social order, to justice, and to the common good, he states:

> All things which belong to the moral virtues pertain to prudence, as to a director; hence it is that the right reason of prudence is contained within the definition of moral virtue, as was said above. And therefore also the execution of justice, since it is ordained to the common good, which pertains to the office of the king, needs the direction of prudence. Hence these two virtues, that is to say, prudence and justice, are most proper to the king.[182]

Although Aquinas attributes the fullness of the critical and constructive capacity of prudence to the monarch, when the polity of a society moves away from monarchy and towards democracy the primacy of prudence is extended to the general citizenry. In a constitutional republic like the United States, the electorate shares many of the responsibilities of critical analysis and evaluation that Aquinas bequeaths the king, including the formation and assessment of laws. For Aquinas, positive law is relativized by comparison to the divine law discernible through the use of reason towards a natural end. Aquinas qualifies:

[182] *ST*, II-II, Q50, Art. 1, ad 1.

> Human law has the nature of law in so far as it partakes of right reason; and it is clear that, in this respect, it is derived from the eternal law. But in so far as it deviates from reason, it is called an unjust law, and has the nature, not of law but of violence.[183]

For positive law to be true law it must be governed by right reason operating with virtue. This means that laws are open to the scrutiny of citizens according to prudence and wisdom. Although the individual agents are partially determined by their environment, the natural law theory allows for them to be simultaneously related to and interdependent upon their social situation, while having access to an external point of reference that provides a platform for rational judgment of the environment. Prudence is the virtue by which the laws and structures of a society are compared and related to the ends associated with the common good, and ultimately found in God. Aquinas' virtue description gives sufficient theoretical support for the critique of social structures and laws. The organic relationship between the agent and the existent social structure simultaneously provides an explanation for participation in structural sin, while endowing the agent with the critical skills and external points of reference necessary to stand in relative critical distance from partially determining structures. Therefore, a contemporary appropriation of his virtue theory is especially equipped to engage in the critical reflection associated with social justice. Aquinas' ethics provide a natural platform from which to address issues like globalization, ecological care, unfair economic practices, and social sin. In his article concerning social justice, its contemporary uses and abuses, Normand Paulhus declares:

> Social justice is not a magic formula out there somewhere, waiting to be applied automatically to concrete situations. As a virtue it has a *medium rationis*, which means that its mode of action must be constantly determined by one's reason. Consequently, all appeals to the concept of social justice must be supported by cogent rational arguments that show why the common good requires such and such an act in these specific circumstances.[184]

---

[183] *ST*, I-II, Q. 93, Art. 3, ad 2

[184] Paulhus, 275. Normand J. Paulhus is a professor of theology at Wheeling Jesuit University.

Paulhus suggests that social justice is as flexible a concept as is the common good. The goals and manner of operation of social justice will change and adapt as time goes by and societies evolve. Social justice is a *mode* of ethical behavior in which a virtuous human person analyzes and critiques social conventions, institutions, customs, and laws according to a clear articulation of the common good, an apprehension of the final ends of humanity in God, and a set of prudential judgments concerning practical living. The whole process must be carried out by virtuous individuals, who make use of cogent rational arguments that are accessible to others and shareable.

The programs of ethical reflection offered by both Hollenbach and DeCrane fit Paulhus' requirements. Hollenbach begins by making a case for the need for a clear articulation of the common good. He then proceeds to attempt such an articulation by incorporating contemporary values into Aquinas' account of the goods associated with flourishing within a community, including contemporary commitments such as radical equality and the preferential option for the poor. Finally, he uses practical reasoning to apply the articulation of the common good to everyday situations. Hollenbach suggests that his articulation of the common good impacts practical reasoning in analyzing welfare reform, establishing the interdependence of suburban life and urban life, and justifying moving from racial tolerance to solidarity.[185]

When DeCrane has finished employing a feminist hermeneutical method to appropriate Aquinas' conception of the common good in a manner that reflects contemporary convictions about relationships between the sexes, includes female voices in what flourishing looks like, and explores issues like sexual fulfillment and health care as part of her picture of flourishing. She then turns her attention to practical concerns and applications of her theoretical articulation.

[185] Hollenbach, (2002), 178-181.

> While God is the ultimate common good of all creation, the common good is also understood by Aquinas as being connected to the practical exigencies of living in society. How we live in society, how we shape our societies and our relationships within societies, is related to the pursuit of God as the highest good.[186]

She indicates that the exercise of hermeneutical retrieval produces "characteristics or hallmarks of the common good which may be used as tools of ethical assessment on any form of government and social reality."[187] She warns that such retrieval of the Thomistic conception of the common good does not automatically yield concrete or material norms, but that it yields a "sense of the construction and elements that contribute to justice that must now be concretized in a new situation."[188] At the end of her book, DeCrane applies her theoretical reflections to practical situations. She analyzes various issues related to health care for women in the United States. She uses a simple question to launch her analysis. She asks how an analysis of the health care crisis in the United States would be affected by the use of the retrieved principle of the common good that she has developed in her book.[189]

Both DeCrane and Hollenbach implicitly demonstrate the process by which the issues of social justice relate to Aquinas' virtue theory and the mapping schema I have presented. They both begin by considering human flourishing using theoretical reasoning assisted by wisdom. Then they propose visions of the common good that are based in their concept of flourishing, rationally defended, and intended towards action. They both shift into a practical mode in which they evaluate social structures and laws according to their conformity to the vision of the common good they have provided. Finally, they make specific suggestions of action that can bring the laws and structures into greater conformity with advancement towards the common good. It is clear that the majority of the intellectual effort associated with what we call social

[186] DeCrane, 60.
[187] *Ibid*., 59.
[188] *Ibid*., 59.
[189] *Ibid*., 127.

justice is done in the practical realm. It is either involved in analyzing structures and laws according to the articulation of the common good, or it is applying this analysis to particular situations. Therefore, the promotion of social justice largely belongs within the purview of prudence. And the faith that does justice, inasmuch as it acts in the critical and constructive fashion of social justice, is more accurately a faith that acts prudently.

This does not imply that the virtue of prudence acts in isolation. The emphasis on the role of intellect in discerning the natural law is not meant to obscure the role of the affections, appetite, or will. Prudence, the intellectual virtue by which the mind discerns moral truth, "presumes moral virtue as well, and it is important to remember the role of moral disposition—the orientation of the will—in grasping the natural law."[190] Aquinas states that law "denotes a kind of plan directed towards an end."[191] This one sentence indicates the interdependence of the virtues and the manner in which social justice can be advanced. Law is a plan directed towards an end. This implies that the will must first be attracted by the proper end—which occurs through the virtues of charity and *iustitia*. Then, using theoretical reasoning assisted by wisdom, the end must be understood with sufficient intellectual investigation to give an overall direction to practical reasoning. Then, finally, practical reasoning, assisted by prudence, evaluates the possible means towards that end and presents these means to the will for final approval. Social justice is not a policy or initiative that can be implemented. It is not a specific economic or political theory. It is the virtuous activity of the members of a community who engage their social situation in such a way as to order their actions towards the common good.

[190] See: McCarthy, 204, footnote 15. In this footnote McCarthy suggests an essay by Kevin E. O'Reily, "The Vision of Virtue and Knowledge in the Natural Law of Thomas Aquinas," *Nova et Vetera* **5**, (2007), 41-46.
[191] ST, I-II, Q. 93, Art. 3, ad 2

CONCLUSION

The commitment to social justice, along with its associated theological precept of the preferential option for the poor, is one of the most universally appealing aspects of the practical spirituality of the Society of Jesus. However, in recent years I have seen a waning in enthusiasm among young Catholics, especially young Jesuits, concerning our commitment to social justice. For some the lack of enthusiasm extends from a suspicion of the Marxist philosophy that has become associated with it. For others it stems from a nagging suspicion that there is a deep incompatibility or disjoint between the contemporary commitment to social justice and the other ethical commitments that extend from our traditional moral reasoning. Therefore, the scheme of mapping the issues of social justice, and the preferential option, onto the virtue theory of Aquinas is important for several reasons. First of all, if we allow Aquinas to define his own terms, and respect the limited manner in which *iustitia* operates within his system, then we can move past the frustration that comes from importing contemporary visions of justice into his virtue system. For Aquinas *iustitia* is an essentially conservative virtue that acts upon the will to prompt the person to render unto another human person what they are due according to the existent social structure, the *ius*, which is its proper object. The virtue of *iustitia*, on its own, simply does not possess a rational component capable of accomplishing the critical and constructive dimensions of social justice.

Secondly, a contemporary appropriation that employs traditional moral reasoning, like virtue language and aspects of the natural law, while also making use of progressive convictions, like radical equality and the need for the critical evaluation of structures, can further broaden the appeal of the commitment to social justice by engaging the interests of people from all parts of the ideological spectrum. Although the contemporary commitment to social justice has evolved

beyond a strict adherence to Aquinas' theory, and it has assimilated sundry philosophical and political values, methods, and principles along the way, it remains deeply connected to the view of the human person expressed in Aquinas' virtue theory. Because of its embracive approach to human experience, the virtue structure of Aquinas is capable of supporting some elements of a Marxist critique of economic factors, a feminist critique of gender relations and distribution of power roles, and other contemporary critical features, while maintaining its deeply theological convictions and more traditional ethical principles.

Thirdly, the mapping scheme I have proposed demonstrates how our contemporary convictions relate to Aquinas' theory as a whole. The commitment to social justice lights up with greater intelligibility when it is placed in proximity to Aquinas' full theory. The frustrations associated with trying to use *iustitia* as a theoretical basis for contemporary justice, and especially social justice, are obviated when one examines the overall virtue structure provided by Aquinas—with special attention to the inversion Aquinas made with respect to the order of the virtues. For Aquinas, as opposed to Aristotle, *iustitia* is not the first virtue that connects human agents. Before *iustitia* is introduced, in Aquinas' system, the standard for ethical treatment, and the nature of social interactions, has already been established through charity and wisdom. Using the high bar of charity, the domestic relationships that seem to have an anemic treatment in Aquinas' section of *iustitia* can be understood, and the preferential option for the poor becomes intelligible. Additionally, the contemporary commitment to radical equality can be appropriated through the use of wisdom in the articulation of the common good. In this way, the focus moves away from a narrow concentration on justice and towards a broader consideration of interactive human virtues. In this view, ethical reasoning, including the issues of social justice, is situated within the context of the virtuous activity of the members of a community who engage

their social situation in such a way as to order their actions towards the common good. The comprehensive treatment of human virtues can have a more inclusive appeal since each of the virtues will resonate differently with individuals of differing ideological commitments.

Fourthly, beyond the seemingly purely semantic issues related to the taxonomy of the virtues, this thesis has demonstrated how it is that social justice grew organically out of the natural law and virtue theory of Aquinas. This historical fact not only indicates the high degree of compatibility between the theoretical structure of Aquinas' virtue theory and the issues commonly referred to as social justice, but it also points to the fact that the continued appropriation of his ethical theory may serve to reduce some of the tensions surrounding the commitment to and implementation of social justice. Aquinas' ethical system treats the actions of human agents within their full context. Each virtue is grounded in his theoretical psychology. At the same time, the will and intellect of the agent is acted upon by external realities. Wisdom and *synderesis* assist the intellect in its investigation of the goods necessary for human flourishing. Through the investigation of human nature, as presented through experience, the intellect is able to form an image of what human flourishing looks like, and thereby to appoint the end to the moral virtues—the goal towards which all moral actions should be moving through the action of the will.

Iustitia and charity assist the will in its orientation towards relative and absolute goods. Aquinas' theory of the will is able to mediate the connection between *iustitia* and the common good in a manner that strengthens and defines both the internal disposition and its connection to the external reality of the social order. The organic relationship between the agent and the existent social structure provides a theoretical framework by which structural sin can be understood and analyzed. Aquinas' virtue theory, considered as a whole, endows the agent with

the critical skills and external points of reference necessary to stand in relative critical distance from the partially determining structures of external realities, while taking seriously their influence upon the agent. Therefore, a contemporary appropriation of his virtue theory is especially equipped to engage in the critical reflection associated with social justice.

Fifth and finally, since Aquinas emphasizes the deeply rational and social nature of human virtue, a contemporary appropriation of his ethical theory would require that *rational dialogue* be the primary mode of ethical reasoning. In Aquinas' system, the person is presented with the *goal* of social action that is defined by a conceptualization of human flourishing and the common good through the use of theoretical reasoning assisted by wisdom. The *means* of arriving at that goal are proposed by practical reason operating under the influence of prudence. Then the person chooses to enact these means using their will that has a stable disposition of acting towards the common good. Because wisdom and prudence play such a critical role in Aquinas' ethics, a contemporary appropriation of his ethical theory naturally promotes rational dialogue as the primary means addressing the issues related to social justice and provides a structure that connects the good of the agent to the good of the community. Therefore, the pursuit of a more fair and just society, a society that more perfectly reflects the kingdom of God, is best accomplished through exchanging persuasive articulations of the common good, and through the subsequent presentation of effective means to achieve that good. Thomas Aquinas was a master of dialogue. In creating his masterful synthesis of faith and reason he employed Christian revelation, Greek philosophy, Jewish insights, Islamic sources, and differing viewpoints with the utmost respect. Beyond the specific content that his philosophical system provides us, in the dialogical nature of Thomas Aquinas we have an example to guide us in our contemporary struggle to bring our faith to bear on the issues of today.

BIBLIOGRAPHY AND WORKS CITED

Aquinas, St. Thomas, *Commentary of Aristotle's Nicomachean Ethics,* C. J. Litzinger, trans., (Notre Dame Indiana: Dumb Ox Books, 1964).

_____, *Questiones Disputatae de Veritate*, Vol. 1 translated by Robert William Mulligan, S.J. (Chicago: Henry Regnery Co., 1952). Vol. 2 translated by James V. McGlynn, S.J. (1953). Vol. 3 translated by Robert W. Schmidt, (1954). Electronic edition: InteLex Electronic Past Masters, *The Collected Works of St. Thomas Aquinas*, (Charlottesville, Virginia, USA: InteLex Corporation).

_____, *Summa Theologica,* (Notre Dame, Indiana: Christian Classics, 1981). Electronic edition: InteLex Electronic Past Masters, *The Collected Works of St. Thomas Aquinas*, (Charlottesville, Virginia, USA: InteLex Corporation).

Aristotle, *Metaphysics,* The Basic Works of Aristotle, Richard McKeon, ed., (New York: Random House, 1941). Greek text from the Perseus Digital Library, Gregory R. Crane, ed.-in-chief, Tufts University, http://www.perseus.tufts.edu, (accessed December—April 2013).

_____, *Nicomachean Ethics,* The Loeb Classical Library (73), H. Rackham, trans., Jeffrey Henderson, ed., (Cambridge MA: Harvard University Press, 1934).

_____, *Politics,* The Basic Works of Aristotle, Richard McKeon, ed., (New York: Random House, 1941). Greek text from the Perseus Digital Library, Gregory R. Crane, ed.-in-chief, Tufts University, http://www.perseus.tufts.edu, (accessed December—April 2013).

Behr, Thomas C., "Luigi Taparelli D'Azeglio, S.J. (1793-1862) and the Development of Scholastic Natural Law Thought As a Science of Society and Politics," *Journal of Markets & Morality,* Volume 6, Number 1 (Spring 2003), 99-115.

Benestad, Brian, "The Catholic Concept of Social Justice: a historical perspective," *Communio,* **11**, (Winter 1984), 364-81.

Brett, Stephen F., *Slavery and the Catholic Tradition: Rights in the Balance,* (New York: Peter Lang Publishing, 1994).

Brosnan, S. F., and de Waal, F. B. M., "A proximate perspective on reciprocal altruism," *Human Nature*, **13**, (2002), 129–152.

Burke, Thomas Patrick, "The Origins of Social Justice: Taparelli d'Azeglio" *Modern Age*, Spring 2010, Vol.52, (2), p. 97-106.

Capizzi, Joseph, "The Children of God: Natural Slavery in the Thought of Aquinas and Vitoria," *Theological Studies*, **63**, (2002).

Davies, Brian (SJ), *The Thought of Thomas Aquinas,* (Oxford: Clarendon Press, 1992).

DeCrane, Susanne M., *Aquinas, Feminism, and the Common Good,* (Washington D.C.: Georgetown University Press, 2004).

Himes, Kenneth R. (OFM), "Commentary on *Justitia in Mundo*," Modern Catholic Social Teaching: Comments and Interpretations, Kenneth Himes, ed., (Washington D.C.: Georgetown University Press, 2004).

Hobbes, Thomas, *Of Man, Being the First Part of Leviathan*, The Harvard Classics, Charles W. Eliot, ed., Vol. 34, Part 5, (New York: P. F. Collier and Son, 1914).

Hochschild, Joshua P., "Natural Law: St. Thomas Aquinas and the Role of Reason in Social Order," *The Heart of Catholic Social Teaching,* David Matzko McCarthy, ed., (Grand Rapids: Brazos Press, 2009).

Hollenbach, David (SJ), *The Common Good & Christian Ethics,* (New York: Cambridge University Press, 2002).

_____, "Modern Catholic Teachings Concerning Justice", in *Faith That Does Justice,* John C. Haughey, SJ, Editor, (New York: Paulist Press, 1977).

Jesuit Life and Mission Today: The Decrees of the 31st-35th General Congregations of the Society of Jesus, John W. Padberg, SJ, Editor, (Saint Louis: The Institute of Jesuit Sources, 2009).

Johnson, David, *A Brief History of Justice,* (Oxford: Wiley-Blackwell, 2011).

Kant, Emmanuel, *The Metaphysics of Morals,* Mary Gregor, trans., (Cambridge: Cambridge University Press, 2003).

Kent, Bonnie, "Habits and Virtues," *The Ethics of Aquinas,* Stephen J. Pope, Editor, (Washington D.C.: Georgetown University Press, 2002), 116-130.

Keenan, James F. (SJ), "The Virtue of Prudence," *The Ethics of Aquinas,* Stephen J. Pope, Editor, (Washington D.C.: Georgetown University Press, 2002), 259-271.

Keys, Mary M., *Aquinas, Aristotle, and the Promise of the Common Good,* (New York: Cambridge University Press, 2006).

Kossel, Clifford, G. (SJ), "Natural Law and Human Law," *The Ethics of Aquinas,* Stephen J. Pope, Editor, (Washington D.C.: Georgetown University Press, 2002), 169-193.

MacIntyre, Alasdair, *After Virtue*, 2nd Edition, (Notre Dame, Indiana: University of Notre Dame Press, 1981).

Mill, J. S., "On the Connection Between Justice and Utility," *Justice,* Oxford Readings in Politics and Government, Alan Ryan, ed., (New York: Oxford University Press, 1993), 51-72.

Nelson, Daniel Mark, *The Priority of Prudence: Virtue and Natural Law in Thomas Aquinas and the Implications for Modern Ethics,* A doctoral dissertation submitted to the faculty of Princeton University, 1986.

Nesse, R. M., and Dugatkin, L. A., *Evolution and the Capacity for Commitment*, (New York: Russell Sage Foundation, 2001), 1–44, and 120-137.

Paulhus, Normand J., "Uses and Misuses of the Term 'Social Justice' in the Roman Catholic Tradition," *The Journal of Religious Ethics,* **15**, (1987), 261-82.

Pius XI, *Quadragesimo Anno*, Catholic Social Thought: The Documentary Heritage, David J. O'Brien and Thomas A. Shannon, eds., (New York: Maryknoll Press, 2010).

_____, *Rerum Novarum*, Catholic Social Thought: The Documentary Heritage, David J. O'Brien and Thomas A. Shannon, eds., (New York: Maryknoll Press, 2010).

Plato, "The Republic," *Justice,* Oxford Readings in Politics and Government, Alan Ryan, ed., (New York: Oxford University Press, 1993), 18-33.

Pope, Stephen J., "Christian Love for the Poor: Almsgiving and the 'Preferential Option,'" Horizons, Volume 21, Number 2, (1994), 288-312.

_____, "Love in Contemporary Christian Ethics," *Journal of Religious Ethics*, Volume 23, Number 1 (Spring, 1995), 165-197.

_____, "Proper and Improper Partiality and the Preferential Option for the Poor," *Theological Studies,* **54**, (1993), 242-272.

Porter, Jean, "The Common Good in Thomas Aquinas," *In Search of the Common Good,* (New York: T&T Clark, 2005).

Rawls, John, *A Theory of Justice,* (Cambridge MA: Harvard University Press, 1971).

Rousseau, Jean-Jacques, *The Social Contract*, Charles Frankel, ed., (New York: Hafner Publishing Company, 1947).

Sandel, Michael J., *Justice,* (New York: Farrar, Straus and Giroux, 2009).

Schockenhoff, Eberhard, "The Theological Virtue of Charity," *The Ethics of Aquinas,* Stephen J. Pope, Editor, (Washington D.C.: Georgetown University Press, 2002), 245-258.

Stump, Eleonore, *Aquinas,* (New York: Routledge, 2003).

Solari, Stefano; and Corrado, Daniele, "Social Justice and Economic Order According to Natural Law," *Journal of Markets & Morality,* Volume 12, Number 1 (Spring 2009), 47-62.

Warnke, Georgia, *Justice and Interpretation,* (Cambridge MA: The MIT Press, 1993).

Westberg, Daniel, *Right Practical Reason: Aristotle, Action, and Prudence in Aquinas*, (Oxford: Clarendon Press, 1994).