



2012

Practical Reason, Human Nature, and the Epistemology of Ethics: John Finnis's Contribution to the Rediscovery of Aristotelian Ethical Methodology in Aquinas's Moral Philosophy: A Personal Account

Martin Rhonheimer

Follow this and additional works at: <http://digitalcommons.law.villanova.edu/vlr>

 Part of the [Legal History Commons](#)

Recommended Citation

Martin Rhonheimer, *Practical Reason, Human Nature, and the Epistemology of Ethics: John Finnis's Contribution to the Rediscovery of Aristotelian Ethical Methodology in Aquinas's Moral Philosophy: A Personal Account*, 57 Vill. L. Rev. 873 (2012).

Available at: <http://digitalcommons.law.villanova.edu/vlr/vol57/iss5/7>

This Symposium is brought to you for free and open access by Villanova University Charles Widger School of Law Digital Repository. It has been accepted for inclusion in Villanova Law Review by an authorized editor of Villanova University Charles Widger School of Law Digital Repository. For more information, please contact Benjamin.Carlson@law.villanova.edu.

2012]

PRACTICAL REASON, HUMAN
NATURE, AND THE EPISTEMOLOGY OF ETHICS
JOHN FINNIS'S CONTRIBUTION TO THE REDISCOVERY OF
ARISTOTELIAN ETHICAL METHODOLOGY IN AQUINAS'S MORAL
PHILOSOPHY: A PERSONAL ACCOUNT

REVEREND MARTIN RHONHEIMER*

WHEN in 1986, exactly twenty five years ago, I first met John Finnis by listening to a paper he delivered at a Congress in Rome I did this with feelings of admiration and gratitude. At that time I was finishing a book on natural law in Aquinas.¹ This book was the fruit of a methodological turn for which I found confirmation and an important source of further inspiration in John Finnis's work on Natural Law² and on what, in a second book, he called the *Fundamentals of Ethics*.³ The following, therefore, is both an account of some aspects of my intellectual biography and an homage to Professor Finnis whom we have come together in this conference to honor.

I.

So, let me start with a narrative. During my research on the genesis on Aquinas's action theory and its roots in Aristotelian Ethics, published only several years after my book on natural law,⁴ I had arrived at a dead end: the comment by Aquinas on the famous Aristotelian affirmation on practical truth in his *Nicomachean Ethics*, Book Six, Chapter Two. There Aristotle says that while the truth of the speculative intellect consists in the correspondence between intellect and being, the truth of the practical intellect is established by the correspondence of the intellect *with right appetite*.

Aquinas comments on this passage by noticing that this "causes some doubts." The problem noted by Aquinas consists in the fact that the rectitude of the appetite, which for practical reason is the measure of its truth, must itself in some way be established by correspondence with *reason*. Hence, Aquinas notes, Aristotle's position seems to be circular (*sequitur*

* Pontifical University of the Holy Cross, Rome, School of Philosophy.

1. Published the following year in German: *NATUR ALS GRUNDLAGE DER MORAL [NATURE AS THE FOUNDATION OF MORALS]* (Tyrolia-Verlag 1987), *translated in NATURAL LAW AND PRACTICAL REASON: A THOMIST VIEW ON MORAL AUTONOMY* (Gerald Malsbary trans., 2000).

2. JOHN FINNIS, *NATURAL LAW AND NATURAL RIGHTS* (1980). A second edition was published in 2011 with a postscript and practically unchanged pagination.

3. JOHN FINNIS, *FUNDAMENTALS OF ETHICS* (1983).

4. MARTIN RHONHEIMER, *PRAKTISCHE VERNUNFT UND VERNÜNFTIGKEIT DER PRAXIS. HANDLUNGSTHEORIE BEI THOMAS VON AQUIN IN IHRER ENTSTEHUNG AUS DEM PROBLEMKONTEXT DER ARISTOTELISCHEN ETHIK* (Akademie Verlag 1994).

quaedam circulatio). Aquinas solves the circle by asserting that only the appetite which refers to *the means* (“*ea quae sunt ad finem*”) depends on judgments of reason; and the truth of these latter judgments, that is, practical truth, is measured by the conformity of these judgments to the right desire of the *end*. The desire of the *end*, however, is *determined by nature* (“*determinatus est homini a natura*”). Consequently, there is no circularity in the process.⁵ To substantiate this interpretation, Aquinas refers to the third book of the *Nicomachean Ethics*, where Aristotle asserts that in any deliberation of the practical reason, and in subsequent choice *the ends are given*, either “by nature” or by acquired disposition.⁶

But what does it mean that the ends are “given” or “determined by nature”? It certainly means that they are somehow determined by what we refer to as “human nature”: human nature includes a set of ends and goods which are specific for that nature and thus also define what kind of desires, and goods corresponding to them, are possibly fulfilling of that nature. It seems, therefore, that we must first know human nature and the ends determined by it, so as to be able to distinguish good from evil actions. Hence, it would be the task of theoretical reason, concretely of metaphysics and anthropology, to tell us which are these ends, and to help us understand the moral order embedded in natural teleology; this order would subsequently be followed and realized by practical reason.

According to this view, which is a traditional position of neo-scholasticism, ethics is “subalternated” to metaphysics—and even to physics in the Aristotelian sense—and practical reason is seen as simply applying theoretical knowledge to praxis. Yet, there remains the following problem: *How do we come to know* what corresponds to our nature or which ends are “determined by nature?” The traditional view seems to either presuppose the answer or not to ask that question altogether. It simply says that the metaphysical analysis of human nature leads to the understanding of its intrinsic teleology and of the morally relevant goods to be pursued. According to this view, Ethics begins only after we have already made out what is the

5. See 2 THOMAS AQUINAS, SENTENTIA LIBRI ETHICORUM, lib. VI n.8:

Videtur autem hic esse quoddam dubium. Nam si veritas intellectus practici determinatur in comparatione ad appetitum rectum, appetitus autem rectitudo determinatur per hoc quod consonat rationi verae, ut prius dictum est, sequetur quaedam circulatio in dictis determinationibus. Et ideo dicendum est, quod appetitus est finis et eorum quae sunt ad finem: finis autem determinatus est homini a natura, ut supra in III habitum est. Ea autem quae sunt ad finem, non sunt nobis determinata a natura, sed per rationem investigantur; sic ergo manifestum est quod rectitudo appetitus per respectum ad finem est mensura veritatis in ratione practica. Et secundum hoc determinatur veritas rationis practicae secundum concordiam ad appetitum rectum. Ipsa autem veritas rationis practicae est regula rectitudinis appetitus, circa ea quae sunt ad finem. Et ideo secundum hoc dicitur appetitus rectus qui persequitur quae vera ratio dicit.

6. See ARISTOTLE, NICOMACHEAN ETHICS bk. III, 7 1114a 32—b 25 (H. Rackham trans.)

2012]

SYMPOSIUM ARTICLE

875

human *telos*, the natural ends and goods established by nature;⁷ and practical judgments would be true insofar as they correspond to what we know theoretically about human nature, whose intrinsic teleological order would be what is called the “natural law.”

II.

I always considered this conception to be an extremely unsatisfactory and misleading way of presenting something which is fundamentally true. What is true is that there is an intrinsic relation between human nature and the ends to be pursued, that is between human nature and the moral order. From a methodological point of view, however, the outlined position above seemed to me seriously flawed, and this for at least three reasons.

First, it destroys the very Aristotelian notion of practical truth, adopted also by Aquinas, converting “practical truth” in nothing other than a specific kind of theoretical truth (i.e., correspondence with being), while according to Aristotle practical truth is correspondence not with being but with *right desire*. An answer consistent with the Aristotelian notion of practical truth should in some way be based on the notion of *a desire which is naturally right* and therefore naturally aims at the human good.

Second, the traditional position is not really an answer to the question of how we come to *know* human nature. Do we perhaps achieve knowledge of human nature by the *observation of human behavior*, thus establishing standards of normality which would be normative for moral evaluation? This would certainly not succeed, because, unlike animal behavior, human behavior often falls short of rightness, since human beings are free and can, and often actually do, behave in a way which, morally speaking, does not correspond to their nature and is not “right” (in the Aristotelian sense of *morally upright*). Or can we know human nature by a knowledge which is some kind of natural science, that is, by exploring the functions and ends of the human bodily nature by objective criteria? This will not succeed either, because human beings are not only bodies, but *bodily-spiritual unities*. Spiritual life and a bodily-organic reality whose substantial form is a spiritual soul cannot be experienced *from the outside* and adequately described by observation and the methods of natural science. The relevant data, so I concluded, must come from a different source and need other methods to be evaluated.

The third reason why the above answer for the philosopher engaged in Ethics is unsatisfactory is that it does not correspond to the spirit of Aristotelian ethics, which however, on the level of moral philosophy and action theory, is one of Aquinas’s primary sources, if not the most important one. Aristotelian ethics does not begin with metaphysical or theoretical questions about human nature; it is practical right from the beginning,

7. See FINNIS, *supra* note 3, at 14.

asking for the goods and aims involved in human striving, and how to distinguish what is good according to truth from what only appears to be good. So the opening words of the *Nicomachean Ethics* say:

Every art and every investigation, and likewise every practical pursuit or undertaking, seems to aim at some good: hence it has been well said that the Good is that at which all things aim.⁸

Because what we aim at is always aimed at as a good, it is most important that what appears to be good is also truly good. And this, Aristotle will teach us, is what happens in the case of the virtuous person, “the good man”: The good man judges each class of things rightly, and in each the truth appears to him.⁹ Right from the beginning, Aristotelian ethics deals with what is considered an object not of the theoretical intellect but of some form of practical pursuit and understanding in order to clarify the conditions for any striving, intending and choosing to be according to truth. An examination of Aquinas’s commentary of Aristotle’s *Nicomachean Ethics* and even of the *Prima secundae* of his *Summa Theologiae* shows that Aquinas proceeds in exactly the same manner: both moral philosophy and the moral part of his theological *Summa* opens with questions about the end(s) of our rational striving for the good, and its correspondence what we truly have to seek as our end and fulfillment. Which this end is and what happiness consists in is not the presupposition of ethical analysis but comes as a result of it.¹⁰

This is why in an Aristotelian perspective questions like “how can we come to know the good?”, and “how can we come to know what corresponds to human nature?”, and even more concretely: “which are the ends given by nature and thus establishing what is truly good and fulfilling for human beings?” are *first of all* and *originally* fundamental *ethical* questions. During my research on what I call “the Aristotelian deep structure” of Aquinas’s moral theory I came to the conclusion that the answer to these fundamental ethical questions is not *originally* and *primarily* the object of metaphysical theory, nor of any other kind of theoretical knowledge, but that it must have its origin elsewhere.

III.

In the summer of 1984 I came across Question 10, articles 1 and 9 of the *Quaestiones disputatae de Veritate*, which I soon considered to be the key to the understanding of Aquinas’s position on this subject and which, as I learned later, included a point also repeatedly stressed by Finnis (who referred for this directly to Aristotle’s *De Anima* II, 4). Aquinas says—and he

8. See NICOMACHEAN ETHICS, *supra* note 6, at bk. I, 1, 1094a 1.

9. See *id.* at bk. III, 6 1132a 30–31; see also MARTIN RHONHEIMER, THE PERSPECTIVE OF MORALITY: PHILOSOPHICAL FOUNDATIONS OF THOMISTIC VIRTUE ETHICS 46–50 (Catholic Univ. of Am. Press 2011).

10. For a thorough analysis, see RHONHEIMER, *supra* note 9, at 65–90.

explicitly refers this teaching also to the moral virtues—that we cannot know the essence of things, and therefore neither human nature, *except through their potencies* which in turn are known *by their acts*, which again are known *by their objects*. Precisely here appears the very notion which is crucial in this context: the notion of *natural knowledge*. There are certain objects—and in the practical sphere: goods—we come to understand *naturally*; and this not only on the level of the theoretical intellect, but also on the level of the practical intellect. There exists, Aquinas asserts, a kind of natural knowledge (*naturalis cognitio*), which “in the first place is obvious in the case of the habituses of the virtues, whose ends are dictated by natural reason.”

According to Aquinas, therefore, *there exists a kind of natural cognition and thus a kind of necessarily and inescapably acquired knowledge, which is the presupposition or principle of all subsequent knowledge, and this not only in the case of theoretical, but also in that of practical reason.*¹¹

Provided some kind of “natural knowledge” is really *practically* constitutive for establishing the ends (or objects) of the virtues, then the first and founding knowledge of what is “by nature” or “naturally” an end (an end “determined by nature,” as mentioned above) cannot be theoretical knowledge of human nature; it must be *practical* knowledge. Otherwise cognizance of the ends of the virtues would not be “natural,” but *inferred* from some previous knowledge and practical reason would never have a rational motive to *pursue* these ends. To take an example: from the theoretical judgment “this is the best watch in the world,” it does not follow that one intends/chooses to buy or to steal it, unless there is a *practical* previous premise such as “It is good,” or “I want to own the best watch in the world.” Natural knowledge of the end must, therefore, also be the very starting point of practical reason itself.¹²

On this basis I concluded that it is only *after* having naturally grasped the ends of the virtues—the fundamental human goods—and after having reflected on what reason has practically grasped, that we come to a theoretical or metaphysical understanding of human nature and of natural ends. In terms of what Aquinas here at least *implicitly* holds, therefore, the knowledge of human nature and natural ends does not presuppose theoretical knowledge of it (metaphysics) but rather the opposite is true: to

11. It is important to emphasize, that for Aquinas both theoretical and practical reason are truth-grasping potencies. See, e.g., *Sententia Ethic*, *supra* note 5, at I–II q. 68 a. 4 (“Ratio autem est speculativa et practica, et in utraque consideratur apprehensio veritatis, quae pertinet ad inventionem; et iudicium de veritate.”); see also *In De Anima*, lect. 15 (Marietti ed. 821), and my comments on this passage in chapter 5 of *THE PERSPECTIVE OF THE ACTING PERSON: ESSAYS IN THE RENEWAL OF THOMISTIC MORAL PHILOSOPHY* 111 (William F. Murphy, Jr. ed., Catholic Univ. of Am. Press 2008).

12. This is not to say, however, that practical reason is previous to theoretical knowledge *tout court*; or that the practical intellect is independent from the theoretical. The affirmation is only about the starting point of practical thinking and its proper principles.

achieve an adequate knowledge of human nature and the ends corresponding to it, *previous* experience of the acts of natural practical reason and its objects, the ends of the natural inclinations, is indispensable. The metaphysics of human nature comes later.

Having reached this point, I studied Germain Grisez's article, *The First Principle of Practical Reason*. It not only confirmed my findings, but helped me to see the point of it all: the judgments of practical reason are not derivations from judgments of speculative reason; instead the whole process of practical reason has its own starting point and is, in exactly and only this sense, "autonomous."¹³ A year before the publication of Grisez's article, Wolfgang Kluxen had shown in his masterly book *Philosophische Ethik bei Thomas von Aquin* ["Philosophical Ethics in Thomas Aquinas"],¹⁴ unfortunately until today not translated into English, that according to Aquinas ethics is not subalternated to metaphysics but a discipline with a proper starting point in the practical experience of the acting subject. I also detected the view that ethics had an autonomous starting point, rooted in the practical experience of the acting subject, in important representatives of the more phenomenologically-orientated Lublin school including Tadeusz Styczen, a disciple of Karol Wojtyła (later Pope John Paul II) and later his successor on his chair at Lublin Catholic University. Finally, I was further confirmed in my interpretation by reading Jacques Maritain's *Neuf leçons sur les notions premières de la Philosophie morale* who already in the early fifties expressed a very similar view.¹⁵

But it was in John Finnis's *Natural Law and Natural Rights* and his *Fundamentals of Ethics* where I subsequently found the most convincing formulations of what I had come to understand in Aquinas and saw confirmed by Grisez's article on the first principle of practical reason. And if I remember correctly, it was by reading Finnis that I eventually came to fully grasp the Aristotelian deep structure of Aquinas's moral theory.

13. As I wrote in my book on Natural Law, even though, ontologically speaking, the practical intellect is, as Aristotle says and Aquinas repeats, an "extension" of the theoretical intellect—i.e., it is not a different but the same intellectual *potency*, "extended," however, to striving, intending, choosing and acting—practical *judgments*, or the process of practical thinking (the "practical syllogism"), are not simply extensions of theoretical judgments. They rather have their own starting point; see for this RHONHEIMER, *supra* note 1, at 25.

14. See WOLFGANG KLUXEN, *PHILOSOPHISCHE ETHIK BEI THOMAS VON AQUIN* (Matthias-Grünwald 1964).

15. See JACQUES MARITAIN, *NEUF LEÇONS SUR LES NOTIONS PREMIÈRES DE LA PHILOSOPHIE MORALE* 35–47 (1951), *translated in AN INTRODUCTION TO THE BASIC PROBLEMS OF MORAL PHILOSOPHY* (Cornelia Borgerhoff trans., Magi Books 1990). Maritain—whose general conception of a Christian moral philosophy, however, I do not share—shows in a very illuminating manner that the way to understand human nature is precisely the originally *practical* experience of the natural inclinations and of the goods enclosed in them.

IV.

On the first pages of his *Fundamentals of Ethics*, Finnis describes the methodological starting point of his exposition of Ethics as the thesis that:

[O]ne's primary understanding of human good, and of what it is worthwhile for human beings to seek to do, to get, to have and to be, is attained when one is considering what it would be good, worthwhile to do, to get, to have and to be—i.e., by definition, when one is thinking practically.¹⁶

This is profoundly Aristotelian, though it has been criticized by some as “Kantian.” Kantian ethics, however, precisely tries to make practical reason *independent* from nature and from any natural inclination, even from the desire of happiness. As we will see, Finnis holds exactly the opposite. He immediately clarifies that what he said is not denying “that the understanding thus attained can be integrated into a general account of human nature, i.e. of human potentialities and their various forms of fulfilment.” The point he wants to emphasize is that our primary grasp of what is good for us (or: really a fulfillment of our potentialities) is a practical grasp.¹⁷

The thesis was already set forth in his *Natural Law and Natural Rights*, originally published in 1980 (now republished, with a Postscript, in a second edition in 2011), talking of Aquinas's conception of natural law. The formulations adopted in this book make the point even clearer, yet add an important feature:

Aquinas considers that practical reasoning begins not by understanding this nature from the outside, as it were, by way of psychological, anthropological, or metaphysical observations and judgments defining human nature, but by experiencing one's nature, so to speak, *from the inside*, in the form of one's inclinations.¹⁸

Our knowledge of what is “natural” for man is not derived from a previous theoretical knowledge of human nature, but is originally the object of practical knowledge. Practical reasoning and, consequently, moral philosophy depend on common moral experience; it is a systematic reflection of this experience, not a derivation from metaphysics. The foundation goes rather the other way round: we know human nature as a consequence of practically, and this also means: *rationally* grasping the human goods in our natural inclinations. This, as Finnis has put it, is truly “experiencing one's nature from the inside”: the starting point of practical knowledge, and thus also of ethics, *is in us*: the self-experience of our practical intellect's grasp of the goods which are the goals of our natural inclinations. It

16. FINNIS, *supra* note 3, at 12.

17. *See id.*

18. FINNIS, *supra* note 2, at 34 (emphasis added).

is exactly here where natural ends and thus human nature manifest themselves.¹⁹

V.

Arguing in his *Fundamentals of Ethics* against those who try to simply deduce ethics from a previously elaborated anthropology or metaphysics, Finnis moreover states even more clearly the relationship between practical reason and metaphysics (and it is worthwhile to quote these passages in detail):

The order of explanatory understanding, for Aristotle, is just the opposite: potentialities or capacities are understood by understanding their corresponding acts (actualizations); and acts or actualizations are in turn to be understood by understanding their objects. Now the principal objects of human life (i.e. of our capacities and our activities) are precisely the concern of practical reason, i.e. of our thinking about, what to do and be. . . . In the “ontological order,” no doubt, “the essence of the soul grounds the potencies, the potencies ground the acts, and the acts ground knowledge of objects” (*De Anima* II, 4: 415a16-21). *But if you ask how we come to know human essence or nature*, the order will be that stated by Aristotle himself: one must first know the objects, and thus one can fully know the characteristic human acts, and thus the human potentialities, and thus the human essence or nature. And the object(ive)s of human acts are the intelligible goods that make sense to someone choosing what to do²⁰

This passage evidences the crucial importance of differentiating between *the order of being* and *the order of knowing*, the ontological and the epistemological order. (This is an essential distinction, strangely overlooked by most critics not only of the “New Natural Law Theory,” but also of my own reading of Aquinas’s doctrine of natural law.²¹) While, on principle, this differentiation is familiar to all Aristotelians and Thomists, often

19. The insight into the original grasp of human nature through the grasp of the practical goods in our natural inclination, that is “from the inside,” leads to a much more satisfactory integration of ethics and (metaphysical) anthropology than in the case of neo-scholastic moral philosophy; but it also leads to a better understanding of the “subjectivity” of Ethics, not in the sense of “subjectivism,” but of understanding the centrality of the *moral subject* as a responsible agent whose task is—and this is another central Aristotelian theme—to discern the truly good from what only appears to be good. For the acting subject, the moral truth is always and only what to him appears to be good. Therefore, the proper task of Ethics is to make out under which conditions what appears as good is also good according to truth. The condition holds, Aristotle says, when the acting subjects possess the moral virtues. I will come back to this below.

20. FINNIS, *supra* note 3, at 21 (emphasis added).

21. See Martin Rhonheimer, *Natural Law and Moral Reasoning: At the Roots of Aquinas’s Moral Epistemology*, 17 JOSEPHINUM J. THEOLOGY 341-81 (2010).

2012]

SYMPOSIUM ARTICLE

881

the latter strangely overlook it when dealing with ethical problems or talking about “natural law”. They actually treat “natural law” as pertaining to the order of being, while in reality natural law belongs to the order of *knowing*: natural law is the basic level of moral knowledge; it is *natural* and *practical*—that is, preceptive—knowledge by which human beings discern good and evil, a discernment embedded in desire and thus moving to choose and to act, or to refrain from acting.²²

This is why the “natural law” cannot simply be deduced from some sort of theoretical knowledge of the human nature, nor is it to be identified with an “order of nature”, rationally understood and then followed. Natural law is a cognitive reality in the human soul—natural moral knowledge of the very principles of practical reason—and it thus opens the way to fully understand human nature. This is to say again that Ethics is not simply derived from metaphysics, but has its roots in this kind of natural moral experience—the natural law—which is genuinely practical and a presupposition of further theoretical knowledge of human nature. Finnis expresses this very concisely:

There is a legitimate, theoretical (non-practical) investigation and description of human nature, and it cannot be a satisfactory description unless it incorporates results which cannot be obtained except by that practical pursuit that Aristotle called ethics. In our theoretical descriptions of the nature of other types of beings, we have to be content with what we can discover by the use of rather ‘external’ techniques; and those techniques will doubtless tell us much about human beings, too. But why suppose that our techniques for developing a description of human nature are limited to those available for describing beings whose nature we do not share?²³

Here in fact lies the solution to the problem of how we come to a metaphysically satisfactory understanding of human nature. An adequate description of *human* nature cannot be achieved by limiting ourselves to the techniques “available for describing beings whose nature we do not share.” While brute animals engage in neither metaphysics, nor natural science, nor ethics . . . nor the theory of evolution, human persons, being spiritual, do; and they actually have a privileged access to the object of their research: their *proper* and *inner* experience and understanding of the acts and objects not only of their theoretical, but also of their practical intellect, starting with those that naturally grasp the goods inherent in their natural inclinations.

22. Besides the article in the preceding note, see also Martin Rhonheimer *Natural Law as a “Work of Reason”*: *Understanding the Metaphysics of Participated Theology*, 55 AM. J. JURISPRUDENCE 41, 77 (2010); see also Rhonheimer, *supra* note 11, at 129–57.

23. See FINNIS, *supra* note 3, at 20.

This is why Finnis consistently asserts what some of his critics have been unjustly criticizing as discarding “nature” and metaphysics from ethics:

Epistemologically, (knowledge of) human nature is not “the basis of ethics”; rather, ethics is an indispensable preliminary to a full and soundly based knowledge of human nature Ethics is not deduced or inferred from metaphysics or anthropology.²⁴

Again, Finnis *does not* contend that ethics is independent from “nature,” or that the practical intellect is independent from what we are by nature, that is, from the order of being; nor does he hold that ethics is independent from “brute facts.” This is why he explicitly states that he is:

[N]ot for a moment saying that everything that we know about human nature comes from our ethical understanding. Nor am I saying that our ethical understanding can be acquired independently of all “factual,” “descriptive,” “theoretical” knowledge; I am not proposing a kind of ethical “intuitionism”²⁵

Here Finnis refers to his earlier *Natural Law and Natural Rights*, talking about *interdependence* of theoretical-descriptive and practical insights into human nature. While theoretical descriptions are not deduced from moral evaluations of goods, “without the evaluations one cannot determine what descriptions are really illuminating and significant.”²⁶ This is a crucial point: it is only the experience of the good, not simply in its ontological, but in its practical and thus morally perfecting dimension, which can be a criterion for the evaluation of descriptive data concerning human nature. A metaphysical anthropology without a set of previously and naturally understood moral evaluations would simply not be possible as a valid theoretical understanding of *human* nature.

The Aristotelian epistemological deep structure of ethics which I think Finnis has correctly grasped and which we also find in Aquinas, actually reflects the way all of us have learned to understand ourselves and others. None of us has grasped evaluations implied in moral terms such as e.g. “just” and “unjust” from studying “human nature” or deducing these notions and their basic applications from anthropological insights gained by purely theoretical reasoning. Humans grasp this immediately, from childhood, by grasping the goods involved in their natural inclinations and interacting with other persons, and thus in a genuinely practical way; otherwise they will not ever grasp it at all. Through a reflexive process of the mind, which of course is speculative and, eventually, metaphysical, human beings are led to understanding who they are, to an understanding of their proper nature.

24. *Id.* at 21, 22.

25. *Id.* at 22.

26. FINNIS, *supra* note 2, at 19.

This is why Finnis has contended that the so called *ergon*-argument according to which ethics is based on a (descriptive) account of the specific (or peculiar) function of man found in the activity of reason and a life according to reason does not reflect the deep structure of Aristotelian ethics but is rather a (platonic) “erratic boulder”.²⁷ Against “the argument that *because* an aspect of human nature is not shared with other creatures, it ought to be the highest or even the exclusive object of ultimate human concern,”²⁸ Finnis argues that the proper Aristotelian way of founding ethics, the primary grasp, thus, of the practical, is not what he calls the “physical” argument of the specific *ergon*, but the original practical experience of the acting subject, expressed by Aristotle in passages like the following:

[N]o one would choose to live with the intellect of a child throughout his life, however much he were to be pleased at the things that children are pleased at. . . .

. . . .

[N]o one chooses to possess the whole world if he has first to become someone else

. . . .

No one would choose the whole world on condition of being alone.

I do not share Finnis’s view that the argument of the “proper function” (*ergon idion*), is an un-Aristotelian “erratic boulder”²⁹ In fact, I think that the *ergon*-argument is a piece of metaphysics or anthropology which licitly and fruitfully is built into the proper course of ethical thinking, and that Aristotle did so intentionally; his argument does not intend to suggest that human fulfillment is something purely rational, that the non-rational parts of our being and the goods enclosed in them, do not count. What Aristotle says is that reason is the standard of every human good and of human fulfillment; thus, as Aquinas will hold, reason is the measure or rule of morality. Human fulfillment or happiness is not simply a life of reason, but a life *according* to reason.³⁰

Nevertheless, Finnis is certainly right in stressing that such an argument, which is proper to a subsequent metaphysical analysis of data *originally* delivered by practical moral experience, is not where ethical reflection has its starting point. When we start doing metaphysics and anthropology, but also when we use in ethical reflection metaphysical arguments like the proper-function-argument, we *already* possess a fundamental experience of human nature, because we are already moral

27. See FINNIS, *supra* note 3, at 17.

28. *Id.* at 122.

29. For my defense and interpretation of the Aristotelian *ergon*-argument, see RHONHEIMER, *supra* note 4, at 37–42 and 53–59.

30. See also RHONHEIMER, *supra* note 9, at 91–94.

subjects with experience of our self and orientated towards the world, our neighbors, and thus conceiving of ourselves *in moral terms*.³¹

VI.

Someone might object that this is an over-interpretation of both Aristotle and Aquinas; in both, so it could be said, there is no explicit, and not even an implicit, distinction between ontological and epistemological questions to be found. Yet, I think such an objection misses the point. Of course, there is no *account* of this distinction to be found in either Aristotle or Aquinas. Yet, this is not to say that the distinction itself is not present there or at least *implicitly used*.

As I have already noticed above, right from its opening sentence Aristotle's *Nicomachean Ethics* presents itself as a discourse on moral epistemology. Aristotle's entire ethical theory is a theory of moral knowledge which deals with how we can *know* our true goals or ends as human beings, what happiness really consists in, and how we can rationally distinguish—in our striving for the good and in concrete choices—what is truly good from what only appears to be good. After having outlined that the moral life is a life according to reason, Aristotle discusses in his *Nicomachean Ethics* what for him is the real question of ethics: “under which conditions are we truly rational?”, that is to say: “which are the conditions for human beings to both understand and pursue what is truly good?” Aristotle's answer is: we are fully rational inasmuch as we are virtuous, because it is only to the virtuous person that what appears to be good is also the good according to truth.³² The virtuous person is not misguided, but rather guided by his affectivity and sensual emotions. Hence it is the virtuous person who not only judges well but also effectively *chooses* and *does* the good (the opposites are the incontinent and the vicious person). All this essentially belongs to moral epistemology and the doctrine of the “virtuous man”—the *spoudaios*—and is basically the answer to a problem of moral epistemology.³³

31. An account of the cooperation and mutual illumination of metaphysics, anthropology, and ethics can be found in RHONHEIMER, *supra* note 1, at 22–42. See also RHONHEIMER, *supra* note 11, at 250–82 (chapter entitled “Practical Reason and the Truth of Subjectivity: The Self-Experience of the Moral Subject at the Roots of Metaphysics and Anthropology”). What has been said is also why a moral philosophy (or theology) which only focuses on ontology and disregards the epistemological dimension of ethics as rooted in practical experience—namely its character as a theory of *moral knowledge* based in natural principles of practical reason—will have difficulties in rationally justifying concrete moral claims. Mere ontological insights which disregard their dependency on evaluations originally springing from practical reason will never succeed as a *moral* argument because they fail to grasp the “perspective of morality” which is the perspective of the acting person. See *id.*

32. See NICOMACHEAN ETHICS, *supra* note 6, at bk. III, 6 1132a 30–31.

33. For a detailed analysis, see RHONHEIMER, *supra* note 4.

Undoubtedly, also the architecture of Aquinas's moral theory is profoundly Aristotelian. And this is why the perspective of Aquinas's moral theory is in some crucial regards epistemological as well. It starts with the same sort of questions with which Aristotle started his ethics: given that in everything he or she does, the acting person is pursuing a goal, how do we *know* whether there is a goal, whether there is a final goal, and what this goal consists in? Despite other differences, Aquinas arrives at a basically identical answer: in order to know the good and to do it we have to firmly and stably act according to reason and for this we need to possess the moral virtues.

Yet, there is still a fundamental difference between Aquinas and Aristotle. Aristotle thought that only the example of virtuous men can provide us with compelling *reasons* for striving after the virtuous life and that one already needs to be virtuous to be able to understand the principles of morality, that is to say, the goals of the virtues. Aristotle's ethics lacks a theory of how (independently from possessing the virtues) we come to rationally know the goals of the virtues as principles of practical reason, and how such knowledge of principles relates to the judgment about the concrete and particular good to be done or about the evil to be avoided. Aristotle does not have a theory of the principles of practical reason in the form of natural knowledge.

This gap is filled by Aquinas's account of natural law. It is a typical Christian account because it is based on the fundamental and more optimistic conviction of man being created in the image of God, and thus participating the light of the divine intellect which can never be completely extinguished. But it is also a typically Aristotelian account, because, inspired by one of his predecessors, William of Auxerre, it applies Aristotle's theory of scientific knowledge to practical thinking—the “practical syllogism”,—namely the idea that every reasoning has its starting point in some principles which are naturally known.³⁴ Aquinas in fact understood his account of natural law as providing a solution to a genuine problem and lacuna of Aristotelian Ethics: the former enriches the latter with a fully-fledged theory of the natural principles of practical reason and, at the same time, of the natural knowledge of the goals of the virtues.³⁵ Read in this light, the Aristotelian texture and with it the true sig-

34. See MICHAEL WITTMANN, *DIE ETHIK DES HL. THOMAS VON AQUIN* 329 (München: Max Hueber Verlag, 1933); D. ODON LOTTIN, *PSYCHOLOGIE ET MORALE AUX XII^e et XIII^e siècles*, Tome II, Première partie 75–77 (Louvain: Abbaye du Mon César/Gembloux: J. Duculot, 1948). As I have noted in my *Natural Law and Moral Reasoning: At the Roots of Aquinas's Moral Epistemology*, *supra* note 21, William of Auxerre conceived the natural law (*ius naturae*) as *precepts of natural reason*. William distinguished natural reason from deliberating reason: natural reason provides to deliberation the self-evident practical principles (*principia agenda per se nota*), which, so he says, are to deliberate reason like the natural principles of speculation to speculative reasoning. See also Rhonheimer, *supra* note 22.

35. RHONHEIMER, *supra* note 4, at Part V, especially 501–92. See also RHONHEIMER, *supra* note 9.

nificance of a famous passage of Aquinas's *Summa Theologiae* becomes patent:

[T]he precepts of the natural law are to the practical reason, what the first principles of demonstrations are to the speculative reason; because both are self-evident principles. . . . [T]he first principle of 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 is 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. Since, however, good has the nature of an end, and evil, the nature of a contrary, hence it is that all those things to which man has a natural inclination, are naturally apprehended by reason as being good, and consequently as objects of pursuit, and their contraries as evil, and objects of avoidance. Wherefore according to the order of natural inclinations, is the order of the precepts of the natural law.³⁶

This, of course, now sounds like a summary of what I have tried to expose in the preceding pages concerning the origin of the knowledge of natural ends, human good and fundamental moral experience in practical reason. It also reveals the clearly cognitive or epistemic character of natural law, its pertaining to the order of moral knowledge and not to the ontological order of being, and that, as any law, it is properly a "work of reason".³⁷

VII.

I conclude that there actually is a clear differentiation—not mutual exclusion—in Aquinas's moral theory of epistemological and ontological questions and perspectives. The fact that Aquinas does not mention the distinction does not mean that he does not make or implicitly use it. That he actually makes the distinction and uses it becomes manifest as soon as one understands that Aquinas's account of the natural law is an account of the genesis and the natural principles of *moral knowledge*, and not an ontological account of "nature" or natural teleology as such, though this epistemological account is anchored in strong ontological presuppositions. To overlook his typically Aristotelian concern for moral knowledge therefore means to also miss the very point of this doctrine of natural law.

36. *Summa Theologica*, I–II, q. 94, a. 2. For a concise account of my reading of this passage in the context of the whole of Aquinas's doctrine of natural law, see especially Rhonheimer, *supra* note 22.

37. See I–II, q. 94, a. 1; see also *The Search for Universal Ethics: A New Look at Natural Law*, presented in 2008 by the "International Theological Commission" which emphasizes that for Aquinas "law" in general is a "work of reason"; cf. RHONHEIMER, *supra* note 4.

2012]

SYMPOSIUM ARTICLE

887

As I see it, this is why Professor Finnis's theory of natural law—the “New Natural Law Theory”—meets with the fundamental requirements of a sound *Thomistic* ethical methodology. Following basic inspirations by German Grisez, Finnis has decisively contributed to retrieving and rendering fruitful for our time the Aristotelian deep structure of Aquinas's moral theory. The attempt of the “New Natural Law Theory” to close the gap—which, according to Finnis, was left open by Aquinas³⁸—between the moral norms that we need for morally regulating concrete human acts and what Aquinas calls the self-evident principles of natural law, is based on a genuinely Thomistic understanding of the interrelationship between theoretical and practical intellect; thus it rightly conceives the natural law as a kind of practical normative knowledge, and not the structures of human nature known theoretically and only *subsequently* applied to the practical realm.

As it is well known, I have never espoused the “New Natural Law Theory”. If I have chosen another way—the way of what I call Thomistic “rational virtue ethics”—to deal with the above mentioned problem (i.e., of closing the gap between moral norms which we need for morally regulating concrete human acts and the self-evident principles of natural law) this does not alter the fact that as far as ethical methodology is concerned, I have started, as many others simultaneously and later did, from grounds explored by John Finnis's work. Also in a great number of other aspects this work has been for me a constant source of inspiration and help. For this, as for his repeated manifestations of friendship and esteem towards my own work, I wish to warmly thank him today.

38. Cf. FINNIS, *supra* note 2, at 34.

888

VILLANOVA LAW REVIEW

[Vol. 57: p. 873