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Introduction

The goal of this Article is to provide a brief introduction to some recent debate about what is and is not a Kantian reading of St. Thomas Aquinas's moral theory, in particular his account of natural law. ¹ I will proceed in three steps. First, I will briefly review some of the key aspects of Aquinas's account of natural law, drawing primarily from the *Summa Theologica*. ² Second, I will sketch the key points in a debate among some leading contemporary German-language scholars - namely, Georg Wieland, Ludger Honnefelder, and Martin Rhonheimer - regarding what is, and what is not, a Kantian distortion of Aquinas's understanding of natural law. Building upon this second section, I will summarize how Martin Rhonheimer's critique of L. Honnefelder and G. Wieland is useful in showing how an "autonomistic" interpretation of Aquinas's doctrine of natural law is tainted by Kantianism. Given that most of the bibliography is in German, I will rely mainly on two works by Rhonheimer that have been translated into English: first, *Natural Law and Practical Reason: A Thomist View of Moral Autonomy* and second, the chapter entitled "Practical Reason and the "Naturally Rational" in *The Perspective of the Acting Person: Essays in the Renewal of Thomistic Moral Philosophy* where he specifically addresses criticisms of the former work. ³

¹ By the term Kantian I mean moral theories that have been influenced by the German modern philosopher Immanuel Kant (1724-1804). His ethics is characterized by a dualism between reason and nature based on the conflict between duty and desire, between want and ought. For Kant to become moral means to act in an autonomous way, and thus some more recent interpretations of Aquinas borrow the term autonomy to emphasize the rule of reason as necessary for being able to act freely. See Immanuel Kant, *Critique of Practical Reason* (Lewis White Beck trans., Macmillan Publ'g Co. 3d ed. 1993) (1956) [hereinafter *Critique of Practical Reason*]; Martin Rhonheimer, *The Perspective of the Acting Person: Essays in the Renewal of Thomistic Moral Philosophy* (William F. Murphy, Jr. ed., 2008).

² St. Thomas Aquinas, *Summa Theologica*, Pt. I-II, QQ. 90-108 (Fathers of the English Dominican Province trans., Christian Classics 1981) [hereinafter *Summa Theologica*].

³ See Martin Rhonheimer, *Natural Law and Practical Reason: A Thomist View of Moral Autonomy* (Gerald Malsbary trans., 2000) [hereinafter Rhonheimer, *Natural Law and Practical Reason*]; see generally Rhonheimer, *supra* note 1 (indicating to the English-speaking reader that he has expanded the analysis of Natural Law and Practical Reason in later works dealing with Thomistic action-theory and the study of practical reason in the context of Aristotle's ethics); see also Martin Rhonheimer,

I. A Brief Review of St. Thomas Aquinas's Account of Natural Law

St. Thomas Aquinas's account of natural law is located within his treatise on law in Questions 90 to 108.⁴ The first question of this treatise is programmatic, articulating fundamental aspects of Aquinas's teaching and providing a general definition of law. In Question 90, we learn that for Aquinas, "law is a rule and measure of acts" and "something pertaining to reason" which directs actions to the end.⁵ "Any inclination arising from a law," moreover, "may be called a law, not essentially but by participation."⁶ He writes further that "universal propositions of the practical intellect that are directed to actions have the nature of law,"⁷ which seems to foreshadow what he will later say about the precepts or principles of natural law.⁸ The remaining three articles of Question 90 complete his four-part definition of law: "An ordinance of reason [ordinatio rationis] for the common good, made by him who has care of the community, and promulgated."⁹ In an important and overlooked section in Article 4, Aquinas writes that "the natural law is promulgated by the very fact that God instilled it into man's mind so as to be known by him naturally."¹⁰

In the six articles of Question 91, Aquinas discusses various kinds of law. In Article 2, he treats the eternal law, which functions as **[*367]** somewhat of an exemplar for the rest. He defines it as "the very Idea of the government of things in God,"¹¹ which could be understood as the Divine Mind, as considered under the aspect of how it governs all things. Our interest is in Article 2, where Aquinas asks whether there is a natural law in us.¹² In the *sed contra*, he quotes a gloss on a text from St. Paul's letter to the Romans 2:14, which considers how "the Gentiles, who have not the law, do by nature those things that are of the law."¹³ The gloss reads: "Although they have no written law, yet they have the natural law, whereby each one knows, and is conscious of, what is good and what is evil."¹⁴ This text seems to echo Aquinas's previously cited understanding of how natural law is promulgated by being known naturally.¹⁵

The response in Article 2 is important. Here Aquinas discusses how

the rational creature is subject to Divine providence in the most excellent way, in so far as it partakes of a share of providence, by being provident both for itself and for others. Wherefore it has a share of the Eternal Reason, whereby it has a natural inclination to its proper act and end: and this participation of the eternal law in the rational creature is called the natural law.¹⁶

Praktische Vernunft und Vernunftigkeit der Praxis: Handlungstheorie bei Thomas von Aquin in ihrer Entstehung aus dem Problemkontext der aristotelischen Ethik (1994); Martin Rhonheimer, *The Perspective of Morality: Philosophical Foundations of Thomistic Virtue Ethics* (Gerald Malsbary trans., Catholic Univ. Am. Press 2011) (2001).

⁴ See *Summa Theologica*, supra note 2, Pt. I-II, QQ. 90-108.

⁵ Id. Pt. I-II, Q. 90, Art. 1.

⁶ Id.

⁷ Id.

⁸ See id. Pt. I-II, Q. 94, Art. 2 (discussing the precepts or principles of natural law).

⁹ Id. Pt. I-II, Q. 90, Art. 4.

¹⁰ Id.

¹¹ Id. Pt. I-II, Q. 91, Art. 1.

¹² See id. Pt. I-II, Q. 91, Art. 2.

¹³ Id.

¹⁴ Id.

¹⁵ See id. Pt. I-II, Q. 90, Art. 4.

¹⁶ Id. Pt. I-II, Q. 91, Art. 2.

This last text is echoed at the conclusion of the response, which states: "The natural law is nothing else than the rational creature's participation of the eternal law,"¹⁷ which is often taken to be Aquinas's definition of natural law.

For several reasons, it might be better understood as less a definition of natural law than a statement of the relation of natural law to the eternal law. The first reason is that this question occurs within the treatise on law, which was introduced by the question on eternal law. The second is that Aquinas describes natural law as the rational creature's participation in the eternal law, only here and not in the other places in which he discusses natural law. The third reason is that the response of Article 2 also provides another candidate for the definition, namely that natural law is "the light of **[*368]** natural reason, whereby we discern what is good and what is evil."¹⁸ Fourth, Aquinas elsewhere discusses the natural law with reference to the light of reason and usually with a reference to Psalm 4. He refers to natural law and/or natural reason along these lines, for example, in his commentaries on the Decalogue,¹⁹ on the letter to the Romans,²⁰ and on the Psalms.²¹ Because he will refer to it in Question 94,²² we should also note that Aquinas teaches in Article 2 of Question 92 that law is a kind of precept or command concerning human acts, "a dictate of reason [dictamen rationis], commanding something."²³

The most important question in the *Summa Theologica* is Question 94, which treats the natural law in six articles. For our purposes, it suffices to refer only to Articles 1 and 2. In Article 1, **[*369]** Aquinas makes clear that natural law is not a habit "properly and essentially," because "natural law is something appointed by reason, just as a proposition is a work of reason."²⁴ "Natural law may be called a habit," however, in the sense that "the precepts of the natural law," or at least "the first principles of human actions,"²⁵ are held habitually by synderesis.²⁶

¹⁷ Id.

¹⁸ Id.

¹⁹ In the Proemium to his commentary on the Decalogue, St. Thomas Aquinas writes "the law of nature ... is nothing other than the light of the intellect planted in us by God, by which we know what should be done and what should be avoided. God gave this light and this law in creation." St. Thomas Aquinas, Prologue to Explanation of the Ten Commandments (Joseph B. Collins trans., 1939), available at <http://dhsprory.org/thomas/TenCommandments.htm>. See also Rhonheimer, *supra* note 1, at 291 (quoting a slightly different translation of the Proemium of Aquinas's commentary on the Decalogue).

²⁰ In *Ad Romanos*, Aquinas explains how the Gentiles naturally carry out the moral precepts of the Mosaic law (naturaliter faciunt quod sunt legis). See St. Thomas Aquinas, Lectures on the Letter to the Romans, Ch. 2, Lect. 3, PP 214-26, available at http://nvjournal.net/files/Aquinas_on_Romans.pdf. For Aquinas, "naturally" can be understood as either human nature as renewed by grace, or as the natural law, "the light of natural reason" which "shows them what should be done." Id. P 216. Aquinas explains that Christ is the light which illuminates the human soul, but for that and on the level of creation, this property of being "light" is attributed to the human intellect itself. See St. Thomas Aquinas, Commentary on the Gospel of St. John, Ch. 1, Lect. 3, P 104 (Fabian R. Larcher, O.P. trans., 1998), available at <http://dhsprory.org/thomas/SSJohn.htm>.

²¹ In his *Super Psalmos*, Aquinas writes regarding Psalm 4:6-7:

"Lift up the light of thy countenance upon us, O Lord." Which claims, as if: our own un-aided natural reason allows us to distinguish between goodness, and evil. Thus is said: "Lift up the light of your countenance upon us, O Lord." Such a countenance by which the Lord God is known, is somewhat similar to that which a person is known by his countenance.

This idea is indeed true concerning the countenance of the Lord God. For, by his truth is a likeness of his own eternal light, that shines within one's soul, as a light is impressed within us. This light is a superior one, and above us, while it impresses a definite sign, or seal, upon the countenance. Thus, by such an eternal light one is enabled to know goodness.

St. Thomas Aquinas, Commentary on the Psalms, Vs. 6-7 (F.F. Reilly trans.), available at <http://dhsprory.org/thomas/PsalmsAquinas/index.htm> (internal citations omitted).

²² See *Summa Theologica*, *supra* note 2, Pt. I-II, Q. 94, Art. 2.

²³ Id. Pt. I-II, Q. 92, Art. 2.

²⁴ Id. Pt. I-II, Q. 94, Art. 1.

In the much discussed Article 2, Aquinas looks at the precepts of natural law, asking whether they are several or only one.²⁷ For our purposes, we will note several key points. First, "the precepts of the natural law" are, in some sense, "self-evident principles" or propositions of practical reason.²⁸ Second, "the first principle of practical reason," which is "founded on the notion of good" (that which all things seek after) is "the first precept of law, that "good is to be done and pursued, and evil is to be avoided."²⁹ Third, "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."³⁰ Fourth, "according to the order of natural inclinations, is the order of the precepts of the natural law."³¹ Fifth, the following will belong to natural law based on this order of natural inclinations: "Whatever is a means of preserving human life, and of warding off its obstacles, ... sexual intercourse, education of offspring and so forth[;] ... to know the truth about God, and to live in society[;] ... to shun ignorance, to avoid offending those among whom one has to live, and other such things" ³²

In summary, Aquinas's view of natural law is founded upon an understanding of the nature of the first principle of practical reason and its relation to the natural inclinations. What follows concerns some scholarly debate focused on the understanding of the precepts of natural law and practical reason as proceeding according to the **[*370]** order of natural inclinations. Wieland and Honnefelder will disagree with Rhonheimer's view that

man does not constitute himself as a practical/rational subject beforehand and independently of the relationship of the practical reason with the appetitive goals of the natural inclinations, but right in the grasp of the bona as revealed by the natural inclinations, a grasp that in any event is always a rational grasp.³³

Practical reason's task is to incorporate "every one of these inclinations and their goals into a unified whole of all natural human strivings."³⁴ In contrast to this view of Rhonheimer, we will see how Wieland and Honnefelder deny that the natural inclinations have normative relevance at the root of practical reason.

II. A Kantian Reading of St. Thomas Aquinas's Moral Theory

What is the relation between our bodily nature and the reason that defines human nature? An interesting array of answers has emerged in the German-speaking world to this important question of ethics and in particular for post-conciliar moral theology. On the one hand, scholars such as Ludger Honnefelder and Georg Wieland propose an answer influenced by a Kantian reading of Aquinas's moral theory.³⁵ **[*371]** On the other hand, Martin

²⁵ Id.

²⁶ According to Medieval Scholasticism, synderesis is the habitual knowledge of the first principles of natural law, such as "do good and avoid evil." Douglas Langston, Medieval Theories of Conscience, Stanford Encyclopedia of Philosophy (July 7, 2011), <http://plato.stanford.edu/entries/conscience-medieval/>.

²⁷ See Summa Theologica, supra note 2, Pt. I-II, Q. 94, Art. 2.

²⁸ Id.

²⁹ Id.

³⁰ Id.

³¹ Id.

³² Id.

³³ Rhonheimer, supra note 1, at 107.

³⁴ Id. at 113.

³⁵ A brief excursus into Kant's understanding of nature and reason may be useful here. In his Groundwork of the Metaphysics of Morals, Kant clearly states that "reason is nevertheless given to us as a practical faculty, that is, as one that is to influence the will." Immanuel Kant, Groundwork of the Metaphysics of Morals 52 (Mary Gregor ed. & trans., 1998). Reason provides rational beings with a standard of conduct and goodness that affects the human will. But the moral condition of humanity is defined by a tension between our knowledge of what we ought to do and the desire for what we want to do. There is a tension between

Rhonheimer, whose work they criticize, presents a detailed response to their autonomistic approach or "autonomous morals."³⁶

According to Rhonheimer, those who favor the autonomistic interpretation of Aquinas have two objections to his Natural Law and Practical Reason. First, they oppose reason's affirmation of the naturally given appetitive goals: the "shaping and ordering function of the reason is overlooked and its difference from the theoretical reason obliterated ... encouraging us to derive concrete practical guidance from these natural strivings."³⁷ Second, they criticize the conception of practical reason advanced in Natural Law and Practical Reason and in *Praktische Vernunft und Vernunftigkeit der Praxis* for its claim that "the concrete judgments of prudence would be derived from the principles of the *lex naturalis* in an infallible manner and without any recourse to experience."³⁸ I will focus on Rhonheimer's response in *The Perspective of the Acting Person*, which only addresses the first of the two objections.³⁹

The origin of the disagreement between Rhonheimer and the advocates of autonomistic ethics lies in the relation between practical reason and "nature," where "nature" is understood as the pre-rational aspects of human nature. The "autonomistic" interpretation of Aquinas's moral theory defines natural law as the capacity of practical reason to formulate new moral norms following the obligation to act according to reason.⁴⁰ Acting according to reason does not mean, for those influenced by Kant,⁴¹ a shaping or ordering [*372] by reason of what is given in the natural inclinations: what is naturally given, the appetites or natural inclinations, are seen not as reflecting the roots of the order of reason, but simply as "raw material," totally disconnected from or even opposed to reason.⁴² At the same time, these scholars agree with Rhonheimer in identifying the doctrine of the *lex naturalis* as a doctrine of practical reason. In *Natural Law and Practical Reason*, Rhonheimer explains that Aquinas defines natural law as:

[A] cognitive power of the human person, that is, practical reason insofar as it commands to do and pursue the good, and to avoid evil, through grasping the basic human goods in one's natural inclinations; in a second and

reason and the natural inclinations. In his descriptions of the existential conditions of morality, reason functions as a "resistance" to the empirically-based desires of the senses. *Id.* at 34. What we desire is directed toward an end; Kant, however, instead of centering his thought on the content or the way to attain happiness, is concerned with the motives or intentions of behavior. For him the fundamental problem of the moral life is one of divesting all material or empirical interests (inclinations) from the will (also termed practical reason) as motives for action. The struggle is between reason and its interest, and the senses and their interest, directed towards happiness. The conflict between desire and duty, want and ought, is the basis for the Kantian dualism between nature and reason. Kant's moral philosophy requires the establishment of autonomy, based on the rule of reason, whose application guarantees the performance of free acts. Human free acts are free if they can abide by the moral law dictated by practical reason. And as obligation becomes the exclusive motive of human actions, the pursuit of happiness, which indeed can be a factor in human acting, is set to the side. See *Critique of Practical Reason*, *supra* note 1.

³⁶ Rhonheimer, *supra* note 1, at 147.

³⁷ *Id.* at 98.

³⁸ *Id.*

³⁹ For a rebuttal of the second objection, see Martin Rhonheimer, *Praktische Prinzipien, Naturgesetz und konkrete Handlungsurteile in tugendethischer Perspektive. Zur Diskussion über praktische Vernunft und lex naturalis bei Thomas von Aquin*, 39 *Studia Moralia* 113-58 (2001).

⁴⁰ Rhonheimer, *supra* note 1, at 96.

⁴¹ The predecessor of Honnfelder and Wieland among German-language scholars is Franz Bockle. See generally Franz Bockle, *Rückblick und Ausblick*, in *Das Naturrecht im Disput* 121 (1966); Franz Bockle, *Natürliches Gesetz als göttliches Gesetz in der Moralthologie*, in *Naturrecht in der Kritik* 165 (F. Bockle et al. ed., 1973). Another author of this school of thought is Merks. See Karl-Wilhelm Merks, *Theologische Grundlegung der sittlichen Autonomie: Strukturmomente eines "autonomen" Normbegründungsverstandnisses im lex-Traktat der Summa theologiae des Thomas von Aquin* (1978). Rhonheimer distinguishes between the "extreme autonomistic variant" (F. Bockle) and a moderate version (W. Korff, L. Honnfelder, G. Wieland). See Rhonheimer, *supra* note 1, at 102. To enter into the details of their differences goes beyond the scope of the present Article.

⁴² Rhonheimer, *supra* note 1, at 96.

derived sense, natural law is also the whole of the basic contents of these acts of practical reason, the precepts formulated as propositions.⁴³

However, he argues that Wieland, Honnefelder, and others are "incapable of understanding the practical reason as nature, nor the first principles of practical reason as (substantial) goals of the moral virtues, which Aquinas says, in fact, are "determined by nature."⁴⁴ This misunderstanding leads Wieland, for example, to accuse Rhonheimer of making the natural inclination a rule for reason, while himself holding that reason is initially devoid of any relation to nature.⁴⁵ Rhonheimer, in turn, shows how Wieland follows Honnefelder's thesis of a "two-stage operation of the practical reason" in Aquinas.⁴⁶

Honnefelder and Wieland argue that Aquinas's notion of practical reason has "two stages," with practical reason's original act in the **[*373]** first stage devoid of any links to nature.⁴⁷ For them, Aquinas's doctrine of natural law is based on principles of "practical reason" formulated independently of nature, and the first principle of practical reason is simply a formal rule with no grounding in the natural inclinations.⁴⁸ It merely indicates that we should act according to reason.⁴⁹ Only in a second stage, after the application of this formal rule has taken place, is there a reference to nature.⁵⁰ For Honnefelder, this is how Aquinas overcomes Aristotle's problem "of having to choose between treating the goal of action as a mere prolongation of the appetitive goal (and thus founding its obligatoriness in a naturalistic way), or of seeing it anchored in the current ethos (and thus accepting its obligatoriness as an immediate, unquestionable position)."⁵¹

Honnefelder presents his theory of a "two-stage operation" of the practical reason in order to explain the relation between practical reason and natural inclination; in his approach "reason is constituted as practical, previous to any approach to a natural inclination or corresponding appetitive goal and the goods formulated through it."⁵² Similarly, Wieland's separation of the pre-rational aspects of human nature from reason is founded on the "two-stage operation of the practical reason."⁵³ According to Rhonheimer, their mistake is to deny what for Aquinas can be called the "naturally rational" or an "intelligible inclination."⁵⁴ Honnefelder avoids addressing key questions of natural law: "What is the 'naturally rational,' and what is 'naturally good for man?' Which principles are

⁴³ Martin Rhonheimer, *The Moral Significance of Pre-Rational Nature in Aquinas: A Reply to Jean Porter (and Stanley Hauerwas)*, *48 Am. J. Juris.* 253, 269 n.39 (2003).

⁴⁴ Rhonheimer, *supra* note 1, at 103; see also *Summa Theologica*, *supra* note 2, Pt. II-II, Q. 154, Art. 12 ("Now the principles of reason are those things that are according to nature, because reason presupposes things as determined by nature.").

⁴⁵ Rhonheimer, *supra* note 1, at 114 (citing Georg Wieland, *Secundum naturam vivere. Über den Wandel des Verhältnisses von Natur und Sittlichkeit*, in *Natur im ethischen Argument* 13, 25 (Bernhard Fraling ed., 1990)) ("G. Wieland maintains that, in *Natural Law and Practical Reason*, my view was that the relationship between reason and nature was a reciprocal one, that is to say a kind of interacting identity.").

⁴⁶ *Id.* at 105.

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ See *id.* at 106.

⁵⁰ See *id.* at 105.

⁵¹ *Id.* at 106; cf. Ludger Honnefelder, *Absolute Forderungen in der Ethik. In welchem Sinn ist eine sittliche Verpflichtung >>absolute<<?*, in *Das Absolute in der Ethik* 13, 25 (Walter Kerber ed., 1991).

⁵² Rhonheimer, *supra* note 1, at 107 n.44.

⁵³ *Id.* at 105.

⁵⁴ *Id.* at 125-26; cf. *id.* at 126 n.104 (statement of Martin Rhonheimer) ("This is the meaning of the formula I have often used but which Wieland rejects: that the reason effects an ordering not of but in the natural inclinations.").

materially significant as providing normative orientation for prudential judgment, and thereby formulate the "naturally rational?"⁵⁵ In failing to understand the naturally rational character of natural law and practical reason, he instead offers a Kantian reading of Aquinas that **[*374]** consists in affirming that practical reason's foundation is built upon the merely formal - thus vague and empty - precept to act rationally.⁵⁶ Put another way, Honnefelder's formalistic interpretation of Aquinas's views of practical reason and its principles rejects any link between reason and the "materiality" of natural inclinations.

Is there such a thing as an "empty" reason which precedes nature and issues a pure imperative to act rationally? For Rhonheimer,

this most general and "formal" sense commands to do good and avoid evil, without there being a good for this reason to look at, is not only not to be found in Thomas, but is simply inconceivable... . For Thomas there is no such thing as "reason in itself." ... The experience of the acting subject as a knowing, practically thinking, and judging subject is not previous to knowledge of the good, but can only be conceived of as a subsequent reflection upon the act of the practical reason; in such reflection the reason has already - from the perspective of reason - recognized the goods contained in the natural inclinations as bona prosequenda (goods to be pursued), or as opposed to the good as mala vitanda (evils to be avoided).⁵⁷

But Wieland's Aquinas sees a dualism in human nature between natural inclinations and reason so that the "structure of ... reason" is not only prior to nature, but is also capable of making judgments contrary to nature.⁵⁸ He affirms reason and freedom against nature because he thinks that, in order to be free and rational agents, freedom and reason should not be constrained by natural goods like life or sexuality.⁵⁹ Natural inclinations, for Wieland, only become human goods through the ordering and integrating activity of reason.⁶⁰ Rhonheimer, on the other hand, considers human goods to be already such by being part of human nature.⁶¹ Still, he holds that "they only become practical goods in the context of practical reasoning, rational judgments," willing and human action.⁶² Rhonheimer warns **[*375]** against Wieland's portrayal of nature as having meaning for praxis only through reason's application to it.⁶³ Rhonheimer states:

For the reason - as practical - would simply reach into nothingness without the nature that we are. Reason becomes practical through the good that nature presents to it, and the good is in itself "significant for praxis." Without nature, then, reason would possess even as reason neither practical nor moral significance and could never be point of departure for what - at least since Aristotle - we have been calling "praxis": the self-movement of rational living things toward what is known as good and thus toward what perfects their own being.⁶⁴

Rhonheimer criticizes Wieland's and Honnefelder's separation of reason and nature because Aquinas's understanding of natural law is founded on the unity of the person: that it is "natural" means that it is rooted in

⁵⁵ Id. at 125.

⁵⁶ See id. ("According to Honnefelder, 'practical rationality' is thus to be found in a way relevant to actual content only as concrete norm-setting on the level of prudence. The *lex naturalis* however, one would think, rather emerges as a kind of norm-setting that is prior to prudence, and establishes and justifies it.")

⁵⁷ Id. at 124.

⁵⁸ Id. at 105.

⁵⁹ See id. at 126.

⁶⁰ See id.

⁶¹ William F. Murphy, Jr., Introduction to Rhonheimer, *supra* note 1, at xxix.

⁶² Id.

⁶³ Rhonheimer, *supra* note 1, at 127.

⁶⁴ Id.

inclinations. ⁶⁵ That it is a "law" means that it pertains to reason putting forth practical precepts of right reason. ⁶⁶ Natural law also includes our inclination to proper acts and ends because human reason (and will) is always imbedded within the strivings of the lower aspects of our nature. ⁶⁷ These two dimensions (reason and lower nature) should not be seen as opposed, in a dualistic way. Their continuity is based on the unity of the person: practical reason is that of a person with inclinations that move toward goods. ⁶⁸ As Rhonheimer reads Aquinas, the moral order builds upon nature (*agere sequitur esse*). ⁶⁹ This moral order is not merely a rational order, but a rational order established in natural drives, tendencies, or inclinations so that it also depends on the very naturalness of these drives.

Because Rhonheimer considers practical reason to be dependent on nature in this way, Honnefelder and Wieland charge him with **[*376]** naturalism. ⁷⁰ Rhonheimer, however, insists that an accurate reading of Aquinas indicates that "practical reason is embedded in the natural inclinations from the beginning." ⁷¹ It is precisely Kant who thinks of a "pure" or "autonomous" reason which has to dominate nature. ⁷² Rhonheimer's basic response is that, just as in Thomistic epistemology speculative reason always depends on "being" from its very beginning, as does practical reason, from its beginning, always refer to nature (the natural inclinations). Reason belongs to "an inherently unified body-person, with various inclinations toward human goods." ⁷³ Thus, the standard which the *inclinatio naturalis* (natural inclination) offers to the *ratio naturalis* (natural reason) coincides with Aquinas's epistemology, which asserts that every act of knowing is somehow determined by an outside object (*res naturalis*). ⁷⁴ Rhonheimer thinks that natural inclinations are an indirect rule and measure (or standard) for human actions, whereas practical reason is the direct rule and measure, through its ordering of the natural inclinations towards the good of the person. ⁷⁵ Thus inclinations (and pre-rational nature) provide the rule and measure for the practical reason, which provides the rule and measure for the action. Practical reason begins with our grasping of what is "naturally rational" or the "reasonable by nature," which includes the first principles of natural law and the basic human goods. Wieland's criticism of Rhonheimer's "beginning with" the natural tendency as the normative rule for practical reason is based on a mistake: the rule of reason, for Rhonheimer, is not simply in the inclination, but it is rooted there.

The question becomes whose position is consistent with that of Aquinas? According to Rhonheimer, Aquinas would never accept the separation of practical reason and human nature. For him, the inclinations are already more than "mere nature" and the practical reason itself "is constituted" precisely in the carrying out of the natural inclinations.

⁶⁵ See *id.* at 110-11.

⁶⁶ See *id.* at 106 n.42 ("This is why, in the case of 'laws,' Thomas speaks of them in I-II, q.90 a.2 ad.2 as *propositiones universales rationis practicae ordinatae ad actiones* (universal propositions of the practical reason ordered to actions). *Propositio* is intended to mean not only a "statement" but a judgment of the reason; cf. I-II, q.94 a.1, "*lex naturalis est aliquid per rationem constitutum; sicut etiam propositio est quoddam opus rationis*" (the natural law is something constituted through the reason, just as a proposition is a certain work of the reason).").

⁶⁷ Murphy, Jr., *supra* note 61, at xxxiii-xxxiv.

⁶⁸ Rhonheimer, *supra* note 1, at 111.

⁶⁹ See Murphy, Jr., *supra* note 61, at xxxi.

⁷⁰ See, e.g., Rhonheimer, *supra* note 1, at 106, 110-11. For both, reason is the origin of Aquinas's natural law: as faculty of cognition, it first formulates principles of "pure reason" and is "distant" from nature. In another chapter of the book and in the context of the critique of Jean Porter, Rhonheimer states that this explains why they accuse him of being too "naturalistic." *Id.* at 146.

⁷¹ Murphy, Jr., *supra* note 61, at xxix.

⁷² *Id.*

⁷³ *Id.*

⁷⁴ See *id.*

⁷⁵ See *id.* at xix, xxix.

Ultimately, the continuity between our underlying bodily nature, natural inclinations, and practical reason is founded **[*377]** upon the architectonic ordering of God's eternal law. Thus, there are various levels of standards: practical reason is the proximate standard, pre-rational nature is a remote standard, and eternal law is the ultimate standard.
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How should the first principle of practical reason (good is to be done and pursued) be understood? Rhonheimer sees it as something within the body-soul unity of the person that expands "into the various intelligible inclinations or strivings of the person in pursuit of particular goods. These strivings correspond to the practical reasoning toward the various ends." ⁷⁷ For Rhonheimer, "human practical reason only exists in [pre-rational, bodily] nature, is always bound up with nature, and is conditioned by nature. It is not 'reason' that knows, but rather the body-soul unity, as constituted in the person, that knows by means of reason." ⁷⁸

Conclusion

In summary, Wieland and Honnefelder charge Rhonheimer with a crude naturalism because he rejects their two-stage theory of reason that insists on reason's absolute independence from nature. He, on the other hand, claims their approach is Kantian, and - in light of the fundamental body-soul unity of the person - insists that the natural inclinations (as seeds of the virtues) reflect the roots of the moral order revealed more fully in the rational structure of the virtues. Regarding their charge of "naturalism," however, he does deny that one can draw moral norms directly from "nature" without the mediation of reason; in other words, he thinks one must provide a reason why a given act that goes against nature is also a sin against nature. He presents an understanding of practical reason that is intrinsically embedded in the strivings of bodily human nature. It is **[*378]** rooted in the first principle of doing good and avoiding evil, which he understands as both a motive principle moving us to action and a cognitive one enabling us to understand the good to be done and the evil to be avoided. He explains how this principle unfolds according to the natural inclinations and the structure of the virtues, of which the inclinations are the seeds. With this Article, I have only begun to explore this complex debate, and I encourage those interested in what is and what is not a Kantian reading of Thomistic ethics to study the relevant literature. ⁷⁹

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⁷⁶ Id. at xxix.

⁷⁷ Id.

⁷⁸ Id.

Man is a natural being which, insofar as he is rational, is "nature" not to the same standard as the other natural beings, but in a way that brings with it the principle of its own regulation and measurability, not only as a natural inclination built into him in a passive way, but, as Thomas Aquinas expressly maintains, in an active way as well, since man is to a certain degree "a law unto himself." Only that which has been regulated and put into order by the reason is "human nature," where this active principle of order, the practical reason, belongs to this nature as its dominant part.

Rhonheimer, *supra* note 1, at 272.

⁷⁹ Rhonheimer, *Natural Law and Practical Reason*, *supra* note 3, at 58-175 (articulating an account of Thomistic action theory that presents the practical principles, in the sense of natural law, as having the moral virtues of their goals); see also *id.* at 195-233 (discussing an extensive treatment of versions of Kantian Thomism). He is aware that

not all interpreters of Thomas understand the *lex naturalis* in this sense as a "principle of praxis" - not even those who support the autonomy of the practical reason. Most of the misunderstandings (and particularly the criticism that the idea which I present is supposed to support a simply deductive "derivation" of the concrete guidance of actions from the natural goals of appetite, making possible a corresponding "infallible" rectitude of judgments in the particular actions of the prudent person), are based, most likely, on treating the theme of the *lex naturalis* primarily from the point of view of the typical problems of normative ethics.

Rhonheimer, *supra* note 1, at 101.

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